

May 26, 2021

Lyndhurst, Ohio
May 26, 2021

The Civil Service Commission of The City of Lyndhurst met in Special Session on Wednesday, May 26, 2021 at 8:30 a.m. via the permitted Zoon platform.

Members Present: R. Schmidlin, Chair
S. Franks, R. Sweeney

Others Present: J. Luskin, Director of Law
C J. White, Secretary
Chief Rhode, Police Department
Sgt R. Reese, Police Department
Sgt M. Eden, Police Department
Sgt M. Scipione, Police Department

Review the appeal of the Lieutenant Assessment Center per the April 19, 2021 correspondence from Sergeant Reese and Sergeant Eden.

The following is a verbatim transcript:

Mr. Schmidlin: I would like the minutes to reflect the following: On April 7, 2021, the Lieutenant test was conducted by OACP, on April 12, 2021, the results were received by the city. On April 19, 2021, there was an appeal requested by Sergeant Eden and Sergeant Reese, that appeal was scheduled for May 13, however, it was continued at the request of Sergeant Reese and Sergeant Eden. It was continued until May 20, 2021 again, at the request of Sergeant Eden and Sergeant Reese and we are here today to hear that appeal. As a matter of background, as a matter of record, I have reviewed documents, obviously, the April 19, 2021 letter of Sergeant Reese and Sergeant Eden, I have reviewed my letter of May 4, 2021, I have reviewed the May 5, 2021 letter of Sergeant Reese and Sergeant Eden. There was also an additional May 5, 2021 letter of Sergeant Reese and Sergeant Eden requesting public records. There is also a May 5, 2021 letter of Jeff Traci that has been reviewed as well as my review of the public records response. What I would like to do now, starting with Sergeant Reese, is to, in addition to those materials I just referenced, do you have any other evidence or testimony that you would like to present to the Commission for consideration?

Sergeant Reese: I'm pretty sure I got everything that I need at this point.

Mr. Schmidlin: Do you care to present any further evidence before we ask questions and make findings, Sir?

Sergeant Reese: I would just like to make a statement regarding our position on it. Sergeant Eden and myself would like to extend our gratitude to the chairman and the rest of the Civil Service Commission for granting our request for the continuance. Initially our concern was allegedly Sergeant Scipione had recently written a paper while at Staff and Command School similar to the exercise #1 of the 2021 Lieutenant Assessment exam. Not only is that an unfair

May 26, 2021

advantage on written exercise #1, but also in doing so, sets the tone for all remaining exercises. Now, a deeper concern, reviewing the syllabus in Command School that Sergeant Scipione attended, it's clear that he had extensive course work and training including all the other exercises. The documents I received, laid reference to the (inaudible) basically 49 or 50 pages of research that Sergeant Scipione received prior to or while at Command School, for a total of 59 pages of research that I have . . . a public records request. Here is a 13 page report from Sergeant Scipione with input from our administration and outlined from Northwestern University. This report is exactly what was requested of us during the Assessment Center as written exercise #1. Moving on to the syllabus, reading it and going down the course work in person that . . . participated in the assessment center and after reviewing the syllabus you can plainly see how this student in this course would have an unfair advantage over the other candidates that were not afforded the same instruction. I'll reference a couple of things in the syllabus, the start date for the paper that was written, exercise #1 for us, was October 21, 2019. I think it was submitted on March or February, basically he had 4 months to write this report. The one on the syllabus, on the third page, there's a course, Employee Relations, this definitely relates to oral exercise #1 that we completed at the Assessment Center. The fourth page, Managing a Problem Employee, that's exactly what our role play was and it also is written exercise #1 because we had to write up a synopsis of what our follow through would be with this employee. Moving on, another block was Addressing at Risk Behaviors, again this is training and instruction on a role play exercise and subsequent the written exercise #2. Once again you have your organizational culture and organizational development oral exercise #1. On the last page, Communication showing executive image assignment discussion bar, that right there is going to give you an upper hand in a role play and an oral presentation exercise. I reference my May 5 letter, in the third paragraph, I wrote, and I took this out of the OACP report describing written exercise #1 and what they look for. The purpose of written problem solving exercise in the police assessment center is to test the candidate's skill in identifying and understanding a problem, you only have four months to do this. Sergeant Eden and myself had approximately 3 ½ hours to do this. Gathering the appropriate information and conducting a potential solution or solutions. Once again, Sergeant Scipione had four months to come up with this, Sergeant Eden and myself had 3 ½ hours. Translate His or Her Mental Processes into Logical Documented Form, same thing – four months that Sergeant Scipione had and we didn't. Lastly, Formulate Situational Data and Related Facts into a Workable Plan of Action within a Specific Period, well in a specific period, Sergeant Eden and myself had 3 ½ hours, the specific period Sergeant Scipione had was 4 months. At the very least, 59 pages of research was given to . . . we had no research, we were give 3 ½ hours to come up with and put down on paper and present it as our written exercise. There was definitely input from our administration of what they would put it in and he was provided an outline from the university, a prestigious university, which of course he is going to have the advantage. None of which Sergeant Eden and I had. Now, could it be argued that Sergeant Scipione, a six month sergeant, took the initiative and requested to go to this school? Well, in March of 2018, a six and a half year supervisor with over 24 years of law enforcement experience, requested to attend a very similar school, however it was only 10 weeks.

