

Minutes

RTA Committee of the Whole Meeting

9:42 a.m., Tuesday, October 12, 2021

Committee Members: Lucas (Chair), Moss (Vice Chair), Byrne, Duarte, Joyce, Koomar, McCall, Pellet, Serrano, Weiss

Not present: None

Staff: Birdsong, Burney, Caver, Coffey, Dangelo, Davidson, Fesler, Fields, Garofoli, Gautam, Gettings, Ghanem, Jones, Kirkland, Krecic, Miller, Peganoff, Penning, Rusnov, Schipper, Sutula, Talley, Tarka, Walker-Minor

Public: Gibbons, Lamb, Loh

The meeting was called to order at 9:42 a.m. There were ten (10) committee members present.

This meeting was live-streamed on RTA's Facebook page (www.facebook.com/rideRTA) for staff and members of the public. Members of the public were allowed to attend in-person. Based on Centers for Disease Control (CDC) guidance to continue to avoid large events and gatherings and Ohio Department of Public Health advice that businesses and other entities may continue to require mitigation measures, as well as RTA's interest in protecting community and employee health and safety, several measures were put in place for in-person attendance, which are spelled out in the meeting notice.

Transit Police Update – Transit Ambassador Program

Chief Deirdre Jones, Transit Police and Dr. Caver, Deputy General Manager of Operations gave the presentation. The Transit Ambassador Program will cover the following items:

- Progressive policing and community engagement
- Purpose
- Responsibilities
- Program overview
 - Pilot Project details
 - Community outreach specialists
 - Salary information
- Next steps

In the wake of George Floyd and other incidents of police misconduct, many people believe the police should be defunded. Instead of defunding police departments, she believes policing should be reformed. Policing at RTA not only includes reforms through training, policies and community engagement, but taking steps further by:

- Reduces law enforcement footprint on GCRTA transit systems
- Integrates unarmed professionals to handle non-criminal issues
- Provides enhanced connection with community
- Addresses rider concerns
- Two-prong approach
 - Ambassador program
 - Community outreach/crisis intervention specialist

Duties of the Transit Ambassador

- Act as customer service representative for GCRTA
- Increase presence of uniformed personnel on transit system

- Engage public by inspecting fares and deterring fare evasion

Responsibilities

- Provide general information/assistance to riders and members of the public
- Assist riders needing help with navigating the transit system
- Assist riders with boarding/disembarking
- Routinely ride transit lines
- Observe/report potential safety hazards and security concerns
- Perform public monitoring for special events
- Request Transit Police assistance as needed
- Serve as liaison for GCTRA approved events
- Fare inspection/evasion deterrence

Community Outreach/Crisis Intervention Specialists

- Work 1st and 2nd shifts
- Licensed social workers/specialized training
- Perform mental health, homelessness, crisis and substance abuse outreach
- Defuse immediate crises/serve as gateway to resources
- Establish relationships with social service agencies
- Ride-along with Transit Police
- Grant-funded positions 2022
- Unit of Transit Police

RTA has several partnerships with social service agencies. The ambassadors will strengthen those relationships as needed. Partnerships are with Cuyahoga County Diversion Center, May Dugan Center, Northeast Ohio Coalitions for the Homeless (NEOCH) and Stella Maris.

They are looking at a six-month pilot program:

- Uniformed/unarmed personnel
- Community outreach/crisis intervention specialists
- Fare inspection/proof of payment

Ambassadors will receive training that will include the role of the ambassador, customer engagement, checking for fare payment, emergency training, identifying and responding to people in crisis. They are working to get this training through the ADAAMS Board.

Proof of Payment

New approach to check for fare payment and interact with riders:

- Provide riders with service information, fare programs
- Increased presence on RTA system to deter/reduce fare evasion
- Help riders comply with fare policies
- Support and coordinate with operators
- Deployed on routes with high ridership

Pilot Program

- Locations TBD
- 1st & 2nd shifts/7 days week
 - *0700/1500
 - *1400/2200
- 10 ambassadors/community outreach
- 5 workers per shift
 - HealthLine
 - Trains
 - Rapid Transit stations

The projected salary based on national averages for transit ambassadors would be \$35-\$38K/yr. and \$45-50K/yr. for the Community Outreach/Crisis Intervention Specialist. Ten of the positions will be funding using existing vacant TP positions. The Community Outreach/Crisis Intervention Specialist will be funding through grants. They plan to apply for the Substance Abuse and Mental Health Service Administration (SAMHSA) grant. They will reach out to other police departments for additional grant funding information.

