



Board

Absent Janet E. Jackson, Chair
Present Brooke Burns, Vice Chair
Present Gambit Aragon
Absent Mark Fluharty
Present Dr. Chenelle Jones
Present Willard McIntosh, Jr.
Absent Pastor Richard Nathan
Present Kyle Strickland
Present Rev. Charles Tatum
Present Aaron Thomas
Present Mary Younger

Guests

Absent Lara Baker-Morrish
Present Richard Blunt
Present Colleen Dunne
Present Jacqueline Hendricks
Absent Kate Pishotti
Present Tiara Ross
Present Robert Tobias
Present Timothy Williams

MEETING MINUTES

WELCOME

At 2:03pm, Vice Chair Brooke Burns welcomed the Columbus Civilian Police Review Board ("CPRB") to the meeting. Chair Jackson, Pastor Rich Nathan, and Mark Fluharty have excused absences.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Rev. Charles Tatum moved to approve the April meeting minutes, and Mary Younger seconded. The minutes were approved by a unanimous vote.

INSPECTOR GENERAL STATUS REPORT

Inspector General (IG) Hendricks introduced the new department logo created by Chau-Sa Dang. The logo includes two scales being supported by a magnifying glass in front of a shield. She reviewed some of the community members she has met with as part of her engagement plan, highlighting the Fraternal Order of Police (FOP) leadership, Columbus Division of Police (CPD) Internal Affairs Bureau (IAB), and the CEO's and presidents of local organizations. As points of reference, she noted that in 2021 there were 421 complaints investigated by the IAB. As of March 2022, there have been 90 complaints. IAB currently has 18 sergeants, 2 lieutenants and upper command staff. The Department of the IG is only hiring 6 investigators right now and will assess their staffing needs as the move forward.

The IG highlighted the Adult Advocacy Center [under Disability Rights Ohio], which provides support and resources for adults with disabilities. The IG noted that the investigators will be able to receive training





from this organization on how to better interview citizens with disabilities in the future. Dr. Chenelle Jones clarified that this group participates in community immersion training for police officers as well.

The IG alerted the Board that she recorded a podcast with Matter News regarding the future of policing which will be available soon.

The IG reminded the board that her office is located at 50 W Town St., Suite 100. City Council approved requested renovations at their previous meeting, so renovations should be underway within two weeks. This will allow the office to be open and operational by July 11. During the construction, the IG and her team will be relocated to 150 S Front St., which is another office within in the same building.

Gambit Aragon asked for the name of the contractor who will be doing the renovation work. The IG was unsure, and explained that the CDDC handled the bidding process and would have that information.

There were 79 applicants for the open Investigator positions, and the interview panel conducted virtual interviews with 18 candidates. These candidates were asked to complete writing assignments, and 9 candidates were brought in for in-person interviews. The top 6 candidates were selected and have received offer letters. These offers are conditional upon completion of a drug screen and background check and employment history review.

VC Burns asked what the start date for these Investigators will be: either May 23rd or May 30th. Aaron Thomas asked for more information on the candidates that have received offers. The IG explained that because not all have accepted, she is not comfortable providing personal information at this time. Mr. Thomas requested profiles be brought to the next CPRB meeting, and the IG assured him she would bring the people themselves.

The posting for an Executive Secretary is still active, and closes May 16th. There will be a second posting for an Executive Secretary to the Board. There will also be a posting for a Community Outreach Coordinator.

The IG has selected Matrix data storage system, which the City already uses in other departments, and is finalizing details with the Department of Technology (DOT). They need to ensure that all platforms and systems will integrate and function as needed. The website developer will also be part of the discussion to ensure complaints are able to be made via the website.

