

BRATENAHL VILLAGE
BRATENAHL VILLAGE HALL
411 BRATENAHL ROAD
BRATENAHL, OHIO 44108

MAYOR'S AD HOC POLICE POLICY
REVIEW COMMITTEE MEETING

CONDUCTED VIA ZOOM

MARCH 16, 2021
5:36 p.m.

MAYOR JOHN LICASTRO
RUSSELL O'ROURKE, CHAIR
TERESA DEWS
WILLIAM GARY
TRACY HOEFLING
MICHAEL JEANS
THOMAS MILLER

NANCY L. MOLNAR, RPR, CLR

3

1 MR. O'ROURKE: So I take a motion to
2 approve them?

3 MR. JEANS: Motion to approve.

4 MR. GARY: So moved.

5 MR. O'ROURKE: Second?

6 MS. HOEFLING: Second.

7 MR. O'ROURKE: Any discussion? All in
8 favor?

9 MR. GARY: Aye.

10 MS. HOEFLING: Aye.

11 MR. MILLER: Aye.

12 MR. JEANS: Aye.

13 MR. O'ROURKE: Any opposed? Motion
14 carries. Thank you.

15 Now, on our agenda, the next topic is
16 discuss and make individual assignments for
17 committee work. And I've asked William to talk a
18 little bit about his background in working with
19 Tri-C and police. Well, training. Can you tell
20 us about that --

21 MR. GARY: Sure.

22 MR. O'ROURKE: -- so we can find that
23 helpful for us?

24 MR. GARY: Sure. I don't know how many
25 of you are aware, and maybe the Mayor is aware,

2

1 MR. O'ROURKE: Well, the big hand, as
2 they say, is on the 6, so let's call the meeting
3 to order. And for rollcall, we have Michael and
4 Tom and Tracy and William. Who is TD? I can't
5 hear you. You're muted, John.

6 MAYOR LICASTRO: It's Teresa.

7 DR. DEWS: Teresa. I'm here.

8 MR. O'ROURKE: Okay. You're just not a
9 picture.

10 DR. DEWS: I'll be right there.

11 MR. O'ROURKE: Okay. No problem. No
12 problem. And so we're missing Abby and let's
13 see, one, two, three, four, five, six, seven,
14 we're missing Abby only. Good.

15 Has everyone had the chance to review
16 the minutes, which were sent to us sometime
17 back -- as just before you got here, I was saying
18 that I was thinking minutes are going to be
19 minutes as opposed to your report, which isn't a
20 bad thing. I'm just saying has everyone had a
21 chance to review the minutes that Nancy took at
22 our last meeting?

23 MR. JEANS: Yes.

24 MR. MILLER: Yes.

25 MS. HOEFLING: Yes.

4

1 but Tri-C, I guess, for 50 years now has had
2 probably one of the largest public safety
3 academies in Ohio. It does a lot of training for
4 law enforcement, fire training. It provides
5 basic training through the police, fire, and
6 private security, corrections, and bailiff
7 academies.

8 This is an organization that has
9 received not only a lot of statewide attention,
10 but national attention. For an example, just
11 recently, the Public Safety Center of Excellence,
12 which is what we are calling it, has partnered
13 with the Cuyahoga County to provide crisis
14 intervention training for law enforcement, which
15 is a 40-hour contact program and certification
16 course that's held at our public training center.

17 And it's a part of a grant or contract
18 that we have with the county to provide police
19 training, both virtual and scenario based, out at
20 our Scenario Village in Parma. The contract
21 calls for training more than 2500 offices in the
22 Northeast Ohio area and that is ongoing as we
23 speak.

24 And the whole purpose is to sensitize
25 individuals in law enforcement tactics such as

1 deescalation training, sensitivity training, how
2 do you address various issues regarding
3 diversity, equity, and inclusion. And that just
4 is a sample of the kinds of training that we're
5 offering.

6 We also have a contract with the
7 Cleveland Division of Police where we do all of
8 their cadet training at our police academy. Our
9 fire academy is training firefighters for 50
10 years. We have a paramedic EMT training program.