Greater Dayton RTA TAs make \$14/hr. for full time work with benefits. Their job descriptions are similar to Transit Police job descriptions. In Denver, CO, they pay \$16/hr. for training and \$18/hr. after training with similar job descriptions. There is a possibility for unarmed security to serve as ambassadors on the program. They will be Ohio Peace Officer Training Academy OPOTA certified/Non-OPOTA certified. They make \$10-\$15 hr. and the job description would be similar to the ambassador program. The national average for a social worker salary is \$47,900/yr.

Opportunities

- Work directly under supervision of Transit Police
- Work special events (pro sports, etc.)
- Existing partnerships with outside social service agencies
- Presence may deter fare evasion

Challenges

- Service coverage
- Lack of detain/arrest powers
- Possible high turnover

OPOTA certified ambassadors may move on to take law enforcement positions. They would be encouraged to take those positions with RTA TP.

Next Steps

Q1 2022

- Funding sources
 - Grant applications
- Policy draft

Q2 2022

- Recruitment/Hiring ambassadors

Q3 2022

- Recruitment/Hiring CIT & Outreach specialists
 - Based on funding approval
- All personnel on-boarded/trained

Q3 – Q4 2022

- Program evaluation

Chief McCall gave kudos to the staff. She asked if we could fund the pilot program and then seek grant funding to continue it. Chief Jones said eight positions will be funded through vacant TP positions. The remaining two social worker positions would be grant funded. If the funding was not secured, they would find the funds internally. Chief McCall said this is unique for RTA and timely. She suggested they look at foundations for funding and would not negate highlighting the City of Cleveland training through the Consent Decree. Chief Jones has been in contact with Cleveland's Crisis Intervention Program of which she is looking to model RTA's program. Chief McCall is concerned that having eight positions may not be enough and to look at how the program could be expanded. Look at funding the program for at least year to get your arms around what is successful, etc. Look at externships with local colleges like CSU's Levin College.

Ms. Birdsong has begun talks with potential partners such as City Year. She'd like to have a sense of urgency, but also in a measured way where they are aware of how the program shakes out during

the 6 mo. pilot so we don't take on any safety risk with students. She suggested a tiered program to supplement the ambassadors. She agrees that the program should move forward regardless of grant funding. Ms. Duarte believes the program is needed and asked staff how they determined the 10 positions and if they need a police background. She suggested the positions represent diverse communities. Dr. Caver said eight positions will be funded through the General Fund or may all be GF positions after hearing today's discussion and will model the downtown ambassador programs. Chief Jones said they will diversify the program to reflect the community. The TAs don't need a police background. They need skills in social work and crisis intervention. But they do want to hire aspiring police. President Lucas commended the staff on this report.

Transit Police Update – Civilian Oversight Board

Chief Deirdre Jones, Transit Police gave the presentation. This Board is to increase transparency and accountability. The COB reports directly to the CEO. All boards have mission specific bylaws or a code of ethics and limitations on jurisdiction (i.e. complaints, use of force, etc.) The terms will be staggered. Board members are barred from holding elected office. They will be trained by the police department in the following area:

- Citizen Police Academy
- Policy familiarization
- Internal Affairs investigations
- Ride-along programs

There are many benefits to police oversight. They hold the police agency accountable for officer's actions. Complaints are given a place to voice concerns outside of police agency. If substantiated, complainants feel validated. If unsubstantiated, officers feel vindicated. Police oversight assist in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed. Policy recommendations can prevent issues by identifying areas of concern and subsequently offering options to improve policing. It builds greater trust in the community. It improves relationships by fostering communication between community and police. It helps police better understand how their words, behaviors and attitudes can unknowingly affect public perceptions. It's an opportunity for police to demonstrate desire for increased accountability and the need to eliminate misconduct. It helps improve quality of Internal Affairs investigations. It increases public understanding of police policies and procedures. There are four types of Civilian Oversight Boards.

