

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

MAYOR'S AD HOC POLICE POLICY  
REVIEW COMMITTEE MEETING

CONDUCTED VIA ZOOM

MAY 18, 2021  
5:42 p.m.

MAYOR JOHN LICASTRO  
RUSSELL O'ROURKE, CHAIR  
TERESA DEWS  
TRACY HOEFLING  
MICHAEL JEANS  
THOMAS MILLER  
ABIGAIL RUHLMAN  
  
NANCY L. MOLNAR, RPR, CLR

3

1 MR. O'ROURKE: Oh, in the agenda. So  
2 that was my fault. I'm sorry.

3 MR. JEANS: Russell, I don't have the  
4 minutes in front of me. Can we confirm there's  
5 an S on the end of my last name? I seem to  
6 recall it may have been Jean instead of Jeans.

7 MR. O'ROURKE: It is. At least on the  
8 first page it is spelled correctly, J-E-A-N-S.

9 MR. JEANS: Let the first page rule.

10 MR. O'ROURKE: Can I have a motion to  
11 approve the minutes subject to the amendments  
12 suggested.

13 MR. JEANS: I'll move.

14 MR. O'ROURKE: Is there a second?

15 MS. DEWS: I second. It's Teresa.

16 MR. O'ROURKE: Any discussion? All in  
17 favor?

18 Ayes: 6.

19 MR. O'ROURKE: Any opposed? Thank you.

20 Now, a few of us have had the opportunity to sit  
21 in on the Mayor's court. And I think we found  
22 some interesting things that go on, but I know  
23 that Dr. Dews has been on the -- she attended, as  
24 well as Ms. Hoefling and I did. Anyone else?

25 MS. DEWS: Tom.

2

1 MR. O'ROURKE: I apologize for the  
2 delay, but let's get to the meeting as soon as we  
3 can, so can we have roll call, please.

4 MR. JEANS: Michael Jeans.

5 MS. RUHLMAN: Abby Ruhlman.

6 MS. HOEFLING: Tracy Hoefling.

7 MR. MILLER: Tom Miller.

8 DR. DEWS: Teresa Dews.

9 MR. O'ROURKE: Abigail Ruhlman and

10 Russell O'Rourke. I think that's all of us,  
11 correct? Am I missing anyone?

12 Okay. So if not, let's go on to the  
13 approval of the meeting minutes for the March  
14 16th meeting. I see that there is at least one  
15 error that is recreated a few times. Once on  
16 page 3. It is the transposition of Gray for  
17 Gary. So that's twice on page 3.

18 And Teresa, did you have an error with  
19 your name?

20 MS. DEWS: Yes. It's pronounced Dews,  
21 D-E-W-S. Not D-E-W-E-S.

22 MR. O'ROURKE: I couldn't find it  
23 anywhere.

24 MS. DEWS: It was in the agenda for  
25 today.

4

1 MR. MILLER: Yes, I was there last week.

2 MR. O'ROURKE: I think that's all. And  
3 I think the rest of the people are scheduled for  
4 later on this month or beginning of next month,  
5 whichever is two weeks from last. So that would  
6 be next week.

7 MAYOR LICASTRO: Russ, I think William  
8 and Michael are on for the next one and we'll  
9 work Abby in after that. That's my  
10 understanding.

11 MR. O'ROURKE: Okay. We don't want to  
12 really dig deeply into this, because I think  
13 everyone needs the opportunity to have seen it so  
14 we can all kind of commune on our thoughts, but  
15 does anybody have any original or primary  
16 thoughts on what they saw at the Mayor's court  
17 hearings?

18 MS. DEWS: I just thought that they were  
19 very efficient.

20 MR. O'ROURKE: Okay. So for those of  
21 you who haven't been to a Mayor's court, the way  
22 they are now in these times of COVID, I don't  
23 know how they're changing with the governor's  
24 change in plan, but they have been -- isn't it  
25 two, two of the Defendants come in, there are two

