

Special Commission on

Missing Persons and Sex Crime Investigations



Executive Summary

Teresa Metcalf Beasley

Mary Bounds

Megan O'Bryan



VORYS



Executive Summary

Background Information

On December 9, 2009, City of Cleveland (the “City”) Mayor Frank G. Jackson appointed a Special Commission on Missing Persons and Sex Crimes Investigations (the “Commission”). Mayor Jackson tasked the Commission with the following objectives:

- Examine the City’s existing policies and practices in handling cases that involve missing persons and sex crimes to determine if the City follows its own policies.
- Research best practices from around the country and compare the same to the City’s practices.
- Recommend changes to the City’s policies and practices, if warranted.

The Commission consists of Vorys, Sater, Seymour and Pease LLP (“Vorys”) attorney, Teresa Metcalf Beasley, City of Cleveland Assistant Director of Public Safety, Mary Bounds, and President/CEO of the Cleveland Rape Crisis Center, Megan O’ Bryan.

The Commission would like to extend its appreciation to Vorys, the City of Cleveland’s Department of Public Safety, the Cleveland Rape Crisis Center, the City of Cleveland’s Division of Police, and all of the community members who provided input during the past 90 days. It is with the cooperation and support of these groups, individuals, and the community that we are able to deliver this final report (the “Report”).

Scope of the Issues

The Commission analyzed the Cleveland Division of Police’s (“CPD”) responses to reports of missing persons and sex crimes. The Commission’s review was limited to the CPD’s response to reports of missing persons over the age of 18 and sex crimes where the victim was over the age of 18.

As a starting point for its analysis, the Commission obtained local and national statistics on the frequency of missing persons reports and sex crimes. According to the National Crime Information Center Missing Persons File (“NCIC”) database, in 2008 there were 778,161 missing persons reports made nationally. The NCIC database was implemented in 1975 to retain all missing persons records indefinitely until the individual is located, or the entering agency cancels the record. The CPD received 2,552 reports of missing persons in 2008, according to the CPD’s Crime Analysis Unit 2008 data.

In 2008, there were 633 rapes (including both children and adults) reported and investigated by the CPD, resulting in charges being filed in 142 of the reported cases. An additional 1,600 sexual assault referrals were received by the Cuyahoga County Department of Children and Family Services that year. According to the U.S. Department of Justice’s 2005 National Crime Victimization Study, 60% of sexual assaults are unreported. This indicates that the number of rapes that occurred in the city of Cleveland in 2008 was possibly as high as 3,165. United Way of Greater Cleveland’s 2007 Core Services Report on Sexual Assault, indicated that an estimated 11% of the population (or 149,274 people) of Cuyahoga County (the “County”) have been raped some time in their lives and are in need of healing services.

Methodology

The Commission used three primary methods of information gathering: (1) community input, (2) field experience, and (3) analysis of 16 comparison police departments in 16 cities across the United States (the “Comparison Police Departments”).

Stakeholder Input and Field Experience

Stakeholder input was gathered through community forums, focus groups, interviews of related professionals and subject experts, and mechanisms for anonymous input, including email, voicemail and U.S. mail. In addition, in order to better understand the policies, procedures, and practices of the CPD, the Commission participated in several methods of field research, including ride-alongs with patrol officers and site visits to the Communication Control Section for the CPD, the Sex Crimes Unit of the CPD, and the Northeastern Ohio Regional Fusion Center (the "Fusion Center") located at the Justice Center.

Comparison Police Departments

In addition to the community input, the Commission engaged in a careful analysis of the CPD's internal policies, which are referred to by the CPD as General Police Orders ("GPO"), regarding the investigation of missing persons and sex crimes. The Commission began by completing a thorough legal analysis of the CPD's GPO No. 6.2.10 on missing persons investigations ("Missing Persons GPO") and the CPD's GPO No. 6.2.09 on sex crimes investigations ("Sex Crimes GPO," and collectively with the Missing Persons GPO, the "GPOs"). The Commission also completed a thorough analysis of the CPD's Sex Crimes Unit Procedure Manual (the "Sex Crimes Unit Manual"). This legal analysis included legal research on requirements imposed on the CPD by state and municipal law.

After gaining a clear understanding of how the CPD is required by state and municipal law and its GPOs to respond to reports of missing persons and sex crimes, the Commission analyzed how the Comparison Police Departments respond to reports of missing persons and sex crimes. The Commission conducted extensive legal research to analyze the investigative steps each Comparison Police Department is required to take in response to reports of missing persons or sex crimes according to (1) state law, (2) municipal law, and (3) the police department's internal policy. In connection with this analysis, the Commission analyzed the International Association of Chiefs of Police's ("IACP") model policies on missing persons and sex crimes, and the Ohio Attorney General's Best Practices Protocol for Law Enforcement in Missing Persons Cases ("OAG Missing Persons Best Practices Protocol").

