

LORAIN POLICE DEPARTMENT

Office of the Chief of Police



Department of Justice Review Recommendations/Actions Taken May 16, 2010

The U.S. Department of Justice Review Team visited the City of Lorain from August 17th through August 21, 2009 as part of an ongoing investigation pursuant to the pattern or practice provision of the Violent Crime Control and Law Enforcement Act of 1994. The intent was to determine whether the Lorain Police Department was engaged in a pattern of excessive force. During the week, DOJ officials conducted interviews with city officials, Police Department staff, and members of our community.

Part of the DOJ team consisted of three police consultants who are former and current Chiefs of Police. They were Charles Reynolds, Mary Ann Viverette, and John Romero. On the last day of the visit, an exit interview was scheduled at 0900 hours to allow the three police experts the opportunity to share their observations and recommendations.

It should be noted that, through the Lorain Law Director's Office, we had requested to make a presentation to the DOJ Review Team prior to the exit interview; it was clear that part of the review would consist of a "mini-management study" which we had not prepared for and we felt that we had much additional information that required consideration. Present for the Police Department were Chief Cel Rivera, Captain Russ Cambarare, Captain Bill Engle, Captain Steve Schmittle, Lieutenant Jim Rohner, Lieutenant Jack Fleming, Lieutenant Dan Reinhardt, and Sergeant Albert Rivera.

During the Police Department's presentation, we discussed the following:

Budget/Manpower Issues: Presented a 10 year history and discussed the overwhelming difficulties the Police Department has experienced in terms of deficit budgets, loss of personnel (30%), increased calls for service, escalating violence, the closing of the city's jail, and the constant threat of massive lay-offs. We explained the success we enjoyed, when adequately staffed and funded, with drops in crime of 23% and 37%. We also shared how dependent the Police Department had become on grants and our Law Enforcement Trust Fund for the most basic police equipment, such as cruisers, body armor, guns, MDC's, and portable radios. We described the nightmare with the renovation project and its impact on morale.

Recruitment/African-American & Female Representation: We acknowledged that the Police Force is not adequately reflective of our community, especially in terms of African American and female representation. We explained that we used to be well represented in regards to African Americans (but retirements, resignations, and deaths changed our numbers) and we have never been representative in terms of females (one former female officer went on early retirement due to a medical condition and another made a lateral transfer to Avon Police Department). We shared the Police Department's frustration with this situation, explained the steps the City of Lorain has taken in an attempt to increase our number of minorities, and outlined the barriers faced by Ohio's 10 "statutory" cities who are required to provide a 20% bonus to veterans who apply for Civil Service positions. We also related that the Police Department has been having ongoing conversations with the African American community relative to this issue.

Policy Development: It was explained, as the chiefs are well aware, that the complete revamping of a Department's policy and procedure manual is a labor-intensive and time consuming process. At first, the LPD attempted to re-write the manual on our own and we invested a couple of years at this task and on committee reviews. Once we realized how all consuming the project was, at the same time that we were dealing with a multitude of complex and difficult issues, we hired Van Meter & Associates (of Columbus, Ohio) in 2008 to assist us in organizing, reducing, and modifying our policies and procedures. In November, 2008 we placed the project on hold, on the advice of Department of Justice staff, with the anticipation that we would receive further technical assistance from the DOJ.

Performance Evaluations: It was related to the DOJ Review Team that no one in the Lorain Police Department believed that the performance evaluation system in place at that time was adequate. In fact, the FOP's collective bargaining agreement specifically noted that the performance evaluation scores temporarily could not be used towards promotional exams, as had been the practice for many years. In addition, the CBA mandated that the city (in conjunction with the FOP) develop a new performance evaluation system for sworn officers. It was further explained that the LPD had formed a committee to complete this task and they had already collected many samples from other law enforcement agencies; however, their efforts were also placed on hold in anticipation of receiving input from the DOJ Review Team. It was made clear that the LPD understands the need to have a sound and fair performance evaluation system for accountability, promotional and personnel development purposes, and the need for supervisory training in this area. We committed to continuing this process, utilizing the assistance of our consultant, Dr. Van Meter, who has authored a book on the subject and is considered a national expert.

Training: A short presentation outlining the history of the Lorain Police Department's training program was made, and the steps that the LPD had taken in recent years to enhance it (i.e. dedicating a full time training position, purchasing software to document the training, increasing in-service and specialized training hours, and implementation of roll call training). It was also explained that some years before the LPD had devoted considerable resources to extend comprehensive training to all command and supervisory personnel (FBI Academy, SPI, Northwestern Staff & Command School, etc.), but many had retired. We committed to continued improvement of our Department training program.