11 This effort is headed up by our
12 vice-president of public safety and he also
13 serves as the college's chief of police. His
14 name is Clayton Harris. Clayton serves on
15 countless committees, working groups,
16 commissions, throughout the state task forces.
17 He was appointed to many organizations by the
18 Governor and the Attorney General. He represents
19 the county chiefs, the state chiefs of police,
20 the state campus police chiefs, the National
21 Organization of Black Law Enforcement Executives,
22 and the International Association of Chiefs of
23 Police.

24 The Scenario Village that we have built
25 carries cadets and other law enforcement through
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1 scenario-based training. There is a firing
2 range, there is a scenario system where the
3 police actually go through simulation training in
4 very heightened situations that typically they
5 encounter.

6 The Village includes housing, building
7 structures that simulate banks, different types
8 of community kinds of scenarios, and that's where
9 all of the training takes place.

10 We have the driving of police cars out
11 there, so we have a driving range for the police
12 to navigate their various scenarios.

13 So it is an organization that is
14 currently involved in, I think, some of the same
15 kinds of challenges that we're facing here in
16 Bratenahl, particularly when it comes to what we
17 call diversity, equity, and inclusion,
18 sensitizing individuals and addressing some of
19 the issues that have been addressed by the
20 various, I guess I call them, civil rights
21 agencies, if you will. That kind of gives you a
22 summary of the kinds of things that we're doing.

23 MR. O'ROURKE: And how is it that
24 Bratenahl can work with Tri-C or gain knowledge
25 from Tri-C or whatever we need to do to help us,

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1 this committee, do what its task here is?

2 MR. GARY: I guess first I would suggest
3 that we set up a meeting with the chief, who
4 serves as our vice-president, to explain to him,
5 and I think he's knowledgeable about the issue
6 here, but I won't speak for him, to determine how
7 best to engage our police with respect to the
8 programs that we believe would add value to
9 addressing these issues.

10 From a contractual standpoint, I'll
11 leave that up to the college in terms of whether
12 or not that training has associated with it
13 various costs per cadet or an aggregate cost for
14 the terms and conditions of any contractual
15 relationships that we might enter into. So that
16 would be my first suggestion.

17 I have acquainted the chief that I am
18 serving on this committee and that should I need
19 to reach out to him and/or his staff for guidance
20 and input, that he's amenable to having us do
21 just that.

22 MR. O'ROURKE: Okay. That's great. So
23 when can you -- can you do that within the next
24 week or two?

25 MR. GARY: I'd be happy to. Now, I
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1 don't know his schedule, but I can reach out to
2 him this evening to find out what his schedule
3 would be and how that schedule might align with
4 this committee, provide this committee with dates
5 that he would be available. And hopefully I
6 could get some responses no later than tomorrow.

7 MR. O'ROURKE: Okay.

8 MR. GARY: He reports to me, by the way,
9 so hopefully he'll answer my call. (Laughter.)

10 MR. O'ROURKE: I hope so. Now, this
11 meeting with him, at least from my perspective at
12 this moment, would be factfinding more than
13 anything and, John, help me here a little bit
14 with open-meeting issues. If we were to -- how
15 does it work? If we were to get together and go
16 out to lunch with the chief, how are we subject
17 to -- how are we not subject to open meetings so
18 we have to invite everybody in the world to come
19 to lunch?

20 MAYOR LICASTRO: To play it safe, two of
21 you or more can't really meet and talk about
22 topics that pertain to this subject. So really,
23 my suggestion would be to have him attend one of
24 your meetings in this format and just have him
25 contribute in that manner. That's the easiest

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1 way to alleviate any concern about violating the
2 Sunshine Law.
3 MR. O'ROURKE: Okay. I didn't want to
4 trip over anything there and I didn't want to
5 waste his time and kind of broadside him, but I
6 guess William can certainly bring him up to speed
7 so he knows what he's going to be asked about
8 ahead of time.

