



The City of East Cleveland

"Home of John D. Rockefeller – The World's First Billionaire"

THE HONORABLE ERIC J. BREWER, MAYOR



December 14, 2009

Dean Valore, Assistant U.S. Attorney
Office of the United States Attorney
Northern District of Ohio / Civil Rights Division
801 West Superior Avenue, Ste 400
Cleveland, OH 44113

Mr. Valore:

Over the past four years, and in my official capacity as Mayor, I have heard numerous complaints about civil rights violations from residents and individuals who have interacted with police officers employed by the East Cleveland Police Department. You and I discussed a potential relationship between the City of East Cleveland and the U.S. Attorney's office on September 14. I asked then that the U.S. Attorney review police officer arrest, prosecution and detainment practices. I believe an outside review from your office would result in positive administrative and public policy changes within the department that will result in a higher level of trust between police officers and the public.

My administration began examining police internal affairs practices in May 2009. A police accountability forum was held on September 9, 2009. Forum participants included NAACP Director Stanley Miller; Cleveland Office of Professional Standards Director Cassandra Bledsoe; Public Defender Ron Tobik; Cleveland State University Professor Ronnie Dunn, a racial profiling expert; City Prosecutor Willa Hemmons and Chief of Police Ralph Spotts. It was at this meeting that Chief Spotts made the statement that *"racists, bullies and cowards"* served as police officers. Mr. Miller and I discussed his statements afterwards and he offered the NAACP's assistance and suggested that I speak with the U.S. Attorney. The September 9 meeting was videotaped. A copy of the DVD is included with this letter.

My administration was in the preliminary steps of taking a critical look at the police department's internal affairs process so as to address concerns from residents that police weren't investigating their complaints. The Deputy Safety Director and I had held meetings with police supervisory staff in April and May of 2009 to review internal affairs procedures. Two changes were made at the time. One was to divert complaints from the police window to the Department of Law. The other was to ensure that the Mayor's office obtained a copy of each complaint and the results of the investigation. Current rules made it "optional" for the police chief to give the Mayor a copy of a completed internal affairs investigation report.

It is my view after four years of my directly supervising the police department that its members, particularly those in supervisory and management positions, suffer from a "home grown" mindset that impedes their ability to know the limits of their authority and to hold each other accountable. Their careers begin and end in East Cleveland with virtually no exposure to police practices in better managed departments.

East Cleveland's codified ordinances restrict the mayor's ability to hire an outside police chief who has received, as an example, the type of professional training that the FBI offers police officers at Quantico. Police chiefs are promoted from within the ranks of captains, lieutenants and sergeants and are then trained on-the-job. Bad habits learned in the lower ranks are retained once a police

officer is promoted upwards. Even though some may have good intentions, they're conflicted with not always knowing the legally or even the ethically correct course of action to follow.

City Council has shown no willingness to change the ordinances so that a Mayor may have the management flexibility to hire trained and professional outside police department managers. This Mayor and the efforts of past mayors have traditionally been thwarted by career police "insiders" who have "off duty" relationships with members of the legislative body. While this type of legislative interference is prohibited by state laws, and East Cleveland's charter, Council – employee relationships exist at the convenience of career police officers who hope to one day become Chief of Police.

No current member of the police department has professional police management experience, including the Chief of Police. I am recommending to FBI SAIC Frank Figliuzzi that the present Chief of Police receives training at the FBI training academy at Quantico.

Police chiefs have traditionally been unable to make the distinction between their new role as a management employee versus their old role as a rank and file member of the collective bargaining unit. The current police chief, as an example, was recently admonished by me for violating the federal Taft Hartley Act. I learned that he had been attending and interfering with FOP meetings despite his being a management employee. At one 2009 union meeting he made the statement that "*bitches and snitches*" were in the police department and advised members to stick together. He told another employee that he should not seek an FOP office. He'd never heard of the Taft Hartley Act and actually thought he was operating within a legal framework because former police chiefs had also involved themselves in union activities. The FOP contract specifically excludes the chief of police as a collective bargaining member.

Police officers who have knowledge of or report misconduct among their fellow officers complain of being ostracized and targeted by their supervisors for disciplinary action. One police officer, as an example, reported that a police lieutenant tore up a complainant's Internal Affairs complaint as soon as the person walked away from the service window. An Internal Affairs investigation of a very questionable allegation against the complaining police officer was ordered by the police chief less than two weeks after he was made aware of the allegation against the lieutenant. The police chief did not order Internal Affairs to investigate the allegation against the police lieutenant. The officer believes the questionable investigation is retaliatory.

Even recently, the police chief chose to defend rather than order an investigation of allegations that a police officer now serving as a detective had ties to a prostitute whose body was found at the Noble Motel in October 2007. The homicide is unsolved and the detective was a patrol officer at the time. The detective has a written statement that the victim was one of his paid "out of pocket" informants during the time he served as a patrol officer. Patrol officers are "first responders" who visit a crime scene, gather information, generate a report and forward it to the detective bureau for an investigation. There is absolutely no policy that authorizes them to pay informants or to handle investigations after an initial report is generated. The suspect police detective has no records to authenticate any alleged payments he claims to have made to the homicide victim during his days as a patrol officer. The chief informed me that no records exist which document the alleged "cases" the detective was investigating while he served as a street patrol officer.

One of the longstanding allegations against the police officer is that he has taken money and drugs off drug dealers he's encountered on the streets. He's been accused of using the drugs and money to buy information from his street sources. The fact that he's admitted to paying undocumented informants "with his own money" lends some credence to the allegations against him even if they're never substantiated.



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The detective bureau was not assigned to investigate the suspect detective until I ordered an investigation and subsequently scheduled a meeting with FBI SAIC Figliuzzi. The police chief's "investigation" began and ended with him asking the detective to write a statement explaining his relationship with the homicide victim. The detective was informed that "the mayor" was ordering an investigation instead of the matter being handled confidentially. It was the same tactic used by a police chief I fired for failing to investigate a detective who helped her drug dealing husband avoid an undercover federal agent's drug buy. The now convicted ex-detective used law enforcement computers to query the federal agent's license plates. The ex-police chief opened and closed her investigation based only upon the ex-detective's statement.

I'll note here that while everyone in police leadership, including the Internal Affairs officer, was fully aware that the ex-detective was dating and then later married a man who'd been twice convicted for drug dealing, she was not investigated internally until I ordered it. All knew the ex-detective and her unemployed husband purchased three new vehicles and three homes on her \$40,000 annual salary. They knew the ex-police chief and the city's former Deputy Safety Director, now employed as an "investigator" for the Cuyahoga County Coroner, traveled to Atlantic City with the ex-detective and her drug dealing husband. None sought to hold either the ex-detective or the ex-police chief accountable for their violations of local, state and federal laws.

I believe the information above serves as a backdrop for why the East Cleveland police department is in need of technical assistance from the office of the U.S. Attorney. You have stated that the U.S. Attorney has resources to assist municipalities in reviewing police practices, and that a written request is required to initiate the process, please accept this letter as a request from the City of East Cleveland for federal assistance. Despite the reality that my term of office expires on December 31, 2009, I will make myself available to provide your office with any information or knowledge at my disposal on or anytime after January 1, 2010.

Respectfully,

Eric J. Brewer, Mayor

xc: Steve Dettelbach, U.S. Attorney
Frank Figliuzzi, FBI SAIC