Mr. Schmidlin: Sergeant Reese, who was that individual?

May 26, 2021

Sergeant Reese: I am going to get to that. This officer offered to attend this school during his vacation and other personal time. That officer was told “the department at this time is not sending anyone to a school like that” that officer was me.

Mr. Schmidlin: That was you, Sergeant Reese?

Sergeant Reese: Yes. That officer was me. I have documentation that I was in correspondence with this class and basically I didn't pursue it any further because I was told the department is not sending . . . that was in March of 2018. The school that Sergeant Scipione attended, 4 month or 5 month course, the cost was \$4,000 was paid for and approved by the department. I'm in charge of the range, I'm the pistol instructor, shot gun instructor, bean bag (inaudible) instructor, patrol rifle instructor. I am requested to attend a scenario based instructor school which definitely would benefit my skills in instructing in all of those as well as the other platforms that I am instructor on. However, that was denied because “it is a little costly this time of year” that was February 26, 2020. Right after, or right during Sergeant Scipione's attendance in this class, I missed something just a moment. Sergeant Eden and myself, our feelings are if this is not addressed right now, all the subsequent supervisors from this date forward can be handpicked by sending them to the school; which it beats the whole testing process. Now, I can't speak on Sergeant Eden's behalf or any other supervisor's behalf, however, I know I would have jumped at the chance to go to this school, I actually put in for it, as I just referenced. Basically, in essence, this Staff and Command School Sergeant Scipione attended is a prep course for a promotional test, sanctioned and paid for by the department which he was allowed to attend through work hours. To be quite frank, we are tired of it, we are tired of all the preferential treatment one officer gets over all others and how that officer is provided more opportunities to be developed, and this is a direct example of it. Other than what I've written in the correspondence leading up to this meeting, that's all I have to say. Once again, we appreciate the time and consideration that was put into this.

Mr. Schmidlin: Sergeant Reese, if you don't mind, I have a few follow up questions for you. What was the name of the class in March 2018 that you put in for and were not allowed?

Sergeant Reese: That one would have been a physical one like I said, I've offered to go on my vacation time; that was the National Academy through the FBI, down in Quantico, it was 10 weeks.

Mr. Schmidlin: A physical one? I don't know what that means.

Sergeant Reese: At that time, you had to go down to Quantico and attend this class and you needed approval from your department head and at that time I'm pretty sure they were revamping to allow for on-line courses, such as Sergeant Scipione attended. However, I didn't think it was up and running and I didn't pursue it any further because I just got the feeling that they won't send anybody to this. Had I known or had a feeling that the on-line course would have been approved, I definitely would have pursued that further.