Recommendations

The Commission has determined that its objectives in setting forth recommendations are: (1) to encourage reporting of missing persons and sex crimes; (2) to strengthen the CPD's investigative skills and techniques in missing persons and sex crimes investigations by ensuring that officers receive additional training; (3) to create recognized best practices in the area of missing persons and sex crimes investigations; (4) to increase awareness of resources available to victims of sex crimes (and their families) and to families of missing persons; (5) to strengthen systemic collaboration between regional criminal justice organizations; (6) to hold more offenders accountable both pre-arrest and post-arrest; and (7) to enhance the relationships between the CPD, the community, and the media by forming strategic partnerships when possible.

In order to accomplish these objectives, and based on the Commission's analysis of the information gathered, the Commission has concluded that the CPD and certain external agencies, as noted, should implement the recommendations listed below.

Recommendations for CPD

1. Create a Missing Persons Unit charged with collecting, analyzing, and disseminating information related to persons reported missing.

In order to both improve the record keeping and the detection of patterns related to missing persons, and the relationship between the community and the CPD related to the investigation of missing persons, the Commission recommends that the CPD create a stand-alone Missing Persons Unit.

2. Relocate missing persons liaison officer assigned to Record File Section to the Fusion Center.

The missing persons liaison should be assigned to office space located within the Fusion Center and perform the job duties of the missing persons liaison from within the Fusion Center in order to facilitate more information sharing and collaboration of resources amongst the five county region served by the Fusion Center.

- 3. Revise and update the Missing Persons GPO to include better practices used by Comparison Police Departments and create a nationally recognized best practice for the investigation of missing persons.**
The Commission recommends that the current Missing Persons GPO be divided into two revised general police orders—one that specifically addresses missing persons over the age of 18, and another that specifically addresses missing children. The revised Missing Persons GPO should include the better practices identified in this Report.
- 4. Create a missing persons website.**
In order to increase public participation and public awareness, it is recommended that the CPD create a missing persons website that enables the public to have immediate, searchable access to information on persons reported missing.
- 5. Revise and update the Sex Crimes GPO to include better practices used by Comparison Police Departments and create a nationally recognized best practice for the investigation of sex crimes.**
The Commission recommends that the scope of the current Sex Crimes GPO be significantly expanded to provide comprehensive guidance on the investigative procedure from the initial report through the conclusion of the case. The revised Sex Crimes GPO should include the better practices identified in this Report, such as enhancing the initial response, employing a rapid response in certain cases, recommending the victim be examined at a hospital with a Sexual Assault Nurse Examiner (“SANE”) Unit, the expedient processing of forensic evidence, and enhancing victim advocacy.
- 6. Immediately implement a communications system in the existing Sex Crimes Unit to provide victims more timely access to detectives and to give detectives better options to contact victims.**
It is the Commission’s recommendation that detectives in the Sex Crimes Unit, immediately be provided with improved communications systems that enable victims and their families to easily contact detectives, such as City-issued cell phones or smart phones, email access, and additional technology.
- 7. Implement web-based electronic case management system in the Sex Crimes Unit.**
In order to increase the efficiency within the Sex Crimes Unit, the entire unit should implement an electronic case management system. This would allow for more timely receipt of reports from first responders, assignment of cases to the various detectives, evaluation of caseload of each detective, follow up on cases and respond to inquiries.
- 8. Improve the physical environment for victims making sex crimes reports and statements at the district level and in the Sex Crimes Unit.**
The Commission recommends that the Sex Crimes Unit be immediately relocated to a victim-friendly, neutral location such as 205 St. Clair Avenue. The Commission recommends that the guiding principles for the redesign of the Sex Crimes Unit are that the Sex Crimes Unit (1) be as comfortable as possible for the victim, (2) be equipped with updated technology, and (3) be set-up to maximize the efficiencies of the detectives. At the district level, each police station should create a private area so that a victim reporting a sex crime can feel a sense of privacy and security.
- 9. Provide an administrative professional to serve as office personnel in the Sex Crimes Unit.**
It is the recommendation of this Commission that an administrative professional be assigned/employed within the Sex Crimes Unit to handle the various administrative functions so that the detectives may utilize their time more efficiently and effectively.
- 10. Dedicate a detective from the Sex Crimes Unit to work on the newly created Violent Crimes Task Force under the jurisdiction of the Federal Bureau of Investigation.**
The Commission recommends the CPD assign one of their Sex Crimes Unit detectives to work with the Federal Bureau of Investigation’s (“FBI”) Violent Crimes Task Force. This will facilitate a better understanding of local sex crimes within the task force and encourage a close working relationship between the CPD, the FBI, and the Cuyahoga County Sheriff’s Department.