9 MR. GARY: I'd be happy to do that.

10 MAYOR LICASTRO: William, I think
11 there's an OPOTA training center there as well.

12 MR. GARY: Yes.

13 MAYOR LICASTRO: We've got several
14 officers that graduated from that particular
15 academy.

16 MR. GARY: Yeah, we do all of that. In
17 fact, we have probably the largest completion
18 rate and graduation rate of all the associated
19 academies. Our graduation rate exceeds 95
20 percent completion rate.

21 OPOTA, he sits on that board, I believe,
22 so he's very, very well versed in the kinds of
23 issues that particularly Cleveland now is facing
24 and that's why Cleveland decided to partner with
25 the college and enter into contractual

1 relationships to train, rather, all of its
2 cadets.

3 MAYOR LICASTRO: And one more comment.

4 With the closing of the Cleveland Heights OPOTA
5 Academy, Tri-C is one of the few left in the
6 area, so its role in that vein is even more
7 important.

8 MR. GARY: Yes.

9 MAYOR LICASTRO: Thank you.

10 MR. GARY: Thank you.

11 MR. O'ROURKE: So we have William working
12 on that.

13 Can we have a couple of volunteers to go
14 through the ACLU report as it relates to
15 Bratenahl and look at specific items that we can
16 address at our next meeting with the chief so
17 that we have something concrete to talk about and
18 perhaps, William, you can share the report with
19 him ahead of time?

20 MR. GARY: Okay.

21 MAYOR LICASTRO: Russ -- I'm doing more
22 than just observing -- to get another
23 perspective, would it have value to have our
24 chief or lieutenant on that call as well?

25 Because a lot of the ACLU report, we have a issue

1 with a lot of it, so just for perspective,
2 consider having one of our department members
3 there at the same time.

4 MR. O'ROURKE: You mean at our next
5 meeting or in the call with between William and
6 the chief?

7 MAYOR LICASTRO: I think when your
8 chief, William, attends this meeting, have our
9 chief on the meeting as well.

10 MR. O'ROURKE: I think that's perfect.

11 MAYOR LICASTRO: Thank you.

12 MR. O'ROURKE: No, thank you.

13 MS. HOEFLING: Russell, this is Tracy.
14 I'll volunteer to review their report.

15 MR. O'ROURKE: Okay, Tracy. That's
16 great.

17 DR. DEWS: Russell, this is Teresa.
18 I'll work with Tracy.

19 MR. O'ROURKE: Great. We'll work
20 separately.

21 MR. GARY: Russell, if you would resend
22 me, so I don't have to look through 20,000
23 e-mails, if you could resend me the report or
24 give me the link, I'll be happy to share that
25 with the chief in advance.

1 MR. O'ROURKE: I'll get that over to you
2 this evening.

3 MR. GARY: Great. Thank you.

4 MR. O'ROURKE: And the last item we have,
5 has anyone had the opportunity or no one has
6 asked me, so I don't know if you have access, to
7 go through the Bratenahl Police Policy Manual,
8 which is kind of a living document that is
9 updated from the, it's not nationwide, but it's
10 statewide, John?

11 MAYOR LICASTRO: It's something about a
12 company called Lexipol that gives constant
13 updates with changes in state law or policies so
14 it can be adapted. And then every time there is
15 an update, our officers must sign off
16 acknowledging the change.

17 MR. O'ROURKE: Okay. And that's
18 available to all of us to look at. So we should,
19 I think it's a good idea that we all take the
20 opportunity and we can -- that hasn't been given
21 to all of us, John, I believe. So should they
22 contact Diana or Angela or --

23 MAYOR LICASTRO: That hasn't come from
24 our chief or lieutenant, so let me take that task
25 on. I'll make sure whatever format he can share

1 with you will be shared.
2 MR. O'ROURKE: Okay. Yeah. We had that
3 put together the last time we were together in
4 November. At least between him and me. And so
5 he had said that could be shared in some form,
6 but I forget exactly what he was telling us
7 about.