Mr. Aragon asked for clarification on the IG's mention of the City already working with Matrix. She explained that the City's law office uses a version of Matrix, though not the investigative version. DOT is already familiar with the back end platform of this software, which will make it easier on DOT to implement. Mr. Aragon asked if it is the same software the CPD is using, and the IG said no. They will be using the investigative version of the software which the CPD does not. Robert Tobias explained that Matrix is the case management software used by the prosecutor's office, and in the last 6-9 months it has become the case management software for the civil division as well. He assured the board that the





company will serve the Office of the IG well. Mr. Strickland asked if there are other IG offices across the country that use other software; if there are best practices to be followed. The IG explained that there are other case management systems, but the price for annual maintenance was lower with Matrix, and that it has some additional features like the ability to track officers and allegations or policy violations within the cases. She is working on creating a link which will allow the Board to log in and review case files electronically in the future. Mr. Aragon asked to clarify if there would be individual log in credentials or a general link. Mr. Tobias explained that some people will have higher access than others, but everyone should get their own log in credentials.

The IG explained that training for the new investigative staff will start on or after June 1st, and the planning for this is already underway. Department goals for May include hiring staff, setting up the website and hotline, and creating materials for an outreach campaign. Goals for June include training staff and beginning the community outreach which will be crucial to the department's success.

Mr. Strickland asked what process is for complaints or inquiries prior to the website and hotline being launched. The IG stated that per policy, anyone can file a complaint within 90 days of the incident. The office will be operational by July 11, and the office is unable to accept complaints right now per the City Charter. The main telephone line is operational and anyone may call with questions.

Mr. Aragon expressed concern that the IG is meeting with leaders in the community but not average residents. He mentioned that young people are unlikely to call the office, and would be more likely to engage via social media. The IG assured the Board that the company she is looking at engaging for communications support will be helping with social media, and the future Community Outreach Coordinator would handle this for the office. Mr. Aragon requested that there be options to file complaints via social media.

Vice Chair Burns explained to the Board that the IG has provided her draft policies and procedures for the Board to review but that the Board does not have voting authority over them. She invited the IG to stay for the rest of the meeting.

REVIEW AND DISCUSS RECOMMENDED BOARD RULES AND REGULATIONS

Vice Chair Burns introduced the draft rules and regulations for discussion. She explained that the Board must grant the IG power to do her work: receiving and investigating complaints. The Board has the power to review investigations and make recommendations, and their rules and regulations are not overly specific. By keeping the language broad, the IG has more leeway to conduct business. The Board can always make adjustments in the future by making edits and submitting those to City Council.

Section 1:

Mr. Strickland asked for clarification on what would happen if the Board were to receive a complaint directly, and needed to forward that along to the IG. VC Burns pointed to Section 3 which includes that information. Mr. Strickland asked about the language specifying residents must submit complaints at a



regularly scheduled Board Meeting. Mr. Aragon reminded Mr. Strickland that there will be a representative from the IG's office at Board meetings who would be able to take that complaint. VC Burns mentioned the unlikelihood of someone filing a complaint in a casual setting, and suggested the Board should not be taking complaints in that manner.

Mr. Thomas noted that it will be important to have a flow chart of how the Board and IG office work with complaints, and this should be made available to the public. This should eliminate confusion about what the Board does, what the IG does, and how they work together.

Mr. Strickland noted that per the draft rules and regulations, the IG is empowered to take complaints but that the Board does not retain that power. He mentioned that if the CPRB wanted to weigh in on a case, they might not have the power to intervene. VC Burns asked for an example. Mr. Strickland asked if the IG's office had a procedure, and the majority of the Board had an issue with that procedure, what would the intervention process look like? Mr. Tobias suggested that the Board delegate the power to the IG to receive complaints and determine whether or not they merit investigation. The Board can then choose whether or not to have a hearing, call witnesses, request evidence, and explore further how the IG came to her conclusion. The Board retains authority and the opportunity to review and report on cases.

VC Burns mentioned that there might be too many reports for the entire board to review all of them. For this reason they broke the Board into smaller groups which could each review a smaller number of cases and report back to the Board on their findings, alerting the Board to any cases which merit further investigation.