Internal Affairs/Complaint Procedures/Discipline: During the review, the DOJ investigator covertly entered the Police Record Room to ascertain how the LPD handled complaints. When she asked for a form, she was advised that she would have to speak with a police supervisor first. The investigator also asked whether there was someone who could assist in preparing the form if she did not understand it; the answer given was yes. This was discussed in detail with the DOJ Review members. It was explained that the Record Room clerk who handled the situation (Deborah Riley) was a fill-in from the Communications Center and does not normally work in Records. It was related to the DOJ team that Ms. Riley had followed our procedures (to call in a supervisor) and that our command staff still supported that protocol; Chief Reynolds felt that the participation of a supervisor might serve to intimidate a potential complainant; Lts. Dan Reinhardt and James Rohner explained how a supervisor on many occasions can resolve the issue immediately, especially when it is the result of a misunderstanding (of the law or procedures, for example). If the allegation is serious, it also allows the Department to take immediate action to initiate an investigation and/or relieve the officer/employee from duty. It was a matter where we had to agree to disagree.

Notification was made that the LPD had created a new Office of Professional Standards to oversee the internal affairs function; new software was purchased to allow tracking of complaints and to act as an early warning system. Lt. Rohner designed packets containing all of the necessary forms to streamline the complaint process. It was reported to the DOJ team that new standards of conduct had been adopted in early 2008 and all sworn and civilian members of the department had received related training in ethics; supervisors had been trained by Lt. Rohner in December, 2008 so that they could conduct internal investigations in a consistent manner.

During the presentation, it was also related to the DOJ team that we planned to expand the duties and staff of the Office of Professional Standards in the near future. We also committed to the continued improvement of the disciplinary process as it relates to timeliness and consistency.

Emotionally Disturbed Persons/Use of Taser: A short presentation outlined the Lorain Police Department's long history of advocacy for emotionally disturbed persons (EDP). It was explained that all of Lorain County's mental health facilities (Nord Center, halfway houses, and hundreds of individual rentals) are located in the city of Lorain, thus our officers handle an extraordinary amount of calls involving EDPs (such as person off medication and becoming violent, assist Nord Center personnel, or suicidal male/female).

The LPD has a longstanding collaborative relationship with the Lorain County Board of Mental Health: we assisted in the development of the Suicide Hotline, we initiated the discussions that resulted in LCBMH funding for non-violent mental health patients to be transported to hospitals by private ambulance; and we were part of the planning team that developed the countywide Crisis Intervention Teams (CIT) for law enforcement and Sergeant Robert Brown is one of the instructors for the program.

The Police Department also facilitated discussions with Community Health Partners to provide for quicker and more efficient evaluations/dispositions when mental health patients are taken to their emergency room. We also explained the dilemma that LPD officers are placed in when the hospitals go into "psychiatric lockdown" where they will not accept any mental health patients and the Police are stuck with no treatment facility available.

The Lorain Police team discussed the use of the Taser with the DOJ Review Team. During the review process we had the impression that they were anti-taser. Lieutenant Reinhardt, and other police supervisors, shared the advantages of the taser as a less lethal weapon; they spoke of the impetus of our researching the Taser after one of our officers shot and killed an emotionally disturbed young man after he stabbed a Lorain Police Officer. Lieutenant Reinhardt also explained the warning process and the change in policy and retraining that had taken place.

Limited English Proficiency: It appeared that DOJ Investigator Sara Lopez felt uncomfortable regarding Police services to our citizens that are Limited English Proficient (LEP). It was explained that the majority of our LEP constituents are Hispanic (from Puerto Rico and Mexico) and we are committed to serving them. Many of Lorain's Hispanic officers are bilingual.

The Lorain Police Department has an LEP policy in place, contracts with Language Line for routine assistance (at Information desk, the communications center, or in the field), and uses Certified Interpreters for interviews on felony cases.

In addition, Chief Rivera served on the Interpreters Sub-Committee for the Ohio Supreme Court (Commission on Racial Fairness) and then co-chaired the Summit-Lorain Project; this involved the development of a comprehensive plan and model policy for law enforcement agencies in Ohio to meet their obligations to the LEP population. The committee worked with experts from across the country to develop this plan, including Attorney Alex Acosta from DOJ. Now it is used in several states by many police agencies.

It was further related that the Lorain Police Department enjoys an extremely close relationship with Hispanic community organizations; El Centro de Servicios Sociales provides us with assistance with interpretation and translation services, as needed.

Sexual Assault/Domestic Violence: Chief Viverette was concerned about our effectiveness in dealing with sexual assaults and domestic violence, given the Police Department's lack of female officers. She was assured that the Lorain Police Department not only is seen as a strong advocate for these victims, but is seen as a leader in this particular field.

The LPD assisted in the development of the Lorain County Rape Crisis Center, and later with the planning and implementation of the Sexual Assault Nurse Examiner (SANE) program and the Child Advocacy Center (provides for a one time/one person interview of child molestation victims, with the Police, Prosecutors, and Children Services present, in a comfortable, non-threatening environment).