8 MAYOR LICASTRO: Some of it's
9 proprietary, but whatever we can share, we will.

10 MR. O'ROURKE: Perfect. Does -- those
11 are really the things that I wanted to get
12 through today.

13 Does anybody have any old business that
14 we need to talk about? Or any new business? I
15 think the new/old business is just confirming
16 that this time is going to be a good time every
17 month to meet for our meeting, at least for the
18 foreseeable future.

19 As summer rolls around, we may have
20 different ideas, but 5:30 on this Tuesday is
21 going to be good for everyone going forward?
22 Tell me if you don't. Otherwise, I'll just
23 assume everybody is happy.

24 Okay. Is there anything else anyone
25 would like to discuss before we --

1 MAYOR LICASTRO: Yeah, I'd like to make
2 an offer.

3 MR. O'ROURKE: Yes.

4 MAYOR LICASTRO: So every other Tuesday
5 beginning with this evening we have Mayor's
6 Court. We have COVID restrictions, but we can
7 begin to bring each of you individually, I can't
8 bring you as a group because that violates
9 Sunshine Law, but I can bring one of you to a
10 Mayor's Court on an every-two-week basis so you
11 can observe the function of the court, get a
12 hands-on perspective on how we do business. I
13 think that would be very helpful since that's
14 part of your task to see it real time.

15 MS. HOEFLING: Agreed.

16 MAYOR LICASTRO: So looking at the
17 calendar, today is the 16th, so the 30th would be
18 the next court. Whoever would like to attend,
19 I'll make arrangements for you to sit -- it
20 starts about 5:00. If you sit in for an hour,
21 hour and 15 minutes, you'll get a real feel on
22 how we function. I think that would be very
23 helpful to each of you.

24 MR. MILLER: This would be in person,
25 John?

1 MAYOR LICASTRO: Yeah, it would be in
2 person. Of course, it's COVID, masks,
3 distancing, we'd keep you 6 feet away, but
4 since it was the Mayor's Court that spurred the
5 ACLU report, I think viewing that real time is
6 critical.

7 MR. MILLER: Sure. I'd like to go,
8 maybe skip the next, the 30th. I get my second
9 vaccination on the 30th. The one after that,
10 I'll be in good shape. Two weeks after the
11 second shot, supposed to be all ready to go.

12 MAYOR LICASTRO: So whoever's schedule
13 accommodates that date, just let me know and I'll
14 make arrangements for you to be there.

15 MR. O'ROURKE: So it's 5 until when?

16 MAYOR LICASTRO: It starts about 5:00.
17 It goes until about 6:30, 7:00. If you stay an
18 hour, you get a real feel. You're welcome to
19 stay the entire time.

20 MR. O'ROURKE: I'm just thinking since
21 there are seven of us, to get through one at a
22 time is going to take three, four months. So
23 maybe we do a split shift. Would that work,
24 John, for getting a good feel?

25 MAYOR LICASTRO: You know, let me -- I
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1 think that observing a court, we can probably be
2 a little more flexible regarding the Sunshine
3 Law. You're not there to discuss business;
4 you're there to observe.

5 Let me check with the attorney, because
6 getting two of you in really makes it a
7 no-brainer. I can't do any more than that
8 because of COVID restrictions, but a couple of
9 you put your name forward and I'll have an answer
10 on that in the next day or so.

11 MS. HOEFLING: And, Russell, this is
12 Tracy. I could do the 30th.

13 MR. O'ROURKE: I am virtually positive I
14 can, but if somebody else wants to do it, and
15 they know they can right now, please go ahead.
16 I'm good if nobody else wants it.

17 MAYOR LICASTRO: Okay. Russell, I'll
18 share with you the details, but plan on the 30th
19 at Village Hall and be there before 5:00. Again,
20 I think you'll find it very helpful with this
21 endeavor.

22 MR. O'ROURKE: Okay. So that will be
23 Tracy and me then.

24 MS. HOEFLING: Okay.

25 MR. O'ROURKE: And I know, Teresa, you're
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1 really more available after 5:30, right?
2 DR. DEWS: Right. I just looked at the
3 next couple of meeting dates and I actually have
4 conflicting meetings other than the one for this,
5 for the next one here.