Mr. Strickland summarized for clarity that all complaints will go to the IG's office, and the Board has no power to review cases until after the IG has completed an investigation or decided not to investigate. VC Burns confirmed, noting that the Board does not have investigative staff. If the Board disagrees with the IG's findings they can hold a hearing, issue subpoenas, etc. Ms. Younger asked for clarification on the phrase "hold a hearing". Does one board member disagreeing warrant a hearing? Is there a minimum number? What does a hearing mean? Ms. Burns explained that a single Board member can request a hearing. Mr. Thomas asked if there would have to be a motion and second. VC Burns: No. There is not a motion process.

Rev. Tatum reminded that Board that the IG serves under the guidance of the Board, and that if the Board is going to conduct investigations then they wouldn't need an IG. They should bring questions to the IG and remember that she is not a separate entity – she works under the guidance of the Board. Ms. Younger asked again for the definition of a hearing, and asked if that would just mean having the IG hold a hearing. VC Burns: The Board is the body empowered to hold a hearing, not the IG. The process is not overly specific to avoid the Board being restricted by details in the future.

Mr. Thomas expressed a belief that there must be checks and balances between the Board and the IG. The Board must do their due diligence to ensure fair and full investigations. Rev. Tatum explained that



he meant the IG could not operate on her own, she must report back to the Board for guidance. Mr. Strickland explained that he understands the Board won't be reviewing complaints, but asked why they are not retaining those powers. The Board could choose not to review complaints, but he worries about a scenario in which the Board would want to receive, initiate, and review complaints.

Tiara Ross explained that the Board will have to make this decision. The Board does not have the power to investigate, but all other powers could be held by the Board. She reminded the Board of the firm 90 day limit on complaints, and the need to get investigations completed as quickly as possible. Mr. Tobias agreed that the Board is empowering the IG to complete this job. He explained how the Department of Neighborhoods handles similar situations, and reminded that Board that they put must their faith and trust in the IG and her skills. The Board must also trust each other on the subcommittees who will be reviewing cases and recommending whether or not further inspection is merited.

Mr. Tobias strongly suggested that the Board change their requirement for a hearing from one Board Member to a full Board motion and vote. A hearing could be as simple as asking the IG to provide clarification, or as complex as calling witnesses and reviewing evidence. VC Burns apologized for misspeaking, noting that the draft DOES ask for a Board member to motion and the Board to vote for hearings. The IG noted that one of the features of the case management software gives her the ability to send cases electronically to the Board. This will allow the Board to review the full case files. She stressed total and complete transparency for the Board.

Ms. Younger asked what the procedure would be if a subpoena is not honored. Mr. Tobias explained that City Council will have to grant the City Attorney's Office (CAO) the power to serve subpoenas, and they will work through the process for enforcement at that point. It might go to the common pleas court, or it could be civil contempt. Ms. Younger clarified that as of July 11th the IG will be ready to investigate, but the Board won't have the power to subpoena. VC Burns noted that the Board is reviewing these documents now for this very reason. Mr. Tobias requested these documents be approved no later than the June CPRB meeting, in order to stick to the timeline. VC Burns assured the Board the Rules and Regulations subcommittee discussed all of these things.

VC Burns made a note about adding the first paragraph of subsection 1 into subsection 2 as well.

Mr. Strickland asked about forms of police or city employee misconduct which are not excessive use of force. VC Burns explained that language was taken directly from the City Charter and that she is unsure if the Board can go beyond the scope of the Charter. Mr. Strickland asked for clarification. Mr. Tobias said the Board can initiate a complaint. Mr. Strickland again pointed to the specific language regarding sworn personnel – Mr. Tobias explained that the Board could refer those complaints to the proper authorities. Ms. Ross clarified that the Board's jurisdiction is ONLY over sworn personnel. Mr. Tobias reminded the Board they can amend these documents in the future as needed.

Section 2.

No questions





Section 3.

Mr. Strickland again brought up the question of a complaint being brought to the board outside of a regularly scheduled board meeting. VC Burns stated that the Board would need to refer the person to the proper channels. Mr. Tobias explained that IG is going to create many ways for individuals to submit a complaint, and residents would need to be referred to those channels. Ms. Strickland asked if there is a duty for the Board to follow up in case a resident does not understand that they can't simply submit to the Board. Mr. Tobias explained that the obligation is only to be responsive to the public, and the Board members can explain to the residents what the proper process is. Mr. Aragon asked about liability, and if the Board is accountable for the complaint once brought to their attention. Mr. Tobias suggested creating boilerplate language releasing the Board members from responsibility for complaints once referred to the IG. VC Burns pointed to the Board's obligation to uphold the public's trust, and that failing to refer a complaint to the IG would violate that obligation. She offered to add language regarding the specific instance Mr. Strickland mentioned. Mr. Aragon expressed his belief that refusing to accept a complaint as a Board member would be a violation of the public's trust, and explained that he would forward the complaint to the IG as a way to relieve his own liability. Dr. Jones reminded that Board that the Board will be disseminating the information regarding the complaint process, and that if the Board is following procedures, the public will understand the process. There must be consistency. If the process is to file complaints with the IG, that process must be followed. The Board should be helpful to the public and help them file reports. Mr. Tobias agreed that shifting the burden to the IG is not appropriate, and the responsibility is on the citizen. Ms. Ross suggested that email auto-replies with the complaint process info are an easy way for Board members to be consistent and responsive. Mr. Thomas agreed that the Board cannot accept responsibility for complaints when they were not participants in the incidents, and would have only second-hand knowledge.

IG Hendricks explained that her office will be creating a process which must be followed consistently in order to stay on the required timelines. If Board members choose to take this on themselves, they will bear the responsibility if a case were not filed and investigated within the designated timeline.

VC Burns suggested the language along the lines of "an individual Board member is not authorized to receive a complaint on their own, and should that happen, they must direct the member of the public to file the complaint in accordance with the policies and procedures set forth by the IG."

VC Burns explained that the IG will have a single form that can be submitted many ways, and if a complaint is filed with the Board at a Board meeting, it would be a printed version of that form which would be handed to a representative from the IG's office.

Mr. Strickland asked for clarification regarding the Board's ability to file a complaint with the IG, and VC Burns explained that there might be an instance in which an incident happened publicly or an individual was unable or unwilling to file on their own behalf. Mr. Strickland asked if an individual Board member could file a complaint on their own, without approval from the rest of the Board. VC Burns explained





that an individual Board member could file a complaint on their own behalf but not on the behalf of a third party.

Section 4.

Dr. Jones asked if subcommittees would be randomly selected or dedicated to reviewing cases on specific topics. VC Burns explained the vague language allows the Board to make those decisions and change their minds as they go. Mr. Thomas suggested a rotation system to ensure every Board member participates and the work is evenly distributed. After a year, data can be analyzed for seasonal surges or other patterns which might affect future decision making. VC Burns agreed and noted the language alluding to the potential for multiple subcommittees. Mr. Tobias explained that every complaint the Board reviews will likely require input from the IG, and while some board members might feel strongly that a hearing is called for, the majority may disagree.

VC Burns called for a 15 minute break at 3:27pm. The Board returned to session at 3:42pm.

Section 5.

Dr. Jones expressed a concern about the 60 day window, given the 90 day timeline for FOP complaints. Ms. Ross explained that an investigation is considered concluded once it is initially forwarded from the IG to the Board, and the 90 day timeline shall not apply to Civilian Review Board review. Mr. Tobias explained that the Board could call special meetings for hearings or hear cases at their regularly scheduled meetings. Mr. Strickland reminded the Board they may not always meet monthly, and adding additional meetings may be needed. He agreed 60 days feels like a long time, and asked how often the Board would receive reports from the IG. VC Burns: ad hoc as the IG finishes investigations. Mr. Strickland asked the IG how she sees her reporting process working. IG: when the Board is meeting, they should provide information to the IG regarding when they want to receive reports. The investigations will be completed as quickly as possible and can be turned over to the Board 2 weeks prior to the Board meeting or whatever is requested. If a subcommittee meets monthly, the reports can be monthly. It's up to the Board.