1 prosecutors and one magistrate, so the  
 2 prosecutors and the magistrate -- prosecutors and  
 3 the Defendants work together. The Defendant then  
 4 comes up and stands before the magistrate and  
 17:47:41 5 they deal with the charges that are brought  
 6 before them.  
 7 When I was there, it was a Mr.  
 8 Bauerschmidt who was the magistrate and handled  
 9 the cases. Tracy was with me. And what did you  
 17:48:03 10 see when we were there together, Tracy?  
 11 MS. HOEFLING: So I certainly observed  
 12 what you mentioned there, Russell, and then,  
 13 Teresa, I would agree with you, I thought that  
 14 the whole process was very efficient. They  
 17:48:17 15 seemed to have it down pretty well, very well  
 16 organized in having people parked along the  
 17 roadway and then either texting, getting their  
 18 phone numbers and texting them when it was time  
 19 to come in seemed very organized.  
 17:48:30 20 I thought that in listening to some of  
 21 the decisions, it seemed like the Defendants had  
 22 an opportunity to talk with the attorneys and  
 23 then come up with a determination or decision to  
 24 the magistrate and seemed to flow very well. And  
 17:48:52 25 for my opinion from what I observed, I thought  
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1 the magistrate was very fair.  
 2 I know we don't want to go into great  
 3 detail until everybody gets to see it, but my  
 4 observation was that the magistrate seemed to be  
 17:49:06 5 very fair in his assessment of any sort of fines  
 6 and talking with the Defendants about what  
 7 transpired and if they agreed with the  
 8 determination with the sentence, and they all  
 9 agreed.  
 17:49:17 10 And then I also thought the process  
 11 afterwards in terms of paying for whatever fines  
 12 might have been assessed, I thought that was done  
 13 very professionally and seemed very organized as  
 14 well.  
 17:49:34 15 MR. O'ROURKE: There was one Defendant  
 16 that we saw that night who actually pled his case  
 17 again up in front of the magistrate. And he had  
 18 a good reason for what he did. He had gone under  
 19 the bridge on Bratenahl Road. And in doing so,  
 17:49:57 20 you know, went past signs he shouldn't have gone  
 21 past. But when he explained what he did, Mr.  
 22 Bauerschmidt took that into account and  
 23 actually dismissed one of the charges that would  
 24 have been additional fines and additional issues  
 17:50:13 25 for the Defendant to deal with.  
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1 What about you, Tom, any comments?  
 2 MR. MILLER: Yes, I thought that -- I  
 3 didn't keep exact count, but I want to say that  
 4 just virtually everybody had something reduced.  
 17:50:32 5 Nobody, I don't recall, really getting the book  
 6 thrown at them. There was always some sort of  
 7 reduction in the fines and nobody certainly  
 8 objected to that.  
 9 And from what I understand, comparison  
 17:50:49 10 to the option of going to Cleveland court where  
 11 chances are the fines are -- the fees are higher  
 12 and the fines are probably not waived like this  
 13 or reduced, you're far better off coming to  
 14 Bratenahl where you can come after work instead  
 17:51:09 15 of spending at least half a day downtown. I had  
 16 to do that once in my life, so I remember it  
 17 firsthand, the process. You have no clue how  
 18 soon you're going to be called on.  
 19 So anyway, I think if I got pulled over  
 17:51:28 20 on Interstate 90, I would much prefer to come  
 21 into Bratenahl instead of going downtown. And I  
 22 did ask what percentage of them are -- where are  
 23 these tickets coming from. I think we're  
 24 somewhere in the 90 percent range was for along  
 17:51:48 25 Interstate 90. I figured it would probably be  
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1 most of the cases, but I didn't think it was  
 2 going to be as much as that. 80 percent of them  
 3 are for speeding.  
 4 MS. HOEFLING: Yes, we had one that was  
 17:52:04 5 traveling 100 miles an hour. And that person did  
 6 not get a reduction in fines, which was  
 7 justifiable in my mind. There's no need to  
 8 travel at 100 miles an hour on 90.  
 9 MR. MILLER: That's right.  
 17:52:20 10 MAYOR LICASTRO: Russ, may I offer a few  
 11 items of insight?  
 12 MR. O'ROURKE: Please do, Mr. Mayor.  
 13 MAYOR LICASTRO: So for those of you who  
 14 have not been to court, at least 30 percent of  
 17:52:30 15 our tickets can be waived and are waived. We've  
 16 also made the waiving requirements more generous.  
 17 I mean, you can waive a ticket if you're going as  
 18 fast as 90. It used to be if it was 20 miles or  
 19 over you had to appear.  
 17:52:44 20 Again, this is really COVID related.  
 21 They can have an adjudicated --an abstentia,  
 22 which we didn't really permit before. So we're  
 23 trying to reduce the traffic in court. I think  
 24 as most of you observed we are generous.  
 17:53:03 25 We had a case week before last that was  
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1 going 120. If someone being that dumb, no, we  
 2 don't cut them any slack. Usually there's a  
 3 reckless operation as well. Some people that can  
 4 waive their tickets opt not to. They want to  
 17:53:19 5 come in. As Russ said, this gentleman was able  
 6 to plead his case and get a further reduction if  
 7 not dismissal.  
 8 And I'll go over this with those who  
 9 have yet to attend. We also give you documents  
 17:53:31 10 that are distributed during the court. They're,  
 11 of course, a matter of public record. And people  
 12 can waive their right to an attorney, waive their  
 13 right to a jury trial, acknowledge their rights.  
 14 And we do it by the book. And having experienced  
 17:53:46 15 magistrates and prosecutors and, of course, Clerk  
 16 of Courts and Deputy Clerk makes the process -- I  
 17 think someone used the word efficient.  
 18 I'd like to offer that we can do ride  
 19 alongs with a waiver. We do not offer those to  
 17:54:02 20 the general public, but given the task of which  
 21 you're charged, we can arrange for that during  
 22 certain times of day with certain officers.  
 23 Mayor's court really is the culmination of what  
 24 begins with the officers. So with strict  
 17:54:19 25 parameters, we can make that happen in the manner  
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1 I described. So if anyone is interested in doing  
 2 that, contact me and we'll arrange it. Again, we  
 3 do not offer that to the general public.  
 4 MS. DEWS: I have a question about that,  
 17:54:32 5 Mayor. So you said that 30 percent of people  
 6 never go to the court. One of the other things  
 7 that I observed with that is many of the  
 8 Defendants had multiple citations. So the ones  
 9 that don't end up in court tend to have single  
 17:54:54 10 citations and the ones that have multiple  
 11 citations end up coming to court and negotiating  
 12 with the prosecutor and the magistrate or is  
 13 there some other reason for that?  
 14 MAYOR LICASTRO: State law mandates if  
 17:55:07 15 you have multiple offenses, you must appear in  
 16 court. So if it's just a speed, you know, I'm  
 17 sure Tom, when Tom got his ticket, it was speed,  
 18 perhaps he could have waived it, perhaps not, but  
 19 when speed includes a weapon without a permit,  
 17:55:22 20 marijuana, no child restraints, whatever it is,  
 21 those must appear in court.  
 22 And as those of you that have observed  
 23 witnessed, we usually dismiss some of the other  
 24 charges and focus on a primary one or two, but  
 17:55:36 25 usually, Teresa, you'll see that people are there  
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1 because they have multiple offenses and must  
 2 appear.  
 3 MS. DEWS: Okay.  
 4 MAYOR LICASTRO: Of course, OVIs are  
 17:55:47 5 really a core of what we do. We have two or  
 6 three every court. We don't waive those. We  
 7 only hear first time OVIs. If they're second,  
 8 third or beyond, they have to be remanded to  
 9 Cleveland. And that's a big part of what we do.  
 17:56:04 10 Those of us that drive, we all drive, the speeds  
 11 got crazy during COVID and they have not slowed  
 12 down.  
 13 Every day I drive on the freeway, I see  
 14 people doing well over 100 miles an hour. It's  
 17:56:17 15 crazy. I think you'll learn a lot in the ride  
 16 around, so we'll do that in stages one at a time,  
 17 but I think you'll find that helpful, ride along  
 18 I should say.  
 19 MS. DEWS: Thank you.  
 17:56:31 20 MAYOR LICASTRO: You're welcome.  
 21 MR. O'ROURKE: I also noticed that I  
 22 didn't know what the speed was, but on most of  
 23 them who were apparently over 10 miles an hour  
 24 over the speed limit, that they would let them  
 17:56:52 25 plead down to nine miles over the speed limit,  
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1 which has a different connotation. We didn't ask  
 2 Mr. Bauerschmidt about that, but I assume it's  
 3 a points issue and a fine level.  
 4 MAYOR LICASTRO: The fine -- I'm sorry,  
 17:57:16 5 the fine is the same, 150 max for a minor  
 6 misdemeanor, but a lot of Defendants are  
 7 concerned about points. Perhaps they're habitual  
 8 speeders, so if you are going more than nine  
 9 miles over the speed limit, it's a two-point  
 17:57:33 10 violation. If it's 20 miles an hour or more, it  
 11 can be a four-point violation. So some people  
 12 that are speeding and could waive the ticket come  
 13 in to plea bargain and ask that it be reduced to  
 14 a 69 in a 60, which does not carry points.  
 17:57:47 15 By the way, I don't think we see many,  
 16 if any, tickets in the 70s. Almost all are in  
 17 the 80s or 90s or over 100, but that's a key  
 18 point for people that do want to appear to try to  
 19 get the points reduced or eliminated.  
 17:58:05 20 MR. O'ROURKE: Okay. Thank you. Does  
 21 anybody else have any comments about what we saw  
 22 in Mayor's court, any of the people who have  
 23 attended?  
 24 MR. MILLER: I'll mention one thing,  
 17:58:23 25 just last week there was only one prosecutor  
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1 instead of the normal two, but it was kind of a  
2 light turnout, I believe.