The Lorain Police Department also created the Lorain County Domestic Violence Task Force (developed a model policy for law enforcement agencies in Ohio, facilitated the creation of a Men's Battering Program, and helped save the Genesis House Shelter for Women after its parent agency was de-funded). It was the LPD that initiated efforts in Ohio to place all protection orders on the statewide computer system (LEADS) and this was later implemented nationally. The local shelter for domestic violence victims (Genesis House) is located in the city of Lorain because of the Lorain Police Department's support. Chief Rivera served on their board for several years.

SWAT: A question had arisen about the Lorain Police Department Special Weapons and Tactics Team (SWAT). It was explained that the team had been in existence since 1984 and had handled over 150 narcotic raids and 75 high risk incidents without a single serious injury inflicted by the SWAT Team.

Community Base Support: After a statement was made by a DOJ Review Team member questioning our relationship with our minority community, the following was offered: Despite obvious statements to the contrary from individuals to the DOJ Team, the Lorain Police Department enjoys a longstanding, good relationship with the African American and Hispanic communities of Lorain. We have a long collaborative history with the Lorain Metropolitan Housing Authority, NAACP, the Lorain County Urban League, the Coalition for Hispanic/Latino Issues and Progress (CHIP), El Centro de Servicios Sociales, Harrison Cultural Center, Direct Action for Central Lorain, the Coalition for South Lorain, Reclaim Lorain, grassroots organizations, and the pastors of our minority churches (these are relationships that have been nurtured for the past 26 years).

It was pointed out that during times when the community needs to get together to resolve escalating violence or other issues, it has been the Lorain Police Department that has organized and facilitated community forums, sometimes with 500-600 in attendance. Results have included additional activity for our youth and the opening of a community center in South Lorain. In late June, 2009, after two homicides in one day and the threat of further retaliation, we were able to bring together almost 100 community leaders and pastors in the African American community with only a couple of hours notice. This can only be accomplished if there are existing relationships.

We described the great working relationship that we have with the Lorain City Schools. In the past we have sponsored the DARE program, School Resource Officers, bicycle and gun safety programs, and collaboratively we developed the Schools Crisis Response Plan with the LPD paying for the consultant, and our plan being used as a model by school districts throughout Ohio when the state passed a law requiring them to do the same. We also assisted the Lorain Schools in the development and training for their Safety Officer positions; obtained grants for additional cameras for the schools; and sponsored two after school programs in their middle schools with our Law Enforcement Trust Fund.

The Police Department sponsors the Do The Right Thing Program: Monthly, we honor children who are nominated by teachers and members of the community who, by their actions, act as role models for their peers. Winners are given a \$100 savings bond, theatre tickets, a tee-shirt, a plaque, and their pictures are placed in our local newspaper, the Morning Journal and Lorain City School television channel 20. The weekend before school starts, the Do the Right Thing program sponsors a Back to School Family Picnic, which generates over 8,000 people in attendance. During the festival, 3000 bags of free school supplies are distributed to students and over 40 community organizations participate in this effort. All activities and food are free and the children have an opportunity to interact with police officers throughout the festival.

The Police Department, in partnership with other community organizations, have even co-sponsored and participated in the ACLU's "What to Do When Stopped by the Police: Your Rights and Responsibilities" program. Additionally, we have very active Neighborhood Watch

groups in the City of Lorain and created the Neighborhood Watch Council to coordinate their efforts with each other and facilitate the distribution of information.

Excessive Force: We strongly put forth that the Lorain Police Department Command, Supervisory, and Sworn officers do not believe that there is a pattern and practice of excessive force within the LPD. Where it has been identified it has been dealt with internally, submitted to the Lorain County Prosecutor for review, and at one point turned over to the FBI for investigation and prosecution. Over the past 17 years we have terminated and prosecuted several officers. Some examples include:

1. Officer James Wolford...assaulting a prisoner/charged in Federal Court-**terminated.**
2. Officer Dan Kulas...assaulted a prisoner/**terminated.**
3. Sergeant Wayne Long...off duty assault, demoted and **terminated.**
4. Officer Dan Boszoki...tasered unresisting, handcuffed prisoner/**terminated.**
5. Officer Tim Gerek, Jr....attempted to sexually assault estranged wife/**charged and resigned as part of a plea agreement.**
6. C.O. Cabrera...stealing money from "undocumented" immigrants/charged and **terminated.**
7. Officer Joseph Montelon...sexual misconduct prior to hiring/**charged and terminated.**
8. Probationary Officer Lee Buss...sexual phone calls to babysitter/**charged and terminated.**

It should be noted that in most of these cases it was fellow officers who reported the violations...and some were returned to duty as the result of binding arbitration. **Another key point made is that all of our officers receive the same training and work under the same policies and procedures...apparently it has been effective for the 95% of our officers here who have never been accused of excessive force or sexual misconduct.**

We took the time to share with the DOJ Review Team the many steps that we had taken in the past few years to address the use of force issue within the Lorain Police Department. They include:

1. The development of a new Mission Statement and Core Values.
2. Modified the Use of Force Policy.
3. Designed Use of Force Form that must be reviewed & signed by Chain of Command.
4. Created Use of Force Review Board, chaired by Captain.
5. Created Office of Professional Standards.
6. Increased Defensive Tactics Training & Purchased Tasers for each patrol officer.
7. Purchased LEA Software to track complaints & provide early warning system.
8. Re-wrote Standards of Conduct and conducted ethics training (2008)
9. Command, Mid-Management, and First Line Supervision Training on IA Investigations.
10. Chaplain and Employee Assistance Program in place for all LPD staff.
11. Physical Fitness incentive and wellness program for officers.
12. Strengthened FTO program: Terminated officers not passing.
13. Sought grants to place GPS/AVL & In-Car cameras in all patrol vehicles.

The real focus of investigation: We shared our perception that the true underlying reason for this investigation involved the cases of former Lorain Police Officers Joseph Montelon, Jesse Sanchez, Stanley Marrero and the related allegations of sexual misconduct. We related the three year odyssey experienced by the Lorain Police Department in the form of a nasty, anonymous smear campaign, the media coverage that it engendered, and the paralysis that it had caused the department. We advised that we did not understand why these issues were not addressed by the DOJ because we were ready to respond to them. We also reiterated that the LPD has gone through a lot of turmoil in the past decade, but we have tried to do the best we could under some very trying times and circumstances.

The chief and officers expressed some concerns relative to the DOJ's process and also provided the Review Team with documents that we felt were relevant to the inquiry. They included:

1. Chief's Open Letter to the Community (1/30/05)
2. Police Department Projects/Status Report (1/14/08) & Update (6/08)
3. Chief's Letter to Mayor Craig Foltin (06)
4. Supervisor Staff Meeting Report.
5. The newly developed LPD Patrol Plan.
6. 2008 Jail Inspection Report from ODRC.
7. LETF/MDFP/FESA Narcotic Reports.
8. Equitable Sharing Report to Attorney General's Office.
9. Civil Service Commission Efficiency Ratings form.
10. 2008 Lorain Police Department Annual Report.
11. A copy of the Summit-Lorain Project (LEP Model Policy).
12. LCCC's *The State of Lorain County's African-American & Latino Communities*.
13. 2008 LPD Use of Force Report
14. 2009 1st Quarter LPD Use of Force Report.

After the conclusion of the presentation by the Lorain Police Department command staff, the Exit Interview with Chiefs Reynolds, Viverette, and Romero commenced. Each shared their observations during their short visit and made recommendations in a clear attempt to provide us with guidance and assistance. During the next several months, the staff of the LPD took time to evaluate each concern and suggestion; the recommendations are outlined below with the responding action taken by the Lorain Police Department:

1. Chief Viverette expressed concern regarding the disparity in numbers of minorities (especially females) on the Police Department; the Chief and Command Staff had previously explained the barriers that exist in Ohio law and Lorain's status as a statutory city. She felt that **recruitment** could be improved and related that "best practices" indicate that recruitment is much more successful when a police department utilizes its own personnel for outreach.

Response & Action Taken: From the very beginning, the LPD command staff conceded that this disparity exists, especially as it relates to the African-American community and females. They also shared their frustration over the years in dealing with this very issue. For statutory cities,

like Lorain, the Ohio Revised Code mandates the granting of 20% extra points for military veterans on all Civil Service exams. It has served as a hindrance in the recruitment and hiring of females, and to some degree, members of the African-American community. In response to this concern a letter was sent to State Representative Joseph Koziura D-56 requesting his assistance in sponsoring legislation that would allow all cities in Ohio home rule authority to modify the 20% rule (See Exhibit #1).

With regards to the issue of recruitment, the Lorain Police Department took two important steps. First, we formally requested that the Lorain Civil Service Commission not extend the Police Eligibility List for another year (as has been the practice for the past 25 years). Under Ohio law the eligibility list is in place for a one year period, but the Commission has the authority to extend it for another year; this was the norm due to financial considerations. The list expired on November 23, 2009 and we advised the Administration that we would like to follow through with the DOJ recommendation on recruitment. The commission agreed and the list was terminated (see exhibit #2).

The Police Department's Office of Professional Standards accepted the challenge of putting together a recruitment program and the next Police exam was scheduled for May 3, 2010. The officers did a great job: The Morning Journal, The Chronicle-Telegram, and television Channel 19 News did feature stories on the department's efforts (of course, it generated a lot of hate bloggers); they rented a booth at the IX-Center Job Fair that attracted over 10,000 people; the chief and other officers made presentations to community groups; large billboards were rented with a recruitment message on them; Posters and flyers were distributed to Lorain County Community College, stores throughout the city, churches, and community groups (i.e. NAACP, Harrison Cultural Center) and social service agencies. The recruitment information was also posted on the City and Police Department websites, along with the Lorain County Job Network. The Armed Forces Recruitment offices were also contacted and asked to forward the information to returning veterans. The Lorain Civil Service Commission held two Information Nights to explain the process to those interested, and the sessions were well attended.