Type 1 Model: (Investigator Focused)

- Non-police civilian investigators look into allegations of misconduct and recommend findings to chief
- Investigators tend to have specialized training
 - Citizen Police Academy
 - Policy familiarization
 - Internal Affairs investigations
 - Ride-along programs

Type 2 Model: (Review Focused)

- Most common model in police departments
- Oversee Internal Affairs investigations and make recommendations about operations to police
- Staffed by volunteers and community members
 - Creates community trust/buy-in
 - Training highly recommended

Type 3 Model: (Appeals Model)

Complainants may appeal findings established by the police or sheriff's department to citizens, who review them and then recommend their own findings to the chief or sheriff.

Type 4 Model (Auditor Model)

- Monitor/audit processes on how police department accepts/investigates complaints
- Reports thoroughness and fairness of the process to department and public
- Establish public understanding of police policies and procedures
- Make policy recommendations to enhance and improve policies and procedures of police department
 - Builds respect, cooperation and trust between police and community
 - Ensures fair, equitable and professional treatment for all

They researched several police departments to see if they had COBs.

Cleveland Division of Police

- Created per 2016 Consent Decree

Cleveland State University Police Department

- Internal COB overseen by CSU Human Resources Department

Cleveland Clinic Police Department

- Internal COB overseen by CCF Human Resources Department

Cuyahoga Metropolitan Housing Authority Police Department

- In process of creating COB

Cleveland Metroparks Police Department

- No COB; no plans to create COB

Cleveland Division of Police uses the Type 1 Model

- Nine members; five appointed by the Mayor, four by City Council.
- Mayor appoints one member as Chairman
- Investigates complaints of misconduct after the conclusion of an investigation by the Office of Professional Standards.
- Creates per-incident and annual reports
- Members of the board are paid \$7,200 per year.
- Total budget is \$159,422

Cleveland Clinic Police Department – Type 2 Model

- Five-member panel chosen by HR Department and serve two-year terms
- Board handles citizen complaints of misconduct
- Board completes a report for every complaint
- No budgetary impact due to the use of salaried employees during work hours. The investigation is conducted by the Professional Standards Commander
- Training is set by the Professional Standards Commander and Board Chair, but must include familiarization in police policy, policy culture, and the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards.

Washington Metropolitan Area Transit Authority (WMATA) – Type 2 Model

- Seven-member board serving 2-year terms for civilian members/3-year terms for law enforcement members
- Three command-level positions from law enforcement in D.C., Maryland, Virginia
- Four citizens - D.C., Maryland, Virginia and one at-large member
- Selected via application process and appointed by WMATA Board
- Reviews misconduct investigations completed by the Office of Professional Responsibility and Inspections on a quarterly basis/makes recommendations regarding the integrity of the investigation.
- Must complete training recommended by the Chief of Police

- Voluntary and uncompensated, but members receive a \$25 fare card for travel.

Bay Area Rapid Transit (BART) – Type 4 Model

- Eleven members appointed by BART Board for 2-year terms
- Overseen by the Office of the Independent Police Auditor who reports directly to the BART Board
- Receives complaints of misconduct directly/issues recommendations to Chief of Police
- Chief of Police can appeal findings of the Board to the General Manager
- Issues monthly and yearly reports
- Receives training arranged by District Secretary
- Funded by the budget of the Office of the Independent Police Auditor

The majority of the police departments use the Type 2 model which is what RTA is looking to use.

