

CIVILIAN POLICE REVIEW BOARD

OFFICE OF PROFESSIONAL STANDARDS

September 26, 2023

MEETING MINUTES

The times reflected in the minutes are a reflection of the time on the YouTube video

THE NEXT CPRB BOARD MEETING IN ROOM 514 AT CITY HALL

CPRB MEMBERS

Billy Sharp, Chair
Mike Hess, Vice Chair
Ken Mountcastle
Dave Gatian
Sherall Hardy
Brandon Brown
Michael Graham
Chenoa Miller
Diana Cyganovich

OPS

Marcus Perez, Administrator
Art Bowker, Investigator
Vincent Funari, Interim Sr. Investigator
Hercules Harris, Investigator
Joe Szymanski, Investigator
Susan Lanman, Investigator
Kristen Traxler, Investigator
Jermaine Smith, Investigator
Abby O’Neill, General Manager

LEGAL COUNSEL

Christopher Heltzel

BOLD: IN ATTENDANCE

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|-------|--------------------------------------------------|-----------------------------|
| I. | APPROVAL OF MINUTES | Billy Sharp |
| II. | PUBLIC COMMENT | |
| III. | NEW BUSINESS | |
| IV. | PRESENTATION OF INVESTIGATIONS | Marcus Perez, Administrator |
| V. | OPS REPORT | Marcus Perez, Administrator |
| | A. REVIEW OF CHIEF DISCIPLINARY DECISIONS | Marcus Perez, Administrator |
| VI. | POLICY UPDATES | Marcus Perez, Administrator |
| VII. | COMMITTEE REPORTS | |
| VIII. | UNFINISHED BUSINESS | |
| IX. | ADJOURNMENT | |

Next Meeting: October 10, 2023

Prior to calling the meeting to order, Chair Billy Sharp stated he takes full responsibility for the cancellation of the September 12th meeting, citing some members of the board were having technical difficulties with the equipment in viewing the cases and that he didn't know at the time how many people would make the meeting. There was dialog between Chair Sharp and Board Member Hardy when Chair Sharp stated that Member Hardy was out of line with her questioning if the information Chair Sharp was sharing regarding the cancelled meeting was accurate. Member Hardy stated that the meeting was not a re-scheduled meeting, but in fact a meeting that was voted on as an additional meeting to catch up on the back-log of cases. Legal Counsel Chris Heltzel, when questioned stated that the Chair has the authority under board rules to unilaterally set the date and time of special meetings for the business of the board. Member Hardy stated that the board voted to have this meeting prior to Chair Sharp cancelling the September 12th meeting to catch up on cases that were behind because of COVID and various other reasons. Chair Sharp stated that this meeting was in fact already scheduled, but as a virtual meeting to catch up on the back log of cases. Member Hardy's concern is that the board is not being truthful because the website states that the meeting was rescheduled when it was in fact cancelled. Legal Counsel Heltzel stated that the conversation would be best discussed under New Business (51:06-55:49)

I. MEETING CALLED TO ORDER AT (55:50)

ROLL CALL AND INTRODUCTIONS: (56:10)

Member Hardy states, "I don't know how we can bring this board to order, when we're out of order". Legal Counsel Heltzel states to Member Hardy if you're present and going to participate in the meeting, you need to say "present". Member Hardy responds, "present".

Member Hardy stated, we're still out of order. Our last meeting was cancelled and that needs to be addressed. Chair Sharp stated to Member Hardy that she was out of order. Legal Counsel Heltzel stated this discussion is for New Business and at that time, it will be discussed. Chair Sharp stated that in order to speak, you have to recognize by the Chair and that Member Hardy was not recognized by the Chair. Chair Sharp states that if Member Hardy is going to press upon the board the rules and regulations, he hopes that she follows them as well.

II. APPROVAL OF MINUTES: MOTION TO APPROVE AUGUST 8th MINUTES BY MIKE HESS, 2ND BY KEN MOUNTCASTLE. NAY, SHERALL HARDY. MOTION CARRIED

MOTION TO APPROVE AUGUST 22ND MINUTES BY BILLY CHENOA MILLER, 2ND BY KEN MOUNTCASTLE. SHERALL HARDY NAY. MOTION CARRIED.

MOTION TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING OPS EMPLOYMENT ISSUES BY MIKE HESS, 2ND BY DIANA CYAGANOVICH. MOTION CARRIED (57:00-1:00:49).

III. PUBLIC COMMENT (NONE)

IV. PRESENTATION OF INVESTIGATIONS: (NO COMPLAINANTS PRESENT)

1. 2021-0298: P.O. Angela Owens (5:25-17:00)

Allegation: Unprofessional Behavior/Conduct

Recommendation: *Unfounded*

Motion: Billy Sharp

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Second: Chenoa Miller
Motion: Carried

Allegation: Bias Policing

Recommendation: Unfounded
Motion: Billy Sharp
Second: Diana Cyganovich
Motion: Carried

P.O. Lamar Heath #817

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated
Motion: Billy Sharp
Second: Chenoa Miller
Motion: Carried

Allegation: Bias Policing

Recommendation: Unfounded
Motion: Billy Sharp
Second: Diana Cyganovich
Motion: Carried

P.O. Angela Renshaw #413

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated
Motion: Billy Sharp
Second: Chenoa Miller
Motion: Carried

Allegation: Bias Policing
Recommendation: Unfounded
Motion: Billy Sharp
Second: Diana Cyganovich
Motion: Carried

FINDINGS BASED ON THE WCS, THE INVESTIGATIVE REPORT AND STATEMENTS.

2. 2023-0015: P.O. Anthony Shumpert (17:15-21:45)

Allegation: Lack of Service/No Service

Recommendation: Exonerated
Motion: Sherall Hardy
Second: Diana Cyganovich
Abstain: Chenoa Miller
Motion Carried

OFFICER WAS IