



## Board

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

## Guests

Present Jacqueline Hendricks  
Present Richard Blunt II  
Present Lara Baker-Morrish  
Present Robert Tobias  
Present Tiara Ross  
Present Nate Simon  
Present Bethany Dickess  
Present Al Crawford

## WELCOME

Chair Jackson called to order the meeting at 2:11PM.

Reflecting on our past meeting, I felt it was necessary to have a 2.0 training session. Lara Baker-Morrish was asked to present the training. Some things also came up regarding discipline and the FOP contract. We might bring in Wendy Kane & Chris Moses to go over the contract at our January meeting.

We may start holding a second meeting each month and if we don't need it, we can cancel. .

## APPROVAL OF MINUTES FROM PREVIOUS MEETING-

Pastor Nathan moved to approve the November meeting minutes, and Dr. Chenelle Jones seconded. Minutes approved unanimously.

## INVESTIGATION REVIEW 2.0 CPRB HEARINGS

Lara Baker-Morrish: Thank you for inviting me back. Did watch the video from last month so I am aware of what was discussed. Here to provide legal guidance on City Charter, FOP, etc. of what you are allowed to do. Not suggesting you have to do these things in a specific way but give a recommendation of doing things in a consistent way. Ask questions as we go.

Basic recap of Investigation Review Training-Keep in mind you are doing a review of an investigation already completed. Use the checklist created so the subcommittees have steps to follow. Investigation review dispositions-agree or disagree with the findings.

Recommendations then made to the full board. Remember the board is a public body as a





group, not an individual.

City Charter & City of Columbus City Codes (9/7/2021)-authority of the board itself. City Charter Sec 215, City Code Sec. 235.01 & 235.02, and Bylaws you adopted (rules to govern yourself).

Source of the Hearing responsibilities of the board:

City Charter 216 (CPRB shall receive, initiate, cause investigation of, and recommend resolution of complaints filed), the board itself doesn't conduct investigations but does have a role in the review process, most important role is to make a recommendation regarding resolution of the complaint. With approval of the City attorney, the Board has the authority to request that a subpoena issue.

Kyle Strickland-what instances would that authority be limited-is there an example? Lara Baker-Morrish-if the DIG has a complaint from someone involving an incident at a gas station, body worn camera doesn't show everything, gas station has camera footage but the gas station won't give the footage unless they have a subpoena. If the DIG thinks that footage is important, you have delegated some authority to the DIG. Another way though is the DIG can come to a meeting and ask the board to consider if they'd seek to subpoena that information. Once the board does that though, you risk becoming part of the investigation, not just reviewing the investigation. Goal is the DIG can request the info and leave board out of the request.

Lara Baker-Morrish-City Code Section 235.03 (A)-"The duties of the CPRB shall be as follows:"

- (1) To receive, initiate, **review**, and, if appropriate, to direct the Inspector General to investigate and prepare a report **for review**, complaints alleging misconduct and/or excessive use of force by sworn personnel of the Columbus Division of Police;
- (2) To direct the Inspector General to review and provide a report for review, investigations conducted by the Columbus Division of Police Internal Affairs Bureau for fairness and accuracy and, if warranted, recommend changes to Division policies and procedures based upon said reviews;
- (3) **To make recommendations on resolutions of complaints**, if warranted, to the Chief of Police and/or the Director of Public Safety **regarding matters reviewed** by the Board;
- (4) **To make recommendations on discipline**, if warranted, to the Chief of Police and/or Director of Public Safety **regarding the outcome of all investigations reviewed** by the Board;
- (5) To evaluate and identify complaint patterns and make recommendations to reduce complaints based upon said evaluation;
- (6) To review and make recommendations regarding Division of Police policies and procedures;
- (7) To perform such other duties not inconsistent with the provisions of the Charter, this chapter, or as may be required of the Board by ordinance.





Rules & Regulations you have adopted: The board may create subcommittee groups made up of three to five members to conduct initial review or reports and recommendations from the DIG.

Chair Jackson-should have given notice at the last board meeting. The subcommittee meetings are open to the public and we have to post it to the City Bulletin. Aware there may be issues setting up places to meet. The public libraries are a great resource and location.

Brooke Burns-recently spoke to City Attorney Robert Tobias regarding virtual meetings. If approved by City Council, after January these meetings may be held virtually. Volume on the number of meetings may increase and would like to propose a motion so that the board can meet virtually.

Kyle Strickland-trying to get a sense of how we divide these things up. One concern with subcommittees is when people come to those public meetings and someone that filed a complaint shows up, do we have best practices in place for that? My worry is need to speak as one voice when we are in a situation as a subcommittee. Chair Jackson-from my perspective, there are 3 of you and personal safety may be an issue. We will come back to this to discuss.

Lara Baker-Morrish-some of the boards that function, have a standard meeting but also have a "business meeting". Benefit of that is you could set your subcommittee meetings at the same time. Don't necessarily have an agenda for a business meeting but an agenda for the official meeting would list possible cases being discussed.

Public hearing and public comment-good faith effort shall be made to hold public hearings within 30-45 days after the board's request for a hearing. Notice of public hearings shall be made no less than one week prior to the hearing date.

#### Requirements of the CBA: Article 8-Investigation

- 8.1: Gives the DIG authority to conduct these investigations. When the DIG conducts an internal administrative investigation, the DIG shall have the authority to compel attendance and participation at an interview under threat of insubordination or like offense.
- 8.5: Why can't we just order the officer to come in so we can ask questions directly?

FOP members shall be fairly apprised, informed, investigated in a particular way.





Rev Tatum-Does the IG have the right to ask for an interview with an officer? Lara Baker-Morrish-yes they do have the authority. Only hesitation would be when there is an ongoing criminal investigation.

-8.7: Conducting an interview. Specific rules as to how the interviews are conducted.

-8.12: Governs the filing of complaints. Outside the 90 days those complaints are closed by the IG's office. There are exceptions to the 90 day rule.

One of the things we are not discussing are all the duties and the recommendations the board can make. We are just focusing on one aspect of the boards responsibilities related to hearings.

-8.14: Investigation outcome. Investigation to be concluded within 90 days. Investigation will be considered concluded on the date it is initially forwarded to the chain of command and/or CPRB for review. Once it comes to you and you are completing your review, the 90 day limit shall not apply to any chain of command and/or the CPRB review. If it goes back to the DIG to conduct further investigation, keep in mind the 90 days start running again.

Chair Jackson-IG, on the case reports we receive please add how many days are left on the case.

Rev Tatum-if BCI is still investigating, how does that impact the 90 days? If BCI is investigating, that's under the exemption of the 90 days.

Pastor Nathan-not clear on why we would be investigating and what resources we have to conduct investigations. Lara Baker-Morrish-my job is to lay out what authority the board has. All lead to same conclusion, the investigators do the investigation and the board reviews them. My recommendation would be that you wouldn't go down that road.

Gambit Aragon-what if we severely disagree on an investigators decision or we keep seeing the same investigator send the same recommendations back? Chair Jackson-I believe it is the responsibility as the Chair to have a discussion with the IG directly, if we are seeing an issue with an investigator.

Kyle Strickland-we don't want to be in the business of investigating. We are a review function, it is good we have the power if needed.





## **Article 10-Corrective/Disciplinary Action & Records:**

-10.1: Corrective/Disciplinary Action for Cause.

-10.2: Positive Correction Action. The city encourages the use of positive correction action.

-10.3: Progressive Action-principles of progressive correction action shall be followed for conduct, not in violation of law.

As you are reviewing these things you might not have an officer's prior history.

-10.4: Responsibility for imposition of discipline. Actual decision of the discipline and ability to initiate that discipline is left to the chain of command.

-10.7: Leave forfeiture option in lieu of departmental hearing. What happens once you finish your review.

Chair Jackson-physically how do we do that? We have these reports we've signed off on, how do we get these to the Chief? Tiara Ross-that is not dictated, internal procedure that you would work out with CPD. Chair Jackson-if we get to a final decision, how do we do it? Tiara Ross-that should be put in your procedures as the board.

Chair Jackson-once the board does their review, the IG will notify the complainant and the officer involved. The officer can be informed that there may be a hearing. Have the complainants on the cases we have already been notified? YES.

Chair Jackson-thought we decided each committee would review their cases and then they would produce one final report on each case? Pastor Nathan's subcommittee completed their worksheets as directed.

Kyle Strickland-our subcommittee did an overview of the cases we reviewed.

Chair Jackson-this review is so important for us we might not get to the cases but good news is the time stops while the cases are with us. Already contemplating can we have another meeting this month or next.

Gambit Aragon-when one of the board members is initiating a complaint, does it have to be at a board meeting like this? Lara Baker-Morrish, yes. Robert Tobias-the board has done that already but yes.





Tiara Ross-the board is asking a lot of questions about procedures but Lara is reviewing the laws of what you have the ability to do regarding hearings.

Pastor Nathan-clarification on the notification of what is sent to the complainant. IG notifies complainant case is closed and sent on to the board? The resolution of the case hasn't been notified to the complainant? Officer gets the findings before the board reviews the case? YES. Does the complainant get the findings before going to the board? YES. Should we modify that unless the Collective Bargaining Agreement states that is required?

Robert Tobias- I do not think that is a good idea. Part of the goal is transparency. Just because your recommendation might be different than the IG, that should be shared with the complainant.

Lara Baker-Morrish-CPRB Review Hearings: what is the point of bringing it to the full board? Say someone made a complaint against an officer that was rude, called a name. DIG investigated that, pulled body cam and the officer was the nicest officer and clear they didn't say anything inappropriate. DIG feels there is no discipline, officer is exonerated. You wouldn't need to have a hearing in that situation. Would be a full vote of the board but no hearing needed.

Say a citizen files a complaint that an officer injured them during an arrest, behavior was excessive. Two members of subcommittee say yes there was a violation, one says the officer didn't violate, DIG saying it is not violation. That might be the type of case you would have a hearing for. You have the power to vote on whether a hearing is needed or not.

Process for the investigation review hearings: matter is called for a hearing by CPRB Chair; Chair of the subcommittee that reviewed the matter is recognized by the Chair; subcommittee Chair reads the matter into the hearing record and provides a brief synopsis.

Dr. Jones-what if the DIG states the officer did not violate anything but the subcommittee found another violation that the DIG did not? Robert Tobias-that is something you would refer back to the DIG to investigate further, not a hearing for that situation.

Chair Jackson-if we are out of time do we send that back? Tiara Ross-you could ask for an extension in that situation.





Brooke Burns-if there's another violation that wasn't addressed, instead of sending that back to the DIG, we could have a hearing? Tiara Ross-if you are doing additional fact finding that's investigating and you must be within the 90 day timeline.

Lara Baker-Morrish-simple things could be asked of the DIG and a hearing not be required. DIG or investigator can answer questions if they are small with just board discussion, not a hearing. Hearing might be needed when you can say "we understand but we don't agree". Chair will run the hearing, Chair of subcommittee will give overview of the case/relevant allegation/why are we here. Each board member has the opportunity to speak at the hearing. Motion would be made at the end of the hearing.

Chair Jackson-out of all the options you mentioned. Issues could be resolved simply by hearing from the DIG. Concern, I know she reviews them all but I don't think she can come in here and have the deep answers on every case she has reviewed. Maybe consider having the investigators here during board meeting so they can give verbal clarification instead of proceeding to a hearing. This presentation is excellent and this would be beneficial for the investigators.

Inspector Hendricks-if the board has questions on any reports, please get those to us beforehand so the investigator can be prepared to answer.

Kyle Strickland-is there an appeal process? Lara Baker-Morrish-there is not an appeal process for the citizen. Civil lawsuit would be their next step because no appeal process through the board or DIG. Kyle Strickland-would like to discuss this further in the future.

Chair Jackson-only option for the complainant is to file a civil lawsuit, there is no appeal process.

Robert Tobias-you are double checking the work the IG does, that is your role and function as the board. An example I can give is, victims would come in to file charges, and only 10% of the time would we approve criminal charges so that means 90% would walk away upset. We would always try to provide resources though but people were not always happy.

Mary Younger-that is why it is so important to let the citizens know we did our work and that's it.





Rev Tatum-if we have pertinent questions, write it down and then later we can ask our questions.

Gambit Aragon-why didn't the DIG's team already have the reviews? Reviews sat for three weeks. Chair Jackson-your reviews were to be discussed amongst your subcommittee and then you come up with recommendations that you all can agree to, not individually. Gambit Aragon-why didn't IG Hendricks bring her investigators today to speak?

Chair Jackson-up to this point we have not reviewed any cases. Thanked Lara for this presentation and training. Very detailed information we have received, a good refresher for all of us.

Kyle Strickland-in terms of the hearing, will the complainant have the opportunity to speak? Lara Baker-Morrish- it would be up to the board on how they want to handle that. Are you going to notify every single citizen? If one gets to come speak, what about the others? The board needs to make that call and discuss that.

Brooke Burns-review rules and regulations because a lot of what has been asked today is in those rules.

Break 4:00-4:23PM

Chair Jackson-a board member has requested to present something to the board. Gambit Aragon would like to present a matter and hoping the board will initiate an investigation.

Gambit Aragon-I want to be a representative of my community. My community was terrorized by the Proud Boys this past weekend at a church. Things have come out from the church, the callous way CPD responded to their requests for their help. We have Proud Boys and officers high fiving each other. If there is not an actual investigation already opened, would like to see if the board members feel this merits an investigation. Chair Jackson-the board has to vote to open a complaint. Kyle Strickland-similar to the shootings, interested to know if there is already an investigation open? When these instances occur, we as a review body talk about these issues. What we saw this weekend was concerning. Chair Jackson asked-has the IG received any complaints on this incident? Deputy Blunt-yes we have received a couple and they name a specific officer in them. Chair Jackson-not saying I don't want us to initiate a complaint, just want to be sure if a complaint has already been opened.





Chair Jackson- because the DIG already has filed complaints, are you saying the board doesn't need to initiate a complaint? Dr. Jones-yes I feel that way.

Gambit Aragon-2<sup>nd</sup> question, officer had been identified and one is more general in nature? I would like CPD to speak to this issue. Deputy Blunt-to be clear you are speaking of the lack of response of CPD to the story time issue? Yes. Dr. Jones-the Mayor did speak of the incident. Chair Jackson-Chief Bryant also addressed the issue. How does the board want to proceed? Need either a motion or consensus that we will leave the DIG to investigate the complaints she already has.

Kyle Strickland-what the public response is, is important with these matters. Not aware if the DIG has announced anything as far as an investigation is underway. It seems like it takes a meeting like this for these things to be brought up. Need to find a way to be proactive.

Chair Jackson-has a meeting with the IG in the next two weeks. Requested the Standard Operating Procedure "SOP" be delivered by 5PM this coming Friday. Reach out if there is anything the board wishes to address with the IG.

Tiara Ross-the SOP does not speak to the public/media. There needs to be minimal contact because the DIG is the one investigating these complaints.

Rev Tatum-if we already have an investigation open, let the process work and then if the board is not satisfied we can ask for further investigations.

Chair Jackson-if this needs to come before the board we can discuss. I do not feel we should be saying anything to the public. We are an independent body, not the Mayor's office, not the Police. If this needs to come down to a vote to resolve that, then present that to the board.

Lara Baker-Morrish-the board can certainly have a confirmation an issue is being addressed.

Mary Younger-watched on TV that Chief Bryant spoke on this issue. She seemed to defend the actions, from what I watched. Do you see there being an issue with this? Lara Baker-Morrish-the DIG will have to determine what took place, chronology of things, conversations that took place, etc.





Gambit Aragon-again the reason I brought this up is this is my community. I am by myself on this. "See something, say something." Voting on making a case, makes it appear we have a vested interest. Aware I would likely not get assigned to this case.

Dr. Jones-yes the Chief made a statement, it was a recorded statement but I wouldn't say she was defending the division. If the DIG already has 2 complaints opened we should let her review those. Brooke Burns-cases regarding the same incident are combined? IG-yes unless there is some additional information that we don't already have.

Gambit Aragon-if one of the complaints mention the Mayor, would there be an interview with them? What kind of reach do we have? IG-our jurisdiction is over the Police Department personnel only.

Chair Jackson-couple of critical decisions to make. We have 30 new cases to assign. We moved our January meeting to the 10<sup>th</sup>. It would be impossible to get another meeting scheduled between now and the end of the year. Quick feedback-might be possible to have one the week of the 16<sup>th</sup>?

Pastor Nathan-with our sub-committees review of cases, it will take ten minutes.

Kyle Strickland-our cases will warrant further discussion, not particularly complicated. Will say as it relates to presenting these cases, we can do it.

Gambit Aragon-ready as well with our cases.

Assign new cases:

Strickland: 2022-0160, 0205, 0201, 0220, 0305, 0337, 0360, 0371

Nathan: 0193, 0183, 0209, 0239, 0331, 0335 (really 0355), 0361, 0374

Mac-0164, 0175, 0215, 0304, 0333, 0356, 0364

Chair Jackson-confirmed that board members only want to receive their assigned cases, Gambit to receive all cases. Suggest that you establish quickly the dates you will get together, give that info to Bethany. In terms of the review sheets, each sub-committee will have one final review sheet for each case. Please get those to Bethany by January 5, 2023 so they can be reviewed before the next board meeting.





Rev Tatum-concerns about the review sheet itself. Couple of things to be added. Like non-applicable, some of the questions were not applicable.

Kyle Strickland-had some questions about the checklist, would like to condense the sheets to be more efficient. Plan to give higher level summary.

Willard McIntosh-on the findings section, how about a drop box instead of open question.

Chair Jackson-checklist is a guide so for this next set of cases, use your discretion on your forms. Then we can have conversation at the next meeting.

Gambit Aragon-for future meetings, when our team is done, send to Bethany, and then they go to DIG? Chair Jackson-they come to me and then we have to vote on each case. If there are questions, reach out to ask them.

Kyle Strickland-I think we can skip over the ones that there aren't any questions on, just simply vote on them.

## **ADJOURNMENT**

Motion to adjourn. Dr. Jones moved and Kyle Strickland seconded motion. Meeting adjourned at 5PM.