3 MAYOR LICASTRO: Yeah, our courts we're  
4 probably 80 to 120 preCOVID. Now they're 40 to  
5 50. And if we get 40 or 50, usually only half  
6 the people show up. Now, the Wednesday after  
7 court our clerks call individuals to find out why  
8 they didn't show. They give them the opportunity  
9 to adjudicate it, if they can, by waiving or  
10 appear in the next court. We do not issue  
11 warrants lightly. We do it for OVI offenders who  
12 don't appear. And if people don't appear after a  
13 series of attempts to do so, we then issue a  
14 warrant. We're very reluctant to issue warrants.

15 You might, if you appear, if you observe  
16 a court, you might see a Defendant that has an  
17 outstanding warrant in another community. We  
18 then contact that community and let them know  
19 that we have the individual in our court and see  
20 if they want to pick them up. Sometimes they do,  
21 sometimes they don't. If they're felony  
22 warrants, of course, the county is involved.

23 Keep in mind we use county jails if we  
24 do have to incarcerate people. Our facility at  
25 Bratenahl is a very limited holding facility for  
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1 Mayor's courts due to lack of recording of the  
2 court. Also, the incentive of the Mayor's courts  
3 being more money generation as opposed to  
4 enforcing the law. And that money generation  
5 being related to the decrease in funding of  
6 municipalities. And so the Mayor's courts in  
7 some cases essentially just, you know, assisting  
8 with revenue for that.