- 11. Expand the City of Cleveland Municipal Prosecutor’s Domestic Violence Unit to include sex crimes.**
The City of Cleveland Municipal Prosecutor’s Domestic Violence Unit (“DVU”) should be expanded to include sex crimes, and would then be known as the Domestic Violence and Sex Crimes Unit (“DVSCU”). With the expansion of the DVU to the DVSCU, several new City prosecutors with specialized training on the investigation and prosecution of sex crimes should be assigned to the DVSCU, as well as one or two professionally trained advocates with specialized training in working with victims of sex crimes. The DVSCU would review and assist with sex crimes cases as the DVU currently does with domestic violence cases.
- 12. Cleveland Department of Law should provide a City Prosecutor to serve as Police Legal Advisor to the Sex Crimes Unit for consultation and case preparation review.**
With the expansion of the DVU to include sex crimes investigations, the City Prosecutor should also assign, on a full-time basis, a prosecutor from the expanded DVSCU to provide day-to-day legal advice to the Sex Crimes Unit in the capacity of a Police Legal Advisor.
- 13. Renegotiate the Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen’s Association (the “CBA”) to allow the assignment of officers into the Sex Crimes Unit based on skill-set, performance, and experience.**
The Commission recommends that all assignments into the Sex Crimes Unit be made based on an assessment of an officer’s skill-set, performance, and experience. All officers should be interviewed in order to determine the skills each officer possesses. This multifactor analysis will allow the Chief of Police to make 100% management selections that will ensure that the Sex Crimes Unit is supported by the most qualified detectives.
- 14. Review the Memorandum of Understanding between the Cuyahoga County Department of Children and Family Services regarding referrals to the Sex Crimes Unit.**
It is the recommendation of this Commission that the Memorandum of Understanding (“MOU”) between the Cuyahoga County Department of Children and Family Services (“DCFS”) and the CPD be revisited within three months from the date of this Report to determine (i) the necessity for all DCFS allegation referrals to be forwarded to the Sex Crimes Unit; (ii) the type of referrals that should be submitted to the Sex Crimes Unit, in addition to emergency cases of physical and sexual child abuse and neglect; and (iii) the best and most effective means to submit the information electronically. Under the revised MOU, DCFS should be responsible for triaging the referrals received and sending only the most serious referrals to the CPD.
- 15. Implement mandatory training on best practices in report-taking and investigation of missing persons and sex crimes.**
The Commission recommends that all CPD personnel that have a role in the process of taking reports on and investigating cases involving missing persons and sex crimes be required to participate in additional training every three years on best practices in report-taking and investigation. In order to minimize cost and maximize the number of officers that can receive the training, this training can be video or computer-based to increase access to the training.
- 16. Create and deliver training to all CPD personnel on customer service in order to improve the interaction between the public and the CPD, and the public’s perception of the CPD.**
The CPD should immediately create and implement a training program that reinforces the importance of all CPD personnel being courteous and friendly to citizens during all interactions. The training should also emphasize the importance of responding quickly and professionally to all requests for assistance.
- 17. Provide training on unique issues facing marginalized populations to police officers and dispatchers.**
The CPD should immediately identify marginalized populations within the City, identify obstacles or barriers these populations encounter when attempting to access criminal justice services, and develop solutions to overcome them. Based on its analysis, the CPD should then create a training program that informs police officers and dispatchers of the obstacles and how they can minimize the obstacles. Training related to marginalized populations should be provided to police officers and dispatchers at least once every two years. The first training related to marginalized populations should be provided within 12 months, but no longer than 24 months, from the date of this Report.

18. Contract with an external agency to conduct an initial audit of CPD's operations for quality assurance 12 months after implementing the Commission's recommendations.

The Commission recommends that the Civilian Police Review Board, on behalf of the CPD, contract with an external agency to conduct an initial audit of CPD's operations for quality assurance.

19. Utilize the Civilian Police Review Board as an oversight body to review the CPD's handling of missing persons and sex crimes investigations on an ongoing basis.

This Commission recommends that the Director of Public Safety direct the Civilian Police Review Board to oversee the CPD's handling of missing persons and sex crimes investigations on an ongoing basis. The CPD should provide quarterly reports and regular updates to the Civilian Police Review Board on the status of investigations, case-loads, victim participation, prosecution, and any other items deemed of material concern by the Civilian Police Review Board that impact the day-to-day operations of the Sex Crimes Unit and the recommended Missing Persons Unit.

20. Contract with an external agency to survey the community's perception of the CPD and provide feedback twelve months after implementing the Commission's recommendations.