The end result was that 256 potential candidates took out applications for the Police exam; 235 returned the applications, and 200 actually participated in the exam. That represents well over a 100% increase over the 93 that took the last test; however, it should also be noted that the number of females doubled and the number of African-American males tripled in number. Refer to Exhibit #3 for further information

2. Chief Viverette believed that our recruitment efforts would be enhanced if we created a more "welcoming" environment. She specifically cited the fact that our command staff and officers often referred to the "men" when talking about the Police Department; she also heard "guys" and "girls" but did not think these were as bad. Chief Viverette also advised that "best practices" dictate that the title of patrolman on our badges be abandoned and changed to patrol officer or police officer.

Response & Action Taken: The term "men" is just a habit after spending decades hearing phrases such as "patrolmen", "we need more manpower", "concerned about the safety of the men." As time continues, and it is addressed in training, this minor problem should be alleviated. Chief Viverette was advised at the time that in reports and in practice we have already changed the title from Patrolman to Officer. However, due to budget constraints, including a 2.9 million dollar deficit, the Police Department has not been in a position to spend \$10,000 to effect

this change. As soon as the financial condition of the city of Lorain improves we will submit the request to the Administration to authorize the expense. Special Note: We did purchase individual "Police Officer" badges for our female officers and two turned them down (stating that they wanted to wear the same badge as everyone else).

3. Chief Viverette expressed concerns relative to the fact that the Lorain Police Department employs only male correction officers in the Lorain City Jail. She was advised that the City Jail does not hold females and the Lorain Police Department holds certification for a Bona Fide Occupational Qualification (BFOQ) from the Ohio Civil Rights Commission that permits this arrangement. It was her opinion that we should also advertise for female detention officers and this would be an important step in letting women know that they are welcome on the Lorain Police Department.

Response & Action Taken: This was discussed by the LPD Command Staff and, though we agree with the premise, it was decided that the Police Department has no alternative. On December 10, 2009, the Ohio Civil Rights Commission considered the LPD's application for renewal of Certification of a Bona Fide Occupational Qualification by sex (male) for the position of Corrections Officer and granted same. State law requires the Lorain Police Department to comply with certain minimum standards for the treatment of prisoners. These standards require that prisoners may only be processed, strip-searched, and supervised during showers, by persons of the same sex.

4. Chief Viverette recommended that the city delay making a "conditional offer" until the background investigations are completed...thus saving money on unnecessary psychological exams and polygraphs.

Response & Action Taken: Command staff reviewed and learned that this has actually been the city's practice for several years.

5. Chief Romero and the other chiefs discussed the Police Department's Use of Force policy and related issues. They applauded the steps the LPD had taken, but shared some recommendations. Chief Romero believed that our Use of Force policy was "too complex" and should be simplified. Chief Reynolds suggested that the supervisors who are charged with reviewing the Use of Force reports utilize a checklist for consistency; he also felt that it would be beneficial for the Use of Force Review Board to use the same checklist. The DOJ Review Team also recommended that the Board review the tactics used by the officers (scenario-based interviews), and that any use of force incident that involves injury receive an "elevated" review and investigation. Another suggestion was to evaluate our ratio of use of force to arrests, in addition to incidents.

Response & Action Taken: The Lorain Police Department command staff spent a considerable amount of time discussing Chief Romero's recommendation relative to the complexity and length of the Use of Force policy. It was decided to maintain the policy as is for the present time. The decision was based on the fact that our officers have been trained for several years on this policy and defensive tactics training is conducted four times a year. In addition, it was felt that this is not the time to change the policy, given all that is currently going on (DOJ review, renovation, major gang/murder task force investigations, promotional exams, threatened layoffs, etc.).

The subject of providing a checklist for supervisors and the Use of Force Review Board to use, for consistency purposes, was considered by the Command staff. All agreed that it would be beneficial and the Office of Professional Standards designed the checklist and it is currently being used (See Exhibit #4). The Use of Force Review Board, during this process, does assess the tactics used by officers and, as a result, training and departmental procedures have been changed on occasion.

The LPD staff also discussed the recommendation to have all cases where there is an injury receive an "elevated" review and investigation. The protocol was thoroughly analyzed and it was determined that the process, as it stands, is comprehensive in nature; the use of force form and report must be reviewed and signed by the Sergeant, Lieutenant, and Division Captain. Each step can trigger a Use of Force Review Board hearing and every aspect of the encounter is reviewed. The Office of Professional Standards (OPS) did add the requirement that all incidents involving serious physical harm or death require an independent investigation. However, this mandate was not extended to "any" injury.