9 The other concerns were related to  
10 variations and training of the magistrates or the  
11 Mayor. And also ongoing training or continuous  
12 education for those entities. And also, the  
13 differential impact that Mayor's courts tend to  
14 have on blacks versus whites. So there may be  
15 disparities not only with regard to the number of  
16 people that get involved in the Mayor's courts,  
17 but also a differential in their ability to pay  
18 and then additional fines that they may be hit  
19 with. And then just as Mayor Licastro was  
20 alluding to, citations and also putting out  
21 warrants for blacks versus whites and how that  
22 can have a differential impact on them in the  
23 cycle there.

24 So they had some other things that they  
25 really felt that were really important, such as  
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1 just a couple hours. So you'll often see someone  
2 sometimes surprised that they didn't know they  
3 had a warrant. Kind of ruins their day.

4 MR. O'ROURKE: I bet it would. Okay.  
5 Next we have Dr. Dews and Ms. Hoefling and a  
6 discussion about the ACLU report in relation to  
7 not only what you saw, but what the report says.

8 DR. DEWS: Tracy, I think it would be  
9 perfectly reasonable for you to start first if  
10 you'd like. I'd be happy to start first,  
11 whatever your preference is, and we can tag team.  
12 What are your thoughts?

13 MS. HOEFLING: I'm happy to defer to you  
14 to go first, Teresa.

15 DR. DEWS: Okay. Sounds good. So the  
16 ACLU report really looked at a lot of information  
17 from the 2016 time frame. And so I think a lot  
18 of things have probably changed, you know, versus  
19 at that time. And it outlined just general  
20 principles related to Mayor's court in general.

21 Some things they related specifically to  
22 Bratenahl, but most of the concerns were global  
23 concerns related to Mayor's courts in general.

24 Their concerns all related to the fair  
25 and impartial hearings, lack of transparency with  
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1 multiple citations that many people who are  
2 involved in Mayor's courts have. They also  
3 talked about their gross revenue as a percentage  
4 of the total revenue. And, again, this is in the  
5 year of 2016. They also had some graphs related  
6 to the number of black citations relative to the  
7 number of blacks that actually lived in the  
8 municipalities.

9 And if you happen to look at the ACLU  
10 report, it's actually fairly striking in all of  
11 the municipalities that they listed. Very  
12 importantly Bratenahl was not in this particular  
13 graph. However, it was striking, except for  
14 Woodmere where the percentage of blacks in  
15 Woodmere is actually fairly high.

16 There also were concerns about the  
17 severity of punishments as relates to unpaid  
18 fines, as well as the Mayor's courts asking  
19 people related to their ability to pay, offering  
20 them potentials for payment plans or waiving  
21 additional fees. And then concerns related to  
22 threats of jail time for participants and  
23 forfeiture of their license, which all of us,  
24 again, we're all drivers and that's a very  
25 important aspect of being able to work, to have

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1 recreation, to put food on the table, et cetera,  
2 and how that can impact people.

3 So they had some very specific  
4 recommendations. I have to get right back to  
5 that page. Very specific recommendations.

18:04:44

6 Overall, they really felt that there should be a  
7 restoration. Oh, before I get to that, the  
8 Mayor's court, as they happen to be functioning  
9 according to the ACLU, were deemed as  
10 unconstitutional not only by the Ohio Supreme  
11 Court, but also by -- there was another entity  
12 that was very important that I'm not on that  
13 particular page.

18:05:08

14 I don't want to take time to do that  
15 first this second here, but that was one of the  
16 premises that they said that there was -- that it  
17 had been ruled that they were unconstitutional.

18:05:23

18 And so as far as their recommendations are  
19 concerned, I'd like to get back to that. They  
20 really said that it was important to restore  
21 state funding to municipalities, because that  
22 really was a crucial aspect of why the  
23 municipalities developed and maintain the Mayor's  
24 court.

18:05:42

25 Their second recommendation was to  
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18:06:00

1 recommendations. I think in the observations  
2 that I had in Mayor's court, it would seem that  
3 Bratenahl has implemented a number of those  
4 already, which was really nice to see. And so  
5 the thing about the funding is interesting in  
6 that when you think about the municipalities and  
7 the difference between the number of citations  
8 that get issued in the municipalities, such as  
9 Cleveland and other cities that surround  
10 Bratenahl, and that there's a smaller percentage  
11 of citations that are issued for traffic  
12 violations as an example in those municipalities  
13 than in the Mayor's court areas.

