



SHAKER HEIGHTS

MEMORANDUM

To: City Council

From: William M. Ondrey Gruber, Director of Law

Cc: Mayor David E. Weiss
Jeri E. Chaikin, Chief Administrative Officer

Date: August 25, 2023

Re: **Resolution Adopting a Framework for Maintaining a Safe and Just Shaker Heights; City and Shaker Citizens for Fair Ticketing PAC agreed-upon Framework; PAC withdraws Proposed Charter amendment from November ballot.**

On July 28, 2023, the Shaker Citizens for Fair Ticketing PAC (PAC or Fair Ticketing PAC) submitted petitions for proposed City Charter amendments, and the Cuyahoga County Board of Elections (BOE) subsequently found that there were a sufficient number of signatures to place the proposed Charter amendments on the ballot in November. To place the issue on the ballot would require an ordinance of Council be enacted and submitted to the BOE by September 8th.

After the submission of the petitions, the City engaged in a series of discussions with the PAC, which led to an agreed-upon document entitled the “Framework for Maintaining a Safe and Just Shaker Heights,” in which the City agreed to a series of actions and the PAC agreed to withdraw the Charter amendments petition. On August 21st the PAC submitted a letter to the City stating the following:

As the committee members of the Shaker Citizens for Fair Ticketing PAC, and on behalf of the petitioners of our Charter Amendment campaign, we hereby withdraw the proposed Charter Amendments entitled “Article VIII: Charter Amendment to Create a Safer Shaker Heights and Modernize Public Safety” which we submitted to the City on July 28, 2023, along with signed petitions. We ask that City Council not adopt an ordinance submitting the petitions to the Cuyahoga County Board of Elections and that the issue should not be placed on the ballot.

This withdrawal of the petitions for the Charter Amendment is made in consideration of the City Council enacting a resolution on August 28, 2023 adopting a Framework for Maintaining a Safe and Just Shaker as agreed upon with our committee.

The Framework is set forth in the attached Resolution being presented for Council consideration. The Framework calls for, among other things:

- A community-wide Listening Project, designed and facilitated by an independent third-party facilitator and/or consultant, to have a community-wide discussion on policing policies and practices;
- A commitment by the City to continue working towards an expansion of its Mental Health Response Program;
- Creation of a Community Advisory Group to advise the Mayor (in their elected role and as Safety Director), the Police Chief, the Chief Administrative Officer, and City Council; and
- The posting online of public records of the Shaker Heights Police Department to make access easier for the public, including data by demographic and other metrics.

It is anticipated that the Framework will be implemented over the next year and on an ongoing basis in some cases. Below is a tentative timeline to give Council an idea of how the Framework will be implemented. Parts of the implementation will be dependent on and subject to, for example, the budget process for the 2024 City budget, the results of several grant applications, and discussions with third parties like the Joint Dispatch Center, of which the City is but one member. The implementation of the Listening Project will be greatly dependent on the consultant hired to design the Project and their recommendations for its structure and timing.

Tentative Timeline to Implement the Framework (Subject to Change)

Adopt Framework

8-28-23 – Adoption of Resolution; issue joint public statement

Listening Project

October 2023 – Prepare and issue RFP

November 2023 – Proposals due; form internal review group with PAC representative

November-December 2023 – review proposals and make recommendation

January 2024 – Seek Council approval of consultant contract

February 2024 – Finalize consultant contract

March-August 2024 – Approximate timeframe for the Listening Project to be conducted – depending on consultant proposal and guidance

September 2024 – Report Issued from Listening Project

Mental Health Program Expansion

October 2023 – Expected timeframe for decision on grant application

November –December 2023 – Budget discussion and decisions on funding regarding the Program

2024 – Ongoing discussions about potential funding sources and with Joint Dispatch Center

Community Advisory Group

1st Quarter 2024 – Advertise for volunteers for Group membership and create Group

2nd Quarter 2024 – First meeting of Group

Public Records Online Repository

August 2024 – Posting of public records online – depending on Motorola upgrade timeframe

September 2024 – Post 4 years (2020-2023) of certain public records

Recommendation:

It is requested that Council approve the proposed Resolution “Adopting a Framework for Maintaining a Safe and Just Shaker Heights.” It is requested that the Resolution be passed on first reading.

RESOLUTION NO.

BY:

Adopting a Framework for Maintaining a Safe and Just Shaker Heights.

WHEREAS, the City and the Shaker Citizens for Fair Ticketing PAC ("PAC" or "Fair Ticketing PAC") through a series of discussions have agreed to the provisions set forth below, which in its entirety is referred to as the Framework for Maintaining a Safe and Just Shaker Heights (or "Framework"); and

WHEREAS, the City acknowledges that profiling and bias in policing exist throughout our nation, and that this national problem has disproportionately negatively impacted people of color; and

WHEREAS, Shaker Heights is committed to its efforts to combat this problem by continuing to work toward safe, equitable, transparent, and accountable policing, to avoid biased or discriminatory policing, and to strive to achieve a just City for all persons who live, work and visit the City; and

WHEREAS, the City commits to conducting a community-wide listening project (the "Listening Project" or "Project") to listen to residents and encourage residents to speak out and have a community conversation about any concerns and suggestions about police policies and practices, and particularly about any real or perceived bias in policing in the City, and the Listening Project will be conducted as follows:

1. The Project will include discussions about specific policy and practice reform proposals, the City's Mental Health Response Program, and a Public Records Repository;
2. The Project will be designed and facilitated by an independent third-party facilitator and/or consultant;
3. The Fair Ticketing PAC will propose three persons, from which the City will choose one, to participate in the internal review group for the proposal process used to recommend the facilitator/consultant, which ultimately must be approved by Council;
4. The Listening Project will be designed to include subject matter experts such as law enforcement and mental health professionals, as well as neighborhood leaders, etc.;
5. Results from the Listening Project will be presented in a public report, posted on the City's website, with policy suggestions, such as how best to undertake and communicate investigations of community complaints related to the police; and
6. The Project will include input from residents from all of the City's nine neighborhoods, while centering the voice of people of color; and

WHEREAS, the City has already been working towards the appropriate expansion of its existing Mental Health Response Team (MHRT) and the City commits to continue to do so, as follows:

1. The City has applied for a grant and its goal is to expand its Program in the City, and through the Joint Dispatch Center, if possible;

2. The City also is exploring expansion of the Program through discussions with other governmental agencies;
3. The goal will be to create a program that operates 24-hour, 7 days a week;
4. The City commits to encouraging and working with the Joint Dispatch Center to provide additional ongoing training of dispatchers on how to respond to mental health related calls, and to hire a mental health professional at the Joint Dispatch Center to assist in responding to 9-1-1 calls; and this mental health professional located within the shared dispatch center would assist eligible callers by helping de-escalate situations, gathering information, and (if eligible) routing persons to the Police, Fire and/or MHRT services, as needed;
5. The City's Program will work with the City's mental health professionals and law enforcement, in consultation with one or more mental health organizations, to determine which types of incidents can allow for the mental health professionals to respond independently when a situation has been determined to be safe, such as in the case of non-violent calls involving minors and those with disabilities;
6. The City's Program includes, and City will work to continue to include, appropriate follow-up check-ins and visits for all mental health related calls, with the intent of proactively engaging with the community; and
7. If the City does not receive a grant for the expansion of the City's Program, the City Administration will bring up the issue in the City's budget process for the 2024 budget which is conducted in the fall of 2023 and completed in December 2023; and

WHEREAS, regarding Police Department policy, the City commits to the following:

1. The City commits to continue to pursue community policing initiatives that include bike patrols, "walking the beat," attending and holding community events, and being present in the community, and considering the recommendations of the Listening Project;
2. The City commits to continuing anti-bias, community engagement and de-escalation training, provided by both independent third-party providers who are expert in police training and internal experts;
3. The City commits to continue to patrol the City's neighborhoods equitably, considering calls for service, incident levels, distribution of population, and other reasonable factors, including recommendations from the Listening Project;
4. The City uses the decrease in the crime rate and other factors as a metric of success rather than the number of arrests by officers;
5. As measures of success in Shaker Heights, the City will look at a reduction in the crime rate along with the results of citizen satisfaction surveys regarding policing including, among others, that our citizens feel safe and secure, and whether they are experiencing the appropriate level of police presence in their neighborhood and throughout the City; and
6. Police Officers concentrate their traffic enforcement efforts on hazardous moving violations, and the behavior of a driver is the primary and sole reason for the issuance of a citation. Hazardous moving violations include, but are not limited to, speeding,

operating a motor vehicle while intoxicated, distracted driving (cell phone use), and red light/stop sign violations; and

WHEREAS, the City commits to the creation of a Community Advisory Group ("Advisory Group"), as follows:

1. The Advisory Group shall have a minimum of 12 members, appointed by the Mayor in consultation with City Council, with representation from minority communities, the City's neighborhoods, and other community stakeholders, and with one member representing the Fair Ticketing PAC for the initial Advisory Group;
2. The Advisory Group will be chaired by the City's DEI Chief Officer and meet at least twice a year, and more often as the Chair determines is necessary;
3. The Advisory Group will be established for the purpose of advising the Mayor (in their elected role and as Safety Director), the Police Chief, the CAO, and Council; and this advice could include providing feedback on the implementation of recommendations from the Listening Project, providing additional and ongoing feedback on policing policies and practices, the operation and expansion of the Mental Health Response Program, and community engagement for both the police and mental health professionals, with an overriding goal of avoiding biased policing and negative community perceptions, improving community relations, and maintaining a just City; and
4. Any legislative recommendations will be made by the Advisory Group to the appropriate Council committees; and

WHEREAS, the City commits to creating an online public records repository as follows:

1. The City will post online certain Police Department public documents and reports for the past 4 years and ongoing, as allowed by law and the retention schedule approved by the State of Ohio, including the results of police investigations and responses to threats/uses of force reports, and other public documents that are frequently requested by the public, and provide the data by demographic and other metrics;
2. The City will also review and work to improve and update, as needed, its complaint filing process, including online, to make filing a complaint more easily accessible;
3. The City will continue to issue annual reports, and post them online, on responses to threats/uses of force, completed police investigations, and moving traffic violations; and
4. The repository shall be updated quarterly; and

WHEREAS, the Shaker Citizens for Fair Ticketing PAC has submitted a letter to the Mayor and Council withdrawing its Charter Amendment petition from the ballot.

NOW, THEREFORE, be it resolved by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council adopts the Framework for Maintaining a Safe and Just Shaker Heights agreed to by the Administration and the Shaker Citizens for Fair Ticketing PAC, as set forth in this Resolution.

Section 2. The Clerk of Council is authorized and directed to give notice to the Cuyahoga County Board of Elections of the withdrawal by the Shaker Citizens for Fair Ticketing PAC of its Charter Amendment petition from the ballot.

Section 3. This resolution is hereby adopted as an administrative measure not subject to referendum, and therefore this resolution shall take effect immediately upon its enactment and approval by the mayor.

Adopted

Approved this ____ day of _____ 2023.

DAVID E. WEISS, Mayor

Attest:

William M. Ondrey Gruber
Clerk of Council Pro Tem

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