The suggestion to evaluate the Lorain Police Department's ratio of use of force to arrests, instead of only incidents, was affirmed at a command staff meeting. The change was made in the data base by the Office of Professional Standards and currently the ratio of use of force to arrests is determined for each officer. When officers were identified as being above the norm, the Use of Force Board reviewed each incident of use of force that they were involved in. For further information, see quarterly and annual reports (2009-2010), issued by the Office of Professional Standards, and submitted to the Department of Justice recently.

Of Special Note: Chief Reynolds also recommended that we should be very specific as to the number of ammunition rounds that each officer should carry, and this should be mandatory as a matter of policy. The Lorain Police Department firearms policy of August, 2005 was modified on January 1, 2010. S.O.P 17.01 mandates that all officers carry their firearm with a fully loaded magazine and one round in the chamber. It also gives firearms instructors and shift supervisors responsibility for conducting regular inspections.

It should further be noted that on January 26, 2010 the Use of Force policy was modified and the title changed to the Aggression Response Policy and the Use of Force Review Board was changed to the Aggression Response Review Board. The board currently includes the Captain in command of the Office of Professional Standards, the Defensive Tactics Instructor, the Lieutenant in charge of Policy development, and the Training Officer.

6. Chief Romero recommended that the Police Department place our citizen complaint forms on our website and distribute throughout the City. It was also suggested that all administrative investigation interviews be recorded and that all Police lieutenants be trained to conduct internal affairs. It was also clear that the chiefs had concerns relative to the practice of asking that citizens who wished to file a complaint against an officer speak with a Police supervisor first.

Response & Action Taken: During the DOJ's site visit in August, 2009 the Police Department was undergoing a major renovation, including the Records & Information area. The complaint package was being developed and all of the information in the new brochure was in the process

of being translated into Spanish by Language Line, Inc. After that effort was completed, the information packets were placed out in the lobby (both in English and Spanish) so that citizens who did not wish to confer with a supervisor could obtain the forms and take them home. Previously, the forms were available from the telecommunications/information officer working the customer window (after conferring with the supervisor).

The Command staff agreed that putting the citizen complaint form and instructions on the Lorain Police Department website would improve the protocol already in place. This was accomplished soon after the DOJ's visit. However, the staff did not believe that it was necessary to also place the forms in libraries and other public buildings. It is our belief that we have a duty to provide a process whereby citizens can feel comfortable in filing a complaint against any Police Department employee. We feel that is accomplished by the current practice of having the forms available at the Police Records & Information Window, the Lorain City Prosecutor's Office, the Safety Director's Office, and on-line on our website. When citizens call on the telephone and inquire as to how to file a complaint, our staff offers to mail, e-mail, or hand deliver the form to them. This goes well beyond what other law enforcement agencies in Ohio do.

It is the current practice, and has been for some time, for the Office of Professional Standards to audibly record the majority of all interviews related to an internal investigation. Police supervisors were trained on conducting internal investigations by Lt. James Rohner in 2008; others have received additional off-site training.

After considerable discussion in departmental staff meetings we decided that we would continue to encourage citizens who have a complaint against an officer to confer with a supervisor; it is our opinion that many minor issues are caused by a misunderstanding of the law or police procedures and can be resolved prior to a formal complaint being filed. At the same time, if the allegations are of a serious nature that requires that an officer be relieved of duty immediately, or calls for the immediate initiation of a criminal investigation, it would not be prudent to wait until the form is returned (sometimes days and/or weeks later).

7. Chief Romero also recommended that the person assigned to conduct internal investigations not have any other duties and report directly to the Chief of Police. He also indicated that "numerous" citizens stated that they feared retribution (i.e. arrest or harassment) if they were to file a complaint against a police officer.

Response & Action Taken: The Lorain Police Department Command staff, after much in depth conversation, had already made a decision to assign one supervisor full time to the duty of conducting internal administrative investigations. However, it was further decided that this position would not report directly to the Chief of Police, but that the best approach to ensure the integrity of the complaint process was to place this responsibility under a separate division. Therefore, the Office of Professional Standards was expanded from two to four personnel: it included Captain Russ Cambarare as Commander, Lieutenant Jack Fleming with responsibility for the development of policies and procedures, Sergeant Les Palmer as the training officer, and Sergeant Albert Rivera was assigned as the Internal Investigations supervisor. This office was also given responsibility for background investigations, and for the management of the Aggression Response Review Board, the Accident/Pursuit Review Board, and the Employee Review Board (Hiring, Retention, and Disciplinary matters).