18:07:42

18:07:56

14 And a lot of that they stated was driven  
15 because in the larger populated municipalities,  
16 they're dealing with more significant issues,  
17 such as assaults and burglaries and other types  
18 of offenses that then drive that police force to  
19 be managing those other types of items. So  
20 really involved in public safety obviously, but  
21 you can see why they would be more involved in an  
22 assault or burglary or shooting or whatever  
23 versus monitoring traffic. So I thought that was  
24 an interesting reason for the difference between

18:08:10

18:08:30

25 the reason why the larger cities had smaller  
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18:08:44

1 actually eliminate Mayor's courts in Cuyahoga,  
2 Franklin, Hamilton, and Summit Counties. Another  
3 recommendation was to increase education and  
4 procedural requirements for Mayor's courts and  
5 that the Mayor should be prohibited from hearing  
6 cases in Mayor's courts. And magistrates who are  
7 appointed by Mayors or municipal councils may not  
8 be impartial, because they face the same  
9 pressures from powerful community members to  
10 generate revenue. And so they felt that  
11 magistrates should be appointed and paid by  
12 another jurisdiction or some other means.

18:06:15

18:06:31

13 Another recommendation included  
14 expanding oversight of the Mayor's courts and  
15 really looking at the proper recording and being  
16 able to oversee the Mayor's courts in some  
17 aspect. And last, they felt that it was  
18 important to abolish driver's license suspensions  
19 for any reason not related to public safety.

18:06:49

20 So those were some of the  
21 recommendations that they had and that's the gist  
22 of my summary. I'll defer to Tracy.

18:07:10

23 MS. HOEFLING: Thank you, Teresa. That  
24 was a great summary. I focused on the path  
25 reform, too, that section with the

18:07:29

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1 citations versus the cities that have Mayor's  
2 courts.  
3 The other thing that was interesting in  
4 the observations in some of the things that we've  
5 talked about today is that it seems that a lot of  
6 the violations are the tickets are done on 90,  
7 happen on 90 where the speeds are quite  
8 excessive, upwards of 80 plus miles an hour and  
9 now hearing up to 120 and probably even more than  
10 that. So you think about the safety involved  
11 there and how can you identify at that speed what  
12 race a person is?

18:08:58

18:09:16

13 I find that hard to fathom how you can  
14 identify a race if you're traveling at 80 miles  
15 an hour, definitely upwards of 100 miles an hour.  
16 I'm not sure where they're basing that criteria  
17 from in their report. So it would be interesting  
18 to know the basis for that. Even if they did a  
19 test, could they actually see the race of the  
20 person if they were parked where a typical police  
21 officer in Bratenahl, for example, is and  
22 somebody was coming on 90, traveling on 90 as 85  
23 miles an hour, could you tell the race of the  
24 person? I think that would have been an  
25 interesting analysis to add to this report. If

18:09:39

18:09:54

18:10:09

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1 they're going to say that, can they validate that  
 2 you can actually tell the race of a person based  
 3 on where the police typically sit. But other  
 4 than that, I think that this data is dated. It's  
 5 2016.  
 6 And based on, as I mentioned, the  
 7 observation from Mayor's court, it would appear  
 8 that Bratenahl has already made some significant  
 9 changes and applied some of the recommendations  
 10 from this report. So for me, I'd love to see  
 11 more current data to see how we perform today  
 12 versus how we performed in 2016.  
 13 If the lesson here is to learn from this  
 14 report, what did we do? Did we learn from it?  
 15 Did we take some of the considerations into  
 16 consideration, the recommendations into  
 17 consideration? And it certainly seems like  
 18 Bratenahl has. And is there work to do? I think  
 19 we can always improve in what we're doing in  
 20 every aspect of our professional and personal  
 21 life.  
 22 So I think it's a work in progress  
 23 always to do the right thing and to look at what  
 24 we're doing and see if it makes sense, if it's  
 25 the right thing to do or if we need to reassess

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1 what we're doing. So I thought reading this and  
 2 going to the observation of the Mayor's court  
 3 really helped me in kind of understanding where  
 4 we were versus where we are today.  
 5 MR. O'ROURKE: Teresa --  
 6 MAYOR LICASTRO: May I cherry pick a  
 7 couple things?  
 8 MR. O'ROURKE: Sure, Mayor.  
 9 MAYOR LICASTRO: Unless you had a  
 10 question for Teresa.  
 11 MR. O'ROURKE: I've read the report and  
 12 I don't recall it saying specifically that  
 13 Mayor's courts were unconstitutional. Do you  
 14 remember what that was about?  
 15 DR. DEWS: Yeah, I was trying to listen  
 16 to Tracy and also look through my notes to see  
 17 where I actually had that. So I will have to  
 18 either pause and take a closer look at that, but  
 19 it was directly from the report where they had  
 20 deemed it unconstitutional. So again, I'd have  
 21 to take a moment to look at that specifically.  
 22 MR. O'ROURKE: Okay. Thanks. Mr.  
 23 Mayor.  
 24 MAYOR LICASTRO: Yeah, so we operate  
 25 under the auspice of the Ohio Supreme Court. So

