

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No: 1:15-cv- 1046-SO
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND,)	CITY’S UPDATE REGARDING
)	CORRESPONDENCE FROM STATE
Defendant)	ON GRANTING CPC DATA ACCESS

On May 16th, 2024, the City of Cleveland sent letters advocating on behalf of the CPC to the Ohio Bureau of Criminal Investigations (BCI), requesting OHLEG access for the CPC. On May 29th, 2024, Bruce Pijanowski, the Superintendent of BCI, responded stating:

After careful consideration, I have determined that BCI cannot provide OHLEG access to the Cleveland Community Police Commission (CPC). OHLEG is bound by the same FBI CJIS rules which govern LEADS, primarily because OHLEG is a portal that can provide access to the same information. OHLEG rules restrict access to criminal justice agencies for administration of criminal justice. CPC provides civilian oversight of the City of Cleveland Division of Police, which falls outside of the definition of administration of criminal justice. (attached as Exhibit A)

This response follows the communication received from Victoria Dowdy, the Acting LEADS Administrator, on February 2nd, 2024. She stated:

LEADS has denied the request to permit civilian public safety employees to review Criminal Justice Information (CJI) since they are not authorized recipients and the purpose does not qualify as the administration of criminal justice. (attached as Exhibit B)

At this time, the State has declined to allow the City to grant OHLEG or LEADS access to the CPC. The City is open to receiving a resolution on this matter from the Court.

Respectfully submitted,

/s/ Mark D. Griffin

MARK D. GRIFFIN (0064141)
Director of Law
Delanté Spencer Thomas (0096349)
Chief Assistant Director of Law
Carlos Johnson Jr (0097062)
Assistant Director of Law
City of Cleveland
601 Lakeside Ave. E
City Hall Room 106
Cleveland, OH 44114
(216) 664-2800
mgriffin@clevelandohio.gov

CERTIFICATE OF SERVICE

A copy of the foregoing Notice was sent via operation of the Court's ECF system on the 5th day of June, 2024 to all parties of record. A courtesy copy was emailed to counsel for the United States, Patricia M. Fitzgerald (patricia.fitzgerald2@usdoj.gov); the Monitor, Karl Racine (karl.racine@hoganlovells.com); and counsel for CPC, Martin Bielat (mbielat@clevelandohio.gov).

/s/ Mark D. Griffin

MARK D. GRIFFIN (0064141)
Director of Law

FW: Request for OHLEG Access--Cleveland Community Police Commission

Griffin, Mark [REDACTED]

Wed 5/29/2024 12:34 PM

To: Cc: Racine, Karl [REDACTED]; Wilhelm, Abby Jae [REDACTED]; Mygatt, Timothy

(CRT) [REDACTED] Fitzgerald, Patricia M. [REDACTED]

Cc: Simon, [REDACTED] Hough, Amy [REDACTED] Carney, Brian

[REDACTED] Puin, Timothy [REDACTED] Viland, Christopher [REDACTED]

Stone, Rick [REDACTED]; Anderson, Leigh [REDACTED] Johnson, Carlos

[REDACTED] Macias, Hannah [REDACTED] Drummond, Dornat

[REDACTED] Todd, Dorothy [REDACTED] Schlacht, Jarod

<JSchlacht@clevelandohio.gov>

Please see the message below from the Bureau of Criminal Investigation. We are considering our options.

From: Bruce Pijanowski [REDACTED]

Sent: Wednesday, May 29, 2024 11:46 AM

To: Griffin, Mark [REDACTED]

Cc: Mark Kollar [REDACTED] Zahid Siddiqi [REDACTED]

Subject: RE: Request for OHLEG Access--Cleveland Community Police Commission

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Mark,

After careful consideration, I have determined that BCI cannot provide OHLEG access to the Cleveland Community Police Commission (CPC). OHLEG is bound by the same FBI CJIS rules which govern LEADS, primarily because OHLEG is a portal that can provide access to the same information. OHLEG rules restrict access to criminal justice agencies for administration of criminal justice. CPC provides civilian oversight of the City of Cleveland Division of Police, which falls outside of the definition of administration of criminal justice. OHLEG rules can be found here: [OHLEG Rules Regulations.pdf](#).

Please let me know if you have any additional questions.

Thanks,

Bruce



Bruce Pijanowski, CLEE
Superintendent
Bureau of Criminal Investigation
Office of Ohio Attorney General Dave Yost
Office: (740) 845-2154
Cell: (614) 264-5358
[REDACTED]

EXHIBIT
A



LEADS STEERING COMMITTEE

- Sheriff Randy Thorp
- Judge Beth W. Cappelli
- Superintendent Joe Morbitzer
- Chief Vincent Molnar
- Captain Dennis Swingley
- Sheriff Matthew Hafey
- Chief Gary D. Lewis, Jr.

Major Matthew Them, Chair, LEADS Steering Committee

February 2, 2024

Cleveland Division of Police
Acting Lieutenant Rick Stone
2001 Payne Avenue
Cleveland, Ohio 44114

Dear Acting Lt. Stone:

LEADS has denied the request to permit civilian public safety employees to review Criminal Justice Information (CJI) since they are not authorized recipients and the purpose does not qualify as the administration of criminal justice.

Per LEADS Administrative Rule 4501:2-10-01 Definitions (A): "Administration of criminal justice" means the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

Per LEADS Administrative Rule 4501:2-10-06 Dissemination and Record Keeping (C): Messages and/or throughput of any kind accessed through LEADS shall be restricted to the use of duly authorized law enforcement and/or criminal justice agencies for the administration of criminal justice.

You can reference the LEADS Administrative Rules and the FBI CJIS Security Policy further at www.leads.ohio.gov.

If you have any further questions, please don't hesitate to contact me at 614-420-4737 or vdowdy@dps.ohio.gov.

Sincerely,

A handwritten signature in black ink that reads "Victoria Dowdy".

Victoria Dowdy
Acting LEADS Administrator