In order to ensure that the relationship between the community and the CPD is improving based on the steps taken by the CPD in response to this Report and otherwise, the Commission recommends that the Civilian Police Review Board, on behalf of the CPD, contract with an external agency twelve months after implementing the Commission's recommendations to determine whether the community's perception of the CPD is improving.

21. Complete a caseload evaluation in the Sex Crimes Unit twelve months after implementing the Commission's recommendations.

At least 12 months, but not longer than 24 months, after the implementation of these recommendations, including oversight by the Civilian Police Review Board, the Commission recommends that the Civilian Police Review Board conduct an audit and evaluation of the caseload of the detectives within the Sex Crimes Unit as well as the Missing Persons Unit to determine whether or not the caseload per detective is appropriate.

22. Continue to support criminal justice initiatives that are currently underway in Cleveland and the County.

The Commission recommends continued general support for the County Justice Reform Initiative, the Cuyahoga County Sexual Assault Response Team ("SART") and the Family Justice Center, by providing appropriate personnel and funding if necessary and available, and specifically recommends participation by the CPD at the bi-monthly SART meetings along with adoption of "best practices" created or recommended by SART.

23. Implement a community awareness, relations and education campaign.

The Commission recommends that CPD launch a public awareness, relations and education campaign using billboards, Channel 20, the internet, various media outlets, and other methods of communication. The campaign should encourage individuals in the community to report crime to the CPD with greater frequency. In addition, the Commission recommends the CPD better publicize and utilize the community meetings and safety fairs currently being held in the districts to better engage the community.

24. Partner with grassroots organizations to communicate with and educate the community.

The Commission recommends that the CPD actively seek the involvement of volunteer grassroots organizations in the police community relations monthly district meetings and other community events. The involvement of grassroots organizations in these meetings will improve the relationship between the CPD and the community and may facilitate strategic engagement of those grassroots organizations in investigations.

25. Improve partnerships with the media to enlist their assistance in missing persons and sex crimes cases.

The Commission recommends that the CPD build and improve partnerships with local media. The Commission further recommends that CPD send the list of missing persons it publishes weekly to local media outlets, and that local media publish the list on their website and in print publications, as space is available.

26. Implement recommendations from the study of the Sowell case conducted by the Federal Bureau of Investigation's Behavior Task Unit.

The Commission recommends that the CPD implement the recommendations of the Federal Bureau of Investigation's Behavior Task Unit's study that was undertaken in response to the Sowell case.

Recommendations for External Agencies

As the Commission gathered information on how the CPD investigates missing persons and sex crimes cases, the Commission realized the extent of interaction that the CPD has with agencies external to the CPD. In order to improve these interactions, the Commission recommends that the Ohio Attorney General and the County take certain steps.

The Ohio Attorney General should revise or develop best practices protocols for law enforcement related to missing persons and sex crimes investigations, increase training (and provide funding for training) at the Ohio Peace Officer Training Academy related to missing persons and sex crimes investigations, and allocate sufficient resources to the State Bureau of Criminal Identification and Investigation ("BCII") to allow for expedient processing of forensic evidence.

In addition, the Cuyahoga County Sheriff's Department should expand its role in educating the community about preventing sexual assault, and should consider funding its increased educational efforts by implementing a registration fee that sex offenders must pay when they register. Additionally, the Cuyahoga County Sheriff's Department should provide notice to all residents within a one-mile radius of the sex offender's residence (increased from 1,000 feet), both initially and when registration is renewed. The Sheriff's Department should interface more closely with the CPD to ensure that both agencies have the most up-to-date information about sex offenders.

In addition to the above recommendation that the Ohio Attorney General allocate sufficient resources to BCII for expedient processing of forensic evidence, the Commission recommends that the County process forensic evidence locally. As a temporary solution, the Forensic DNA Department at the Cuyahoga County Coroner's Office should be expanded so that it can process forensic evidence for law enforcement agencies within the County. The County should also create a permanent, stand-alone County crime lab to process all forensic evidence for law enforcement agencies in the County.

Finally, the Cuyahoga County Chiefs of Police Association should review and consider implementing the Commission's recommendations within each member's jurisdiction. This will streamline the process for investigating missing persons and sex crimes cases throughout the County.

Implementation

It is recommended that an oversight committee of volunteers (the "Oversight Committee") be appointed by Mayor Jackson to monitor the CPD's implementation of the Commission's recommendations. The Oversight Committee should be required to report to the Mayor and the community on a quarterly basis on the progress of implementation of the Commission's recommendations. The members of the Oversight Committee should have the following areas of expertise: (i) an advocate with special training, education and experience with victims of sex crimes or missing persons; (ii) technology and system integration; (iii) law enforcement; and (iv) community relations.

The Oversight Committee should also work with the external agencies to facilitate implementation of the Commission's recommendations.



VORYS