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1 we're not unconstitutional. If we were, we  
 2 couldn't operate. But a couple key points. If  
 3 it was about revenue, we wouldn't reduce, amend  
 4 and suspend. We are overly generous, perhaps,  
 5 but that's how it should be. So it's never been  
 6 a primary goal. It's always about safety and the  
 7 law.  
 8 There are major flaws in the report, one  
 9 of which is that Bratenahl does not offer time to  
 10 pay to Defendants. We have always offered time  
 11 to pay. And we're very generous with the terms  
 12 where people can take whatever time they need  
 13 within reason to pay the fines.  
 14 You're right, Teresa, they make a big  
 15 deal about suspended licenses. You'll see when  
 16 you observe court a lot of people have suspended  
 17 licenses. Well, driving in Ohio is a privilege.  
 18 You have to have a valid license. And if the  
 19 General Assembly wants to take that on and amend  
 20 the law to make it more lenient, we're all for  
 21 it. But in the meantime, the law says you have  
 22 to have a valid license. If you're suspended, it  
 23 is against the law. So we really enforce the law  
 24 that's on the books.  
 25 I think that's rather heavy-handed

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1 myself, which is why instead of \$1,000 fine, the  
 2 max we give on that is 250, \$250. I can go  
 3 through other aspects of the report, but those  
 4 are key points I'd like to emphasize that, you  
 5 know, if it were about revenue, we wouldn't be  
 6 nearly so generous.  
 7 By the way, 2016, was a year when there  
 8 was construction on the freeway and fines were  
 9 doubled. So the revenue that year was skewed.  
 10 We really average about between six and eight  
 11 percent of our General Fund is from Mayor's  
 12 court. Whereas, Linndale, who was the poster  
 13 child for improperly run court, 80 percent of  
 14 their revenue, 80 percent came from Mayor's  
 15 court, which is why the General Assembly did pass  
 16 a law outlawing communities under a certain size  
 17 with Linndale firmly in their sights.  
 18 So as you go across Ohio, rural Ohio,  
 19 there are Mayor's courts that don't do it right.  
 20 We think we do. But as far as what we saw in  
 21 2016, I'm hoping from this process all of you can  
 22 give additional recommendations on what we do now  
 23 and how that could be further improved. Thank  
 24 you, Russ.  
 25 DR. DEWS: So just for clarification, my

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1 review related to trying to summarize the report  
 2 for everyone. It was not a judgment related to  
 3 what occurred in 2016, versus the changes that  
 4 have been enacted. So I think that's an  
 5 important point of clarification. That's what  
 6 Tracy and I were asked to do.  
 7 As it relates to my comment related to  
 8 the unconstitutionality, I'd like to clarify that  
 9 as well and really related -- at the time in  
 10 2016, the ACLU report, their observation that the  
 11 failure to consider the ability to pay and no  
 12 assessment of this leads to a disparity of those  
 13 who can pay versus not and that violates Ohio law  
 14 and then the U.S. Constitution, so that was from  
 15 the ACLU report. So I appreciate the opportunity  
 16 to clarify that since I found it.  
 17 MAYOR LICASTRO: We ask if someone is  
 18 indigent, we make particular accommodations for  
 19 that. I tend to get defensive about the court.  
 20 That's not my intention, but if I didn't want the  
 21 sort of in depth analysis of what we're doing  
 22 now, I wouldn't have put this committee together.  
 23 And I appreciate all of you taking the time to  
 24 look at what we do not only in the Mayor's court,  
 25 but police procedures as well, because no matter  
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1 what we do right, it can always be done better.  
 2 MR. JEANS: So it seems to me that some  
 3 of the content of the ACLU report affects  
 4 perception and optics. And so Linndale at 80  
 5 percent as you reference, Mayor, and then  
 6 Bratenahl at a far lower number, I guess my  
 7 question is what's the right benchmark?  
 8 What should the percentage of revenue  
 9 range be that is deemed acceptable, whether  
 10 that's acceptable to the ACLU or our own  
 11 assessment of process where the optics can less  
 12 be a perception of being egregious or taking  
 13 advantage of motorists, but reasonable.  
 14 MAYOR LICASTRO: Is that directed toward  
 15 me?  
 16 MR. JEANS: You or anyone who's read the  
 17 report. I'm not hearing that a benchmark exists.  
 18 And so if that's the case, how do you manage it,  
 19 other than to assess those violating in that  
 20 manner? So I was curious to know if there's any  
 21 baseline or ability to get to one.  
 22 MAYOR LICASTRO: There is not. And  
 23 certainly the fact we're less than 10 percent is  
 24 significant. When you look at this perspective,  
 25 there's 150,000 cars a day that drive the  
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1 Shoreway. That's millions of cars a year. We  
 2 issue about 3,000 tickets in the course of a  
 3 year. So I used this analogy before, you'll  
 4 pardon my being redundant, that's not the tip of  
 5 the iceberg, that's a snowflake on top of the tip  
 6 of the iceberg in terms of the number of people  
 7 and the number of citations issued.  
 8 So we think it's reasonable. 150,000  
 9 cars in 24 hours is a lot of cars, but the fact  
 10 we ticket 3,000 and it's never for something  
 11 mundane. Again, the speeds are excessive. We've  
 12 had officers win national awards for OVI  
 13 enforcement. The number of people that drink and  
 14 drive is startling. When you look at what they  
 15 blow on our BAC machine, it's never 0.09 or 0.11,  
 16 it's 0.23 or 0.24. So we don't write the laws.  
 17 We enforce them. We think we're more than fair.  
 18 But, again, that's my opinion. I'm looking for  
 19 yours.  
 20 MR. JEANS: As relates to percentage of  
 21 income, is there anything more -- I'm asking this  
 22 ahead of attending Mayor's court, I'd like to  
 23 acknowledge, so I look forward to that informing  
 24 my perspective.  
 25 Is there any room for us to have any  
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1 level of intentionality around low income first  
 2 offenders, you know, perhaps there is some  
 3 caveats to that, not necessarily indigent, it  
 4 sounds like we have some protocol there, but  
 5 nonviolent, you know, perhaps nonexcessive  
 6 offenders where the percentage of income related  
 7 to the cost of a fine has a greater impact on  
 8 that individual than someone else in a different  
 9 income bracket. So is there room for that  
 10 discussion as it was laid out in the report?  
 11 MAYOR LICASTRO: So it happens on  
 12 occasion, especially when someone claims that  
 13 they are indigent, but you're walking a fine line  
 14 to start to ask someone what their income is  
 15 really sounds as if you are looking for a reason  
 16 to maybe increase the fine as opposed to reduce.  
 17 You've got to be very careful. You also have a  
 18 semi-public setting. People might not be  
 19 comfortable with divulging what their income is.  
 20 Basically, if someone says they have an  
 21 issue with payment, we are generous with the  
 22 fines. And our clerks in particular give them  
 23 whatever time they need to pay within reason. So  
 24 it's not a direct answer to your question, but it  
 25 can be sometimes kind of sticky to say, you know,  
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1 hey, you're dressed in a nice suit and tie and  
2 you drive a BMW, what's your income? As opposed  
3 to the other end of the spectrum. I think it's  
4 in the machination of the court. It does come  
5 out and we do whenever possible take that into  
6 consideration without having it be a direct  
7 question in open court.