Mr. Schmidlin: Did anyone from the administration tell you that you could not attend that class?

May 26, 2021

Sergeant Reese: I did not put in an official request in writing to go. I did come up to then Executive Lieutenant Rhode's office and talk to him about it briefly and that's where I got that answer.

Mr. Schmidlin: I want to have the same series of questions for this class you talked about in February 2020; what was the name of that class?

Sergeant Reese: Instructor Based school, it's a two week school. You go Monday through Friday and it's sponsored by another department; I believe this one was going to be at 480 and 77, I can't think of the name of the place, but it's a police instructional building where you go for training and recertification.

Mr. Schmidlin: And did someone from the administration deny your request to attend that?

Sergeant Reese: Yes, the Executive Lieutenant Chris Cianciolo.

Mr. Schmidlin: Did you request at any time to attend the same Staff and Command Class that Sergeant Scipione did?

Sergeant Reese: I did not. No. I wasn't aware of it.

Mr. Schmidlin: You were not aware of it. I am looking at your letter of April 19, 2021, in paragraph two and paragraph three, I'll try to quote the best I can, Sergeant. "It is also our belief a member of this department, having input into the specific topic of the written exercise knew that Sergeant Scipione significant knowledge." Then in paragraph three says "Sergeant Scipione consulted with an individual or individuals who we believe had direct impact as with the development of selecting the topic for this written exercise #1." Would you agree with me, Sergeant Reese that these are very serious allegations of collusion, correct?

Sergeant Reese: Yes.

Mr. Schmidlin: Do you know who these individuals are? I think you referenced in paragraph 2 and paragraph 3?

Sergeant Reese: No, which is why I worded it like that. Because it was just relayed to us that they did. Sergeant Scipione's paper for the Northwestern School, there is a correspondence from Lieutenant Cianciolo, giving his input of what he feels should be in it. It was in the documents that were provided for the public records.

Mr. Schmidlin: I'd like you to explain that a little further; you found something in the public records request that Cianciolo wanted something . . .

Sergeant Reese: No, it was just his input as to what he thinks in these evaluations, which was the report that was written. I can read it if you would like, it's in the documents that we received.

May 26, 2021

Mr. Schmidlin: I think I'm familiar with it, but that's not any input to the Assessment Center, is it Sergeant Reese?

Sergeant Reese: No. This was in the report. In regard to the last test that I took for the Lieutenant, one of the written exercise was directly based on a policy that was provided as one of our study materials. Also, there were two other smaller portions that were . . . one of them was, it was directly about our department, and that's where I felt that, at that test, definitely the chief then Porrello had input, or someone as to what to write on. It was just directly related to the inner workings of our department, and relations. I didn't find anything in there directly, just the meetings and such and that's why I wrote our correspondence for the appeal and I didn't name anybody, I just . . . that's what I was told and I was just relaying that information in that to provide a basis for our appeal to go forward and get information.

Mr. Schmidlin: Was your belief, or your speculation perhaps somebody communicated with the Assessment Center but, through your investigation, you did not, did you find anything, any correspondence, any communication directly to the Assessment Center regarding this issue?

Sergeant Reese: No, I did not.

Mr. Schmidlin: Sergeant Reese, one of the reasons I went to law school is because I'm not very good with math, so I want you to be patient with me. When I look at the scores, one of your requests was to throw out the written portion of the Assessment.

Sergeant Reese: Yes.

Mr. Schmidlin: If I do my math correctly, if we throw out, hypothetically, Exam #1, you are still behind 58 points, is that correct?