6 MR. O'ROURKE: Okay.

7 MR. JEANS: I can raise my hand for the
8 13th of April. I have a conflict on the 27th.

9 MR. O'ROURKE: Okay.

10 MAYOR LICASTRO: It's every two weeks.

11 MR. JEANS: Yeah, so we got the 30th of
12 March and then two weeks later is the 13th of
13 April.

14 MAYOR LICASTRO: Yeah.

15 MR. MILLER: I'd like to do the 13th if
16 that's doable.

17 MAYOR LICASTRO: Okay. Again, I'll know
18 the next day or so. I'm almost sure we can do
19 two. So that -- the next one would be the 27th.
20 Yeah.

21 MR. GARY: You can put me down for that
22 one as of today, schedule, the way things are
23 going at the college right now, I'm kind of up in
24 the air on a lot of things, if you pencil me in.

25 MAYOR LICASTRO: Can you make that
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1 date -- well, you're going the 13th, so that
2 leaves Abby. Abby and Teresa.

3 DR. DEWS: Was there still room on the
4 13th or did you already have two for that date?

5 MR. JEANS: Me and Tom on the 13th. I
6 have a conflict on the 27th, but if I need to go
7 to May, I can if that works for you, Teresa.

8 DR. DEWS: I'm looking --

9 MR. JEANS: May 11th, I believe.

10 DR. DEWS: Yeah, actually May 11th would
11 work for me as well. I could either swing the
12 13th or May 11th.

13 MR. JEANS: Let's keep it where it is
14 for now, and if I have anything that comes up,
15 maybe I can reach out and we can switch.

16 DR. DEWS: Okay.

17 MAYOR LICASTRO: Russ, will you reach
18 out to Abby?

19 MR. O'ROURKE: I will.

20 MAYOR LICASTRO: Or should I do that?

21 MR. O'ROURKE: I'll do it. As soon as we
22 get off.

23 MR. JEANS: Russell and Mayor, one of
24 the themes, there were maybe three themes I
25 believe I saw in the ACLU report, not necessarily

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1 directed or limited to Bratenahl, but concerns
2 with Mayors' Courts in general. I only raise
3 this for your reaction on the kind of lens we
4 should have as we are observing, but things seem
5 to be fairness, relationship to municipal income
6 or profits, and disproportionate impact on people
7 of color. Are those the kinds -- that's what I
8 saw in the report.

9 What should we be observing and to what
10 end, I guess, is my question?

11 MAYOR LICASTRO: So when you talk about
12 fairness, obviously people are in court because
13 they have broken the law. We're not arbitrary in
14 choosing who comes. People who are there have a
15 violation.

16 If the violation is considered minor, if
17 you're going less than 20 miles over the speed
18 limit, you can waive the ticket. Most opt to do
19 that. But there's certain criteria that you have
20 to appear. If you have multiple offenses, let's
21 say you're driving under suspension and speed,
22 you have to appear for that.

23 So people that appear do so because
24 they're mandated to do so or they're looking to
25 perhaps strike a deal and get -- speak their

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1 mind, tell their story, and get things reduced.

2 Now, if we have 30 or 40 people in
3 court, I think it's safe to say that we amend or
4 dismiss almost every single individual. Just
5 multiple offenses we usually dismiss a couple and
6 leave the primary. We almost always reduce the
7 fine. And some of it we can do with free rein,
8 some of it we can't.

9 For example, driving under suspension,
10 which is a big, big thing in the ACLU report,
11 they don't think people should be cited for
12 driving with a suspended license. Well, the
13 State of Ohio disagrees. If you have a suspended
14 license, you can't drive. The fine in that can
15 be up to \$1,000. The minimum is \$250.

16 So you'll see when you observe the
17 magistrates and prosecutors at work that we are
18 more than fair, more than generous, and I think
19 that's really all I have to say about fairness.