8 MR. JEANS: Considering it's dialogue  
9 captured in public record, I think it's the right  
10 level of sensitivity. If our actions and  
11 behaviors are bearing out some sensitivity to  
12 individual situations, again, when they're  
13 nonviolent and nonnegregious, then perhaps that's  
14 a taking of temperature of fairness. My take on  
15 the report is that fairness is the overarching  
16 theme.

17 MAYOR LICASTRO: Keep in mind the  
18 Mayor's court are not -- it's not a court of  
19 record. We don't have court reporters. We do  
20 live stream the sentencing as per the court  
21 mandates, but we're not a court of record. Now,  
22 we keep cases -- OVI cases, I think, have to be  
23 kept forever, but the procedures themselves are  
24 not a matter of public record. Mayor's courts  
25 are not a court of record, but I think your  
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1 observation is correct, Michael. We do what we  
2 can in a very narrow scope being appropriate and  
3 yet fair.

4 And I'm not sure if Tom and Teresa went  
5 in the back last court. I encourage those that  
6 attend to see that endgame, if you will, because  
7 that's where a lot of the flexibility is offered  
8 to Defendants in terms of the manner in which  
9 they are responsible for their fines. So I don't  
10 think you did it last time. We can arrange for  
11 that to be done in the future.

12 MS. HOEFLING: Russell and I both did  
13 that, Mayor, and I will say that that was really  
14 helpful to see the front and the magistrate  
15 saying, I don't talk about money. You'll go to  
16 the next group and they'll talk about payment and  
17 stuff. He said that very respectfully.

18 So after we observed, I don't know,  
19 eight, I don't know how many it was, 10 or so on  
20 the front end, then we went into the back and  
21 observed how that was handled. I certainly  
22 thought it was very respectful. And they kind of  
23 took the person to the side so their conversation  
24 couldn't be overheard by others. And I thought  
25 that was very respectful.

1 MAYOR LICASTRO: Some of the people in  
2 court are just in a terrible, terrible way.  
3 Their situation in life, some are caught in this  
4 loop where they break the law and they have to  
5 pay fines and they break the law and have to pay  
6 fines. Magistrates are a combination of judge  
7 and social worker. And we're very sensitive to  
8 the individuals and what they struggle with.

9 So yeah, I think that that's important  
10 to see the back end. And now keep in mind, I  
11 think Teresa mentioned driving privileges. We do  
12 want to make sure people are gainfully employed  
13 and can stay in the workplace, but we do not  
14 allow driving privileges unless they pay a good  
15 portion of their fines. That seems fair to us.  
16 I mean, if you want the privilege, you need to  
17 acknowledge that you broke the law and make some  
18 sort of financial arrangement that is reasonable  
19 before we allow you to just cart blanche drive to  
20 and from work. So there are some subtleties  
21 there that we've developed through the years that  
22 I think are significant.

23 DR. DEWS: Sure.

24 MR. JEANS: Mayor, I'm hearing a sense  
25 of sensibility as it relates to the governance of  
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1 Mayor's court for Bratenahl, the approach of the  
2 magistrates. And all of that works well when you  
3 have sensible actors in the seats, but when we're  
4 writing or making recommendations -- I should say  
5 when recommendations are made and policy is  
6 written, they need to be written in a way and  
7 codified and memorialized in a way that stands up  
8 in an equitable and fair manner, perhaps when an  
9 actor doesn't.