Section 6.

Mr. Aragon asked if there is specific language regarding the nature and content of the Board's reports to City Council. VC Burns explained that within the vague parameters given, the Board can choose what and how to present. The IG assured the Board she would prepare annual reports to the Board and the Board can request any additional info which she can then include. This report could be forwarded to Council. Mr. Tobias mentioned that an annual report may not follow a calendar year, but may be within a year from the start date of the IG or the inception of the Board. The Board should ask Council for their preference. Mr. Strickland asked who would write the report. VC Burns suggested the Executive Secretary would do so using meeting minutes.





Section 7.

Mr. Tobias added that amendment of bylaws and removal of Board members could be by 2/3 vote instead of simple majority. Mr. Strickland agreed it should be 2/3 majority. Mr. Tobias asked if this was also outlined in the bylaws, in which case this section is unnecessary. VC Burns will double check.

Ms. Younger asked if the 90 day timeline should be specifically called out in the first section regarding the IG's powers. VC Burns explained that this document is more about the Board's responsibilities and not about the public's responsibility or the IG's processes. Ms. Ross explained that neither the Charter nor the Policies and Procedures will include this timeline. However, adherence to the 90-day limit is required pursuant to the terms of the FOP Contract. The complaint must be 'reduced to writing' within 90 days of the offense. Once the IG receives the complaint, they have 90 days to complete the investigation. If more time is needed, an extension can be requested from the FOP, and the contract stipulates extensions should not be unreasonably withheld. Ms. Younger expressed concern that the resident may not file a complaint within 90 days if they are involved in ongoing litigation, and this may violate the citizen's right to file. Ms. Ross explained that it's an FOP contract issue which is not able to fixed right now, and the community will need to be educated on this. Mr. Tobias suggested that maybe the timeframe for processing a complaint could be extended until court proceedings concluded or some type of protection from incrimination could be offered.. The CAO will look into this. Ms. Ross explained that allegations of criminal conduct on their face of allegations of conduct that could reasonably lead to criminal prosecution of the officer is already an exception to the 90-day rule.

Mr. Strickland suggested creating an appeal process for someone whose complaint was rejected by the IG's office. VC Burns explained that this is why the Board has the power to hold hearings. If the IG recommends termination and the Board agrees, then that would go to the Public Safety Director. If the IG suggests re-training an officer, and the Board disagrees, the Board can function as a second layer of review. There is no one above the Board if they dismiss a case. Mr. Strickland specified that if the Board holds a hearing and disagrees with the IG's findings, what would happen? The IG explained that if the IG's office makes a recommendation and the Board disagrees, that would be added to the report which would be submitted to the Chief or the Public Safety Director.

VC Burns reviewed the changes that were suggested at this meeting which she will incorporate into the rules and regulations immediately.

VOTE TO APPROVE BOARD RULES AND REGULATIONS

Dr. Jones moved to accept the rules and regulations pending the aforementioned changes. Mr. Strickland seconded. Approved by unanimous vote.

REVIEW AND DISCUSS RECOMMENDED PROFESSIONAL STANDARDS

Dr. Jones noted that there were a few spelling or grammatical errors but she had no issue with the content of the document. There were no other questions or discussion items raised.





VOTE TO APPROVE PROFESSIONAL STANDARDS

Mr. Thomas moved and Mr. Aragon seconded pending the correction of any spelling and grammar corrections. Approved by unanimous vote.

ADJOURNMENT

Vice Chair Burns asked for a motion to adjourn at 4:06pm. Dr. Jones moved, Mr. Strickland seconded. Unanimous vote to adjourn.