Sergeant Reese: Like I said in my correspondence, I did not review the actual break down. I know the total. Because I don't want that to be the grounds for this. It's where I rank, however this meeting turns out, that's not our basis for – our basis is for how it's unfair. So, whether or not I'm 1, 2 or 3, is not my concern right now, my concern is how the one candidate is provided preferential treatment. That's just in the written, Exercise #1, as I pointed out in the syllabus, those classes that he attends directly gives a student in that Staff and Command School an upper advantage in other portions of the testing process, communication, how to deal with a troubled employee; those are the other exercises that we have.

Mr. Schmidlin: I appreciate that. I'm just trying to address some of the written concerns in your letter. One of the points in your letter was one of the requests in the letter was to throw out the written portion then?

Sergeant Reese: Yes.

Mr. Schmidlin: Are you withdrawing that request now?

May 26, 2021

Sergeant Reese: No, at this point, I'd like to throw out everything because he had training and instruction on everything.

Mr. Schmidlin: Again, just for the record, what I determine, if they threw out the written portion of test 1 and the written test 2, the rankings don't change. I understand your request has now been modified.

Sergeant Reese: Yes. I don't know if it would change or not, I didn't want to go any further with the numbers as to where the ranking was. That's not my concern.

Mr. Schmidlin: Commissioners, before we get into my investigation, if you have any follow up for Sergeant Reese, now would be the time to respectfully address his position.

Ms. Sweeney: When I did the math on the test scores, it does appear that whether you throw out the written test 1 or 2 the rankings still don't change. Sergeant Reese, are there any other classes that people attend along the lines of what you talked about, generally? Reflections on the job or . . .?

Sergeant Reese: I don't know. I don't have that answer, I'm sorry. As I pointed out through my letter and only the individuals that are in this testing process can say whether or not this is true, when you go into this test you open up a folder and basically your mail exercise is your written exercise. Sergeant Eden's and my position on this is you go, you open a folder, you see the written exercises there's something you just wrote, you spent four months researching and polishing it and making it perfect – four months to do that. Once you look at that, and you say, I already did this. I know exactly how. . . everything flows. That whole day the tone is set because that pressure is off. We are there eight hours, I take every second of it. I'm there eight hours working on it. That sets the tone for the entire day, once that pressure is off. All you do is write down what you did eleven months ago, twelve months ago. I'll be honest with you, if it was a written exercise based on fire arms, or anything Sergeant Eden and I have experience in or went to school on, Sergeant Scipione would be up in arms right now at the other end of this table and voicing his concern. Once that pressure is off, it is such . . . it takes away everything because all the other exercises are not affected by the stress that you have once you go into your oral presentation, pressure is off. Then the written exercise #2, you're going to have more time to write that and concentrate on that because you've already, in essence, written this exercise #1, and very professionally too, I might add.

Mr. Schmidlin: Anything else Ms. Sweeney?

Ms. Sweeney: Not at this time.

Mr. Schmidlin: Mr. Franks, do you have any questions for Sergeant Eden?

Mr. Franks: Yes, I do. Do you happen to recall the cost of the courses you were interested in in March 2018 and February of 2020?

May 26, 2021

Sergeant Reese: No, I don't. I know the two week instructor school, which is split up, five days one week, then a month later, five days. I think it's like \$1,500 or \$1,700, I don't know. The other one, I think it's actually free because it's from the government, but I don't know.

Mr. Franks: Just for educational purposes, is it incumbent upon you as a sergeant to seek out these classes, does information ever come out that is disseminated to all the sergeants that said, here's this course if anybody wants to go, let me know?

Sergeant Reese: No, not as far as I know. A lot of times, if you're in a certain field, range stuff, I might get sent stuff to go, but I don't think it's put out to other supervisors or other officers. It's up to us to find them.

Mr. Franks: Thank you, that is all my questions for now.

Mr. Schmidlin: Unless you have any follow up Sergeant Reese I will move on to Sergeant Eden.

Sergeant Reese: No, that's all I have.

Mr. Schmidlin: Thank you, very articulate, very well put out Sergeant, thank you. Sergeant Eden, your name is on the letter as well. Do you have anything you would like to add?