10 And so maybe a longer range question  
11 coming from me is I would hope that as we go  
12 through this process, you know, we are  
13 interacting with the folks in front of us now.  
14 From what I'm hearing and what I've seen, there  
15 seems to be reasonability and sensibility,  
16 reasonableness and sensibility. I'd ask us to  
17 take a look at where we land and ask ourselves  
18 whether it would stand up if that were to change,  
19 because that's when we really need to be able to  
20 rely upon law and policy and procedure.

21 MAYOR LICASTRO: Thank you, Michael. I  
22 mean, certainly it's called Mayor's court for a  
23 reason. It operates under my direct authority.  
24 And Chuck's been a magistrate for 25 years. John  
25 Murphy more than 20 years. I make certain that



1 I've hired people that do have that sensibility  
 2 and compassion to take into consideration the  
 3 person's situation and not just be heavy-handed.  
 4 We've had magistrates that have come and gone  
 5 that have not really suited our particular need.  
 6 So it really starts there. And I think  
 7 that with Chuck Bauerenschmidt, you've all seen  
 8 him in action. If you haven't, it's worthwhile.  
 9 You have to check out his suits. His suits are  
 10 really -- they are something to be hold. I  
 11 think, Teresa and Tom, the court that you  
 12 witnessed, I think he was glowing blue with a  
 13 suit that radiated color. So I'm very careful on  
 14 how I hire the magistrates because, again, it's a  
 15 combination of judge and social worker.  
 16 MR. JEANS: Thank you.  
 17 MR. O'ROURKE: Is there anything more on  
 18 this topic before we move on?  
 19 The Bratenahl police policy manual is  
 20 created by Lexipol. And the document itself is  
 21 available essentially to anybody who wants to see  
 22 it. We have an issue with the Lexipol license.  
 23 The policy is our policy. Lexipol is something  
 24 that the Village subscribes to. And so we can't  
 25 open that up, because it would violate the  
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1 copyright on everything that it has. We do have  
 2 the permission to share the link among the  
 3 members of the committee to get into that. And  
 4 so offline, I will share that, but that is only  
 5 so you can search it if you're looking for  
 6 something specific. Other than that, you get the  
 7 same thing, other than that functionality by just  
 8 reading the manual itself.  
 9 Are there any questions on -- and I will  
 10 get that to you, as I said, individually offline.  
 11 MAYOR LICASTRO: Keep in mind the  
 12 Lexipol does update these policies as laws  
 13 change. And every officer is informed of the  
 14 change and has to sign off on the change. So  
 15 many of the problems you see nationally with  
 16 police officers is because of flawed policy.  
 17 No-knock warrants, the Breonna Taylor  
 18 tragedy, we don't allow no-knock warrants. We  
 19 don't do high-speed pursuits. The manner in  
 20 which the Taser is on the uniform would never  
 21 permit an officer to have a Taser in one hand and  
 22 their service weapon revolver in the other. I  
 23 think that's what happened recently in -- was it  
 24 Michigan? I can't remember where.  
 25 DR. DEWS: Minneapolis.  
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1 MAYOR LICASTRO: Minneapolis. Thank  
 2 you. If you're right-handed, you draw your  
 3 service weapon with the right hand. They can  
 4 only draw the Taser with that same hand. So, so  
 5 many of our procedures and policy are really  
 6 structured to eliminate flaws that can lead to  
 7 what we've all seen are tragic events.  
 8 MR. JEANS: Russell, just so I'm clear,  
 9 are you saying that we can only search specific  
 10 policy within Lexipol or are we able to read  
 11 through each of the policies?  
 12 MR. O'ROURKE: No, you can read the  
 13 whole thing. You can see how it functions. You  
 14 get to see everything.  
 15 MR. JEANS: Okay. Thank you.  
 16 MR. O'ROURKE: If nothing else, moving  
 17 on. Is there any old business? Or new business?  
 18 In hearing none, I'll take a motion to adjourn.  
 19 MS. HOEFLING: I'll motion.  
 20 MS. RUHLMAN: Motion to adjourn.  
 21 MR. O'ROURKE: Is there a second?  
 22 MR. MILLER: Second.  
 23 MR. O'ROURKE: All in favor?  
 24 Ayes: 6. Nays: 0.  
 25 MAYOR LICASTRO: Thanks for your time.  
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1 MR. O'ROURKE: Thank you, everyone.  
 2 MAYOR LICASTRO: Thank you so much.  
 3 Have a nice evening.  
 4 (Meeting adjourned at 6:30 p.m.)  
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I, Nancy L. Molnar, do hereby certify that as such Reporter I took down in Stenotypy all of the proceedings had in the foregoing transcript; that I have transcribed my said Stenotype notes into typewritten form as appears in the foregoing transcript; that said transcript is the complete form of the proceedings had in said cause and constitutes a true and correct transcript therein.

Nancy L. Molnar  
Nancy L. Molnar, Notary Public  
within and for the State of Ohio

My commission expires July 15, 2023.

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