

EXHIBIT A

MEMORANDUM

DATE: JANUARY 28, 2022

TO: MARK GRIFFIN, LAW DIRECTOR
KARRIE HOWARD, DIRECTOR OF PUBLIC SAFETY
DORNAT DRUMMOND, INTERIM POLICE CHIEF
JOELLEN O'NEILL, DEPUTY POLICE CHIEF
DANIEL FAY, COMMANDER
TIMOTHY MYGATT, DEPUTY CHIEF, CRT
JONAS GEISSLER, CRT
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STEVEN J. PAFFILAS, CIVIL DIVISION CHIEF, AUSA
MICHELLE HEYER, AUSA
SARA DECARO, AUSA
MICHAEL EVANOVICH, AUSA

FROM: HASSAN ADEN, MONITOR

RE: BACKGROUND CHECKS FOR LATERAL HIRES – COMPLIANCE AUDIT

After learning of the Division's intent to recruit lateral hires from a circulated Divisional Notice, received August 13, 2021 the Monitoring Team notified Public Safety Director Howard of the Team's intent to audit the background check process of any candidates receiving an offer. Subsequently, Director Howard organized a telephone call with Cleveland Division of Police personnel leading the recruitment of lateral hires, specifically Commander Daniel Fay. That conversation included discussion about the Monitor's interest in the process, review of the relevant paragraphs, and plans to coordinate the review process. The purpose of the audit was to assess the Division of Police's compliance with Consent Decree paragraphs 308-311. That audit was conducted at the Cleveland Division of Police training academy on November 30, 2021. Reviewers included Hassan Aden, Ayesha Bell Hardaway, and Christine Cole of the Monitoring Team. Michelle Heyer from the US Attorney's Office was present as an observer and did not score any of the files.

Methodology: The three Monitoring Team members were each assigned a file for one of the three lateral candidates that received a conditional offer of employment. Michelle Heyer reviewed two files of candidates who did not receive offers of employment. The files of two candidates who did not receive an offer of employment were reviewed to understand the difference between those who received a recommendation for hire and those who did not. The reviewers worked in close proximity to one another, with each reviewer working through their assigned file, raising questions, and sharing observations throughout the process of review. Throughout the review, Monitoring Team members discussed aspects as a group, rendering subsequent reviews for internal validity unnecessary.

Assessing the Files: Each file included on the inside front cover a list of potential contents with a (blank space) presumably for a check mark or an X, indicating the inclusion or presence of that item. Several spaces were blank even when there were items included in the file, suggesting that the cover sheet was not universally used by the reviewer. This checklist was

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helpful for us to orient ourselves to the files and their content. Each file contained a red folder with CDP background information and one or more manila folders each containing materials from the candidates' prior law enforcement agency employer. Cover sheets for each section, in order and with the section titles corresponding to the table of contents, which were not included, would facilitate review by parties not involved in the compilation of the files, including chain of command reviewers. We spent about 15 minutes orienting ourselves to the files, their general contents, and organization.

Scoring the Files: The Monitoring Team created a score sheet (see attached to view sheet and scores) to assess each requirement of the relevant Consent Decree paragraphs. The presence or evidence of the requirement garnered a score of 1, the absence of evidence resulted in a score of 0. There is a total possible score of 18 for the enumerated items. It may be that some work was completed in accordance with the Consent Decree paragraphs, but if there is not visible evidence of that work or product in the notes, the score received is 0. For example, a score of 0 is awarded if the files contained a signed consent form from the candidate for the preservice drug screening, but no evidence of the completed screening, nor notes reporting whether drugs or steroids were detected is included in the file. A memo or note that indicates the drug screening was completed and deemed satisfactory by the medical unit, and is on file in the medical office receives a score of 1 or the full score.

Overall Impressions: The CDP files show the investigators consistently reviewed criminal background checks, employment verification, and credit checks. The ways the investigators completed the comprehensive questionnaire template was uneven. The investigators consistently used a different color font to highlight clear problems with the background, which was helpful, though the depth of questions and details of responses from prior employers varied widely. CDP investigators generally received extensive information from prior employers. These other agency files often contained detailed background investigatory details – beyond the scope of the CDP background review as documented. It appears that the data in the files from other agencies were not considered.

The reviews show a lack of adherence to the expectations with and as such, non-compliance with paragraphs 308-311. Generally, the files lack much of the required documentation from paragraphs 308-311. The scores are 50%, 27%, and 61% compliant. None of those meet an acceptable threshold for compliance.

The decision to hire illustrates a disregard for the content of the background investigations and the problematic histories of these three candidates as reported by the other agencies to which the candidates applied. The information in the files collected by the CDP investigators seem to be disqualifying for hire, and yet, each of these three candidates was extended an offer of employment.