With regards to the assertion that numerous citizens expressed fear of retribution if they were to file a complaint against an officer, we submit the following: I can only think of one occasion in 39 years of service where this was alleged to have occurred. In 2008 an officer reportedly detained a subject that had previously filed a complaint against this particular officer for a traffic violation. The police officer claimed that the person was driving a different vehicle and he had no idea that it was the same subject; no arrest was effected, nor was any citation issued. This officer was going through a series of personal crisis at the time, suffered serious physical and mental health issues, and eventually received a full disability from the State of Ohio Police & Firefighters Pension System. In most internal investigations, officers are warned against having any contact with the complainant(s) or witnesses. Complainants are assured that they do not have to worry about any harassment, to contact the Police Department if they believe they have been the victim thereof, and that any retribution by any Lorain Police Department employee against a citizen who filed a complaint will result in severe disciplinary action, up to and including termination.

8. The DOJ Review Team recommended that each time that we put out a new policy that it would be prudent to give our officers/employees a test to ensure understanding.

Response & Action Taken: In mid-2008, the Lorain Police Department enlisted the services of Van Meter & Associates (of Columbus, Ohio) to write, modify, and organize our Policy and Procedures Manual. We also purchased the PowerDMS software to allow us to place the policies on computer, and distribute and track them. This process was stopped at the end of 2008 on the advice of the Justice Department so they could provide recommendations during their site visit.

The project was continued after the visit of the DOJ Review Team in August, 2009. It should be noted that this is a tedious and labor-intensive job. As of May 16, 2010 the Lorain Police Department is one policy short of completely phasing out the old (yellow) manual. This is expected to be completed by June 1, 2010. The second phase involves the integration of brand new policies that our consultant, Dr. Peter Van Meter, believes that we should include. We adopted the recommendation of the DOJ and purchased an additional module for the PowerDMS software that allows us to test and score officers on their understanding of new or modified policies. As of this point we have utilized this feature on major policies, such as Aggression Response, Firearms, and Pursuits. We are currently working with the City of Lorain's IT Department to give officers access to the entire policy manual on their mobile data computers so they can refer to it in the field.

9. Training: The DOJ issued a recommendation that the Police Department's Field Training Officers (FTO) receive some refresher training. There was an indication that some of our telecommunicators who bear responsibility for searching prisoners felt that they could benefit from some additional training.

Response & Action Taken: Four officers were sent to a 40 hour training program in December, 2009 through the North Coast Polytechnic Institute; the owner of the Institute is Staff Lieutenant (Ret.) William Healy, former commander of the Ohio State Patrol Academy. The Lorain Officers that attended were Craig Payne, Orlando Perez, Shawn Petty, and Timothy Thompson.

The telecommunications/information officers were provided additional "scenario" training in the proper techniques of searching female prisoners. Conducted by Patrol supervisors on shift.

Of Special Note: In November, 2009 every sergeant on the Lorain Police Department attended a 40 hour block on first line supervision, co- sponsored by our agency and the North Coast Polytechnic Institute. Some supervisors had completed this course in the past from other training entities, but others had recently been promoted and were in need of it.

10. As explained in the exit interview (with the DOJ Review Team) in August, 2009, the "efficiency ratings" used by the Lorain Civil Service Commission for the past 30 years did not adequately meet the needs of a professional law enforcement agency. The City of Lorain and the Fraternal Order of Police, Lodge #3, had memorialized their dissatisfaction with this system in the collective bargaining agreement. The City agreed to refrain from using the efficiency ratings on promotional exams until such time as the Police Department and the FOP jointly designed an improved method of evaluating our police officers. It should be noted that the DOJ Review Team also believed that the current system needed revamping.

In August, 2009 the Police Department formed a Performance Evaluation Committee, chaired by Captain Russ Cambarare, and including members of the FOP. They were given the responsibility to research different approaches and review methodologies utilized by other law enforcement agencies to evaluate their personnel. The committee was charged with designing a system that provided for accountability, but also emphasized departmental goals and productivity, individual development, and training.

I believe the committee accomplished their assignment. They submitted a performance evaluation program that looks at general characteristics that are required of all good police officers, and assignment specific characteristics that are directly related to their jobs. The report was forwarded to Phil Dore, the Director of Public Safety, and it is currently being reviewed by his office, prior to presenting it to the Lorain Civil Service Commission (See Exhibit #5).

11. Chief Reynolds had inquired as to our policies regarding the handling of citizens that are suffering from mental health issues, in particular excited delirium. It was explained at the time of the DOJ site visit that the Lorain Police Department had long enjoyed a beneficial relationship with the Lorain County Board of Mental Health and the Department has been one of the most vocal advocates on behalf of our community members with this illness. We further related that most of the mental health facilities, half way houses, and individual housing provided to these patients are located in the City of Lorain; as a result, our officers handle an overwhelming number of calls involving EDP's. The Police Department also played a critical role in the planning and establishment of the Crisis Intervention Team (CIT) concept in Lorain County; this involves sending officers with specialized training to every call where there is potential of coming into contact with an Emotionally Disturbed Person.