Sergeant Eden: There is one thing that I would like to add regarding that last question. When you get promoted to sergeant everyone in our department is required to go to PEALS (Police Executive and Administrative Leadership School), and that's a course that I had to complete. All of our sergeants go to that course, it's like a starting point. If we are going to keep this testing process fair, each officer that is a sergeant should be afforded the opportunity to go to the Staff and Command School prior to the lieutenants test, because it is specifically geared for that. That is why they send us to PEALS, so that we are prepared for our position as sergeant. One thing that I think got a little murky is the school that Sergeant Reese put in for, that is essentially the same school as the Staff and Command School that Sergeant Scipione went to; it's just a different location and an in-person class instead of an on-line class.

Mr. Schmidlin: Thank you Sergeant Eden. We appreciate that and will consider it. Anything else that we missed or anything else you want to go over or clarify sir?

Sergeant Reese: Not at this time.

Mr. Schmidlin: At this point of the appeal, I would like to inform the commissioners and anybody else who is interested what I did as part of this investigation. Sergeant Reese had some very specific requests of me and so what I did, I interviewed Mayor Ward, I interviewed Clarice White, Chief Rhode, Lieutenant Cianciolo, Lieutenant DeBow, Sergeant Scipione, Lieutenant Jeff Traci and Lead Assessor Matt Fisher. The letter in the appeal had some very specific requests, in addition to my interviews, I also looked at the public records responses. In response to question #1, of the April 19, 2021 letter, who did Sergeant Scipione consult with while writing

May 26, 2021

his paper? My investigation determined that he consulted with several individuals in the department, however, his primary contact was with Lieutenant Cianciolo which was a requirement of the project where he had his paper reviewed and supervised by a superior officer. Question #2, was this person or persons directly involved in choosing the topic of our written assignment? The answer I have determined is an emphatic no. Nobody in the department, nobody in the administration had any communication, any implication with Matt Fisher or anyone in the Assessment Center about what was to be on the test. Most of the people that I interviewed did not recall the paper until they were prompted, and then they remembered what he was doing. Question #3, was this fair? Fair is a tricky question, but my response is yes, it's fair. There was a sentence in one of Sergeant Reese's letter that it was an advantage to one and a disadvantage to the other two, it was either fortunate or unfortunate, but my determination and my investigation did not indicate nefarious activity, it did not indicate any type of collusion, it did not indicate any type of surreptitious activity about hiding this class. It is unfortunate, all three candidates are very good officers, they work very hard at their craft, they've put a lot of years in, but it was fortunate for one, and unfortunate for two. Do the commissioners have any questions for me regarding my investigation, I would entertain them now. Those are my findings in summary. Ms. Sweeney, any questions?

Ms. Sweeney: No questions.

Mr. Schmidlin: Mr. Franks, any questions of me?

Mr. Franks: No, I think you've answered all the questions I had.

Mr. Schmidlin: Sergeant Reese, do you have any questions for me?

Sergeant Reese: No.

Mr. Schmidlin: Sergeant Eden?

Sergeant Eden: I do not.

Mr. Schmidlin: I appreciate everyone's time, I appreciate the seriousness of the issue, I assure you I have put in a lot of time into the seriousness of these allegations, I know the Commission has as well. At this point, I would request a motion from the Commissioners to affirm, deny or modify the appeal of April 19, 2021. Do I have a motion from one of the commissioners?

It was moved by Ms. Sweeney, seconded by Mr. Franks that the appeal be denied.

The question was put to a voice vote and passed unanimously.

Motion carried.

Mr. Schmidlin: Again, we appreciate everyone's time, we appreciate the issue, we appreciate your service to The City of Lyndhurst.

May 26, 2021

It was moved by Mr. Schmidlin, seconded by Ms. Sweeney that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

Motion carried, meeting
adjourned at 9:07 a.m.

Ray Schmidlin, Chair

Approved: _____

Attest: _____