20 The third point you mentioned are people
21 of color. If someone is indigent, they need to
22 tell us that. We make it clear and we take that
23 into consideration. Again, the demographics of
24 who appears in court is just indicative of who
25 drives through Bratenahl. We don't target. We

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1 don't profile. Some courts will be predominantly
2 people of color. Some not. But that's just
3 arbitrary. It's just a question of who is out
4 there breaking the law.

5 If any of you drive on the freeway, it
6 doesn't take long to see people breaking the law.
7 The speeds out there are downright frightening.

8 What was the second point, Michael?

9 MR. JEANS: The relationship to
10 political profits or municipal income.

11 MAYOR LICASTRO: Right. So to eliminate
12 any degree of impropriety or appearance of
13 impropriety, I do not sit as a magistrate. I'm
14 there to orchestrate the court. We have
15 magistrates that are paid a flat rate.

16 Some courts actually, if you can believe
17 this, pay the magistrates a percentage of fines
18 and fees. We do not do that. They're paid a
19 flat rate to be there.

20 And the ACLU put up a billboard a number
21 of years ago saying Bratenahl brought in \$500,000
22 for whatever year it was, I can't remember. That
23 was skewed for two reasons: Number one, that was
24 a year where there was construction on the
25 freeway where fines were doubled; and if we did

1 not amend and dismiss, it probably could have
2 been twice that.

3 So you'll see in real time and in
4 practice how that really is a moot point because
5 of the manner in which we -- we are exceptionally
6 generous with all defendants. Now, if someone is
7 there and they get stupid or rude or just act in
8 a manner that is not appropriate, we're not as
9 generous.

10 But that's why I'm anxious for each of
11 you to see it in real time. They'll conduct
12 themselves when you are there as if you weren't
13 there. I mean, it's just a matter of routine for
14 most of us.

15 So that's the way I would address those
16 three issues. Is that sufficient, Michael?

17 MR. JEANS: Absolutely. And I
18 appreciate the context.

19 MAYOR LICASTRO: And when you're
20 observing Mayor's Court, there's some do's and
21 don'ts. You know, you have to let them do their
22 thing. You can't really interject, but you'll
23 have plenty of downtime where you can ask the
24 magistrate questions, even observe the
25 prosecutors who act more as an advocate for the

1 defendant than they do as prosecutor for the
2 Village.

3 We think that ACLU report is deeply,
4 deeply flawed and I just gave you three examples
5 of why we feel that way.

6 MR. JEANS: Thank you.

7 MR. O'ROURKE: Okay. Is there anything
8 else from anyone?

9 Well, thank you, John. I know you
10 played a greater role than observer, but we
11 appreciated every minute of it. I think it was
12 very helpful. And thank you, all, for coming and
13 for your input today.

14 MAYOR LICASTRO: So, Russell, the next
15 meeting is when?

16 MR. O'ROURKE: It is going to be the
17 third Tuesday again, which is the 20th.

18 MR. JEANS: Correct.

19 MAYOR LICASTRO: Okay. Good. I'll
20 participate just to be helpful, but I don't need
21 to lead this group. It's such a strong group and
22 I know you'll find your way, but if I can be
23 helpful, that's certainly why I'm here.

24 And, Russ, meetings that last a half an
25 hour are really good things. So on behalf of all

1 of us, thank you for your brevity.

2 MR. O'ROURKE: Have a good evening,
3 everyone. We have a motion to adjourn?

4 MR. JEANS: So moved.

5 DR. DEWS: I second. Teresa seconds.

6 MR. O'ROURKE: So moved. Let's go home.

7 (Meeting adjourned at 6:04 p.m.)

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1 CERTIFICATE

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4 I, Nancy L. Molnar, do hereby certify that as
5 such Reporter I took down in Stenotypy all of the
6 proceedings had in the foregoing transcript; that I
7 have transcribed my said Stenotype notes into
8 typewritten form as appears in the foregoing
9 transcript; that said transcript is the complete
10 form of the proceedings had in said cause and
11 constitutes a true and correct transcript therein.

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Nancy L. Molnar
16 Nancy L. Molnar, RPR, CLR

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