Response & Action Taken: The Lorain Police Department now has 32 officers that are certified as CIT officers; this designation is placed behind their name on our duty roster so that the dispatchers immediately know who to send on these types of calls. It should be noted that in 2009 Lorain Police Officers handled over 300 EDP calls for service, many armed or violent, all without any serious injury to anyone. Our policy on Dealing with Mentally Ill, Emotionally Disturbed or Excited Delirium (S.O.P 05.04) was modified and re-issued on January 22, 2010 (See Exhibit #6).

12. Chief Reynolds advised that Best Practices dictate that Police Departments should require all candidates for a position on the Special Weapons & Tactics (SWAT) Team to undergo a psychological examination prior to appointment. He recommended that we add this to our criteria for selection.

Response & Action Taken: SWAT Commander, Captain Steve Schmittle, researched the recommendation by checking with other law enforcement agencies. Neither the Cleveland Police Department or the Columbus Police Division SWAT Teams utilize psychological screening for applicants. However, after some discussions with Clinical Psychologist Ross Santamaria (a former psychologist for the Cleveland Police Department and a practice that specializes in providing services to law enforcement agencies), the command staff agreed to require a psychological examination of all SWAT candidates. This is currently waiting approval for funding. During the discussions, it was pointed out that the Lorain Police Department SWAT Team has been in existence since 1984; during that time they have handled over 150 narcotic raids and 75 high risk incidents without ever inflicting a single serious injury.

13. Chief Romero suggested that the Lorain Police Department consider sponsoring or sending officers to Spanish-Speaking classes; this is obviously in response to the fact that we have a sizeable Hispanic population in the City of Lorain.

Response & Action Taken: This recommendation was taken into consideration by the Police Department command staff, but held in abeyance for now. We have serious reservations about the wisdom of trying to teach police officers a foreign language in a couple of days. They could certainly be taught some phrases, such as "Stop...you are under arrest...get down on the ground...drop the gun", but what does the officer do when the subject responds. For example, if the person is told to get down on the ground (and he even understands what he is being told), and he starts yelling that he can't because he just had back surgery, there is going to be a problem with where you go from there because neither one understands the other...especially if this is a tense situation and everyone's adrenalin is pumping. What happens if, in his excitement, the officer uses the wrong vocabulary (not to mention the different dialects). At this time, we feel that in most instances the officer and LEP person are better served understanding that there is a communications gap and immediately calling for the services of one of our Spanish-speaking officers, a community interpreter, or the Language Line interpreter service. This will be re-assessed in the future.

14. The Lorain Police Department command staff would like to add some information and address other recommendations made by the DOJ Review Team:

- Since January, 2010 Captain Russ Cambarare and Lieutenant Jack Fleming assumed responsibility for completing the Policy Development project; as needed, they have worked diligently with the Lorain Law Director's Office and our consultant, Van Meter & Associates. The old (yellow) manual will be completely phased out by June 1, 2010; the only major policy from that manual that needs to be updated is that dealing with secondary/off duty employment. It is being re-written and coordinated with our legal and union representatives and will be completed by the June 1st deadline. Captain Cambarare reports that the Office of Professional Standards is currently modifying the proposed policies provided to us by Dr. Van Meter and he expects these to be in place no later than September 1, 2010 (although he fully expects to accomplish this task well before then).

- Bids have gone out and the Lorain Police Department is ready to move forward with the placement of GPS/Automobile Vehicle Locator and In-Car camera systems in each of our patrol vehicles. It is our intent to have this equipment in place, and officers trained, by July 31, 2010.
- The Police Department wishes to provide the DOJ Review Team with copies of the 2008, 2009, and 2010 Training schedules to confirm the efforts that have been made in the past several years towards enhancing training for our officers and personnel. It should be noted that while most Police Departments in Ohio (i.e. Ohio State Patrol) require as much as 40 hours of in-service training a year (the state is working towards 24 hours), the Lorain Police Department provides its patrol officers with 80 hours, in addition to roll call training.
- We are also providing the DOJ with copies of our 2009 & 2010 (through April 1, 2010) quarterly and annual Aggression Response Review Board reports (to compliment the individual reports that were produced in response to a document request). A recommendation was made to publish these reports to the public and they will be included for the first time in the 2010 Annual Report for the Lorain Police Department.
- Chief Romero felt that the schedule for the Criminal Investigations Division should allow, in as much as resources permit, another detective working evenings for victims/witnesses who work during the day. This was put into effect immediately after the site visit and two detectives were assigned to the second shift; this has worked well (allowing additional backup for our patrol officers who are operating at a dangerously low level).
- Chief Viverette recommended that we place our mission statement and core values on large posters and display them throughout the police station. We just received the posters and are in the process of framing them in order to place them in the various divisions.

Conclusion: This is where we stand in terms of following the recommendations that were provided by the U.S. Department of Justice Review Team during their site visit of August 17 thru August 21, 2009. The Lorain Police Department looks forward to continuing to work with the DOJ to improve the operations of the Department and providing the best service possible to our community.