Sample Agency/Department with Community Oversight Boards (COB)

	Board Type (Focus)¹	Scope²	Members	Compensation	How COB was Created
Austin	Type 1	Misconduct, Training/Policy, Critical incidents	5+	Paid	Contract with Police Union
Baltimore	Type 1	Misconduct, Force	14	Paid	City statute, in response to consent decree
BART	Type 4	Misconduct	11	Paid	Board of Directors
Cleveland	Type 2	Misconduct	9	Paid	Charter amendment, in response to consent decree
Cleveland Clinic	Type 2	Misconduct	5	Internal Employee	MOU
Cleveland State University	Type 2	Misconduct	~3	Internal Employee	MOU
Nashville	Type 1	Misconduct	11	Paid	Charter amendment
Providence	Type 1	Misconduct, Training/Policy	9	Internal Employee	Code of Ordinances
WMATA/MTPD	Type 2	Misconduct, Review investigations	7	Voluntary	Board of Directors

Board Type Focus¹

Type 1: Citizens investigate allegations of police misconduct and recommend findings to the Chief

Type 2: Police officers investigate allegations and develop findings; citizens review and recommend that the Chief approve/reject findings

Type 3: Complainants may appeal findings established by the police department to citizens, who review them and then recommend their own findings to the Chief

Type 4: An auditor investigates the process by which the police department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public

Scope²

Misconduct: Investigates allegations of misconduct to include abusive language, false arrest, false imprisonment, harassment

Training/Policy: Board makes training and policy recommendations

Force: Investigates uses of force

Members³

CSU does not have a policy in place, number of members is determined by HR as necessary

RTA is looking to do a Hybrid of the Type 2 model which will include Internal and voluntary members. They will all be non-police department employees who will be responsible for reviewing, investigating, hearing and making findings regarding civilian complaints concerning policies, practices and conduct of the police department employees. All sworn police personnel, dispatchers and security personnel will be provided with a transportation provision (ID and transit pass).

With regard to Board selection:

- Seven individuals with a variety of backgrounds
- Selected by application to the COB or by GCRTA recruitment
- Vacancies in an unexpired term shall be filled in the same manner
- Terms for Board Members shall be two years
- Two (2) then the other three (3) Board Members terms will expire every other year to maintain continuity and historical perspective
- Two additional members (non-voting) shall be selected as Subject Matter Experts (SMEs)

The COB shall select one member annually to serve as the chair who will preside over meetings and will have the right to vote on all dispositions. The chair shall select a designee during his/her absence. The COB shall have jurisdiction over all complaints filed by citizens against GCRTAPD employees.

Typical complaints include:

- Excessive force
- Criminal behavior
- Illegal search/seizure of person and vehicle
- Harassment complaints, to include those alleging bias and profiling
- Second offense of unprofessional conduct/behavior complaints occurring in a rolling year.

The Administrative Commander (AC), in consultation with the chairperson, shall be responsible for coordinating a training program to familiarize new board members with GCRTAPD policies, procedures, police culture, and the Commission on Accreditation of Law Enforcement Agencies (CALEA) standards. They will look at recommended training from the National Association for Civilian Oversight of Law Enforcement to determine best practices.

Next Steps

COB Policy draft - Q4 – 2021
COB Recruitment - Q1 – 2022
COB seated - Q2 – 2022
COB Startup - Q3 – 2022

Chief McCall asked if the two non-police department board members are RTA employees. Dr. Caver confirmed. Chief Jones explained that two RTA employees and three civilian members outside RTA will make up the Board. Chief McCall said there should be given more thought to include more public civilians. Maybe add more slots or have more external insight. The examples center around engaging the external members engaged. It lends to better credibility. Dr. Caver said this will be taken into advisement. As they looked at having non-policing members, they found that some communities had a hard time retaining the non-employee members. President Lucas added that this is still in concept form.

Mayor Koomar asked who would select the Board members. Chief Jones said the CEO/GM would be responsible for selecting members. Mr. Joyce confirmed that the non-voting members will be subject matter experts. Chief Jones confirmed. Ms. Duarte said this is a chance to create professional development opportunities. Mayor Weiss gave kudos to the staff. He asked for more details about the different models and the pros and cons for each. He asked if this would replace the current disciplinary process or if it supplements it and reactions from the union. Chief McCall said she can provide additional information to move the process forward. Ms. Birdsong said they want to ensure they address the concerns to move forward in a fair and equitable way. They will follow-up with additional information.

Memorandum of Understanding

Commander Mike Gettings, Transit Police gave the presentation. Today's presentation is on a Memorandum of Understanding between RTA and the FBI. The purpose of the MOU is to continue our membership in the FBI Task Force that we've been a part of for 25+ years. It will delineate the responsibilities of the Task Force personnel. It includes CPD, FBI and other suburban agencies in Cuyahoga County. It will formalize the relationship between participating agencies. The Task Force changed its name so that's why the MOU is changing. Staff request the Committee of the Whole move this item to the full Board for approval at their October 26, 2021 meeting.

Mr. Serrano asked for the new name. Commander Gettings said the new name is The Cartel Gang Narcotics Laundering Taskforce (CGNL). While cartel and narcotics is in the name, they not only look at drug trafficking, but money laundering, human trafficking, alien smuggling, homicide, extortion, etc. Ms. Moss asked for a general overview of what the MOU covers. Commander Gettings said the purpose of the MOU is to delineate the responsibilities of CGNL personnel. They will formalize relationships between participating agencies per policy guidance, planning, training,

public and media relations. It will maximize interagency cooperation to define what each agency is responsible for. They currently have one officer assigned to the Taskforce. The MOU is not intended to create any substantive or procedural enforceable law. It says what the agency does and what the relationship will be between the agencies. The document is protected by the FBI and requires FBI approval from the federal government in Washington to share it. He can review the document with the Board.

It was moved by Mr. Serrano, seconded by Mayor Weiss. President Lucas requested a roll call. There were nine (9) ayes and none opposed. Ms. Duarte stepped away temporarily.

Code Book Updates – Provisions in the Administration and Human Resources Part of the Code

Dawn Tarka, Associate Counsel II, made the presentation. The Board's Policies and Procedures were codified in 1989 (Resolution 1989-176). They are reviewing and updating it to bring the policies in line with current operations. It is subject to review and revision every 3 years.

Today they will discuss the following items. These primarily relate to the establishment this year of the Administration and External Affairs Division.

- Chapter 288 – Administration & External Affairs
- Chapter 291 – Office of Marketing and Communications
- Chapter 295 – Office of External Affairs
- Section 284.01 – Composition – Legal Affairs Division
- Section 620.04 – Diversity & Inclusion

The provision in the Board package have the redlines that relate to the provisions. Essentially they are doing the following:

- Create Division of Administration & External Affairs
- Remove Office of Marketing & Communications as separate offices
- Remove Office of External Affairs as separate offices
- Move Office of OEO and ADA from Legal Affairs to Administration & External Affairs

Marketing & Communications and External Affairs are now under the Division of Administration & External Affairs. RTA has a strong Diversity, Equity & Inclusion policy. The revisions are intended to add language to make the idea of equity explicit in the policy. It also proposes to add introductory language acknowledging that public transportation as an anchor for equal opportunity and social and economic equity.

Staff requests that the Committee of the Whole recommend these provisions to the Board of Trustees for approval. It was moved by Chief McCall, seconded by Mayor Weiss. President Lucas requested a roll call. There were ten (10) ayes and none opposed.

Executive Session Requested

President Lucas asked for a motion to consider the following agenda items in Executive Session. There won't be any legislation presented after the session.

- To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official.
- To review the negotiations concerning the compensation/terms and conditions of employment for GCRTA's union employees.
- To consider the purchase of property for public purposes or the sale of property at competitive bidding.

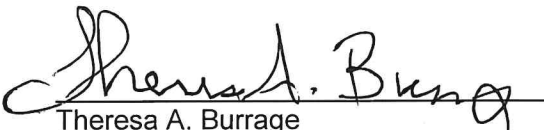
It was moved by Mr. Serrano, seconded by Ms. Pellot. There were ten (10) ayes and none opposed to go into Executive Session.

It was moved by Mayor Koomar, seconded by Mr. Serrano to come out of executive session. There were ten (10) ayes and none opposed.

The meeting was adjourned at 11:16 a.m.



Rajan D. Gautam
Secretary/Treasurer



Theresa A. Burrage
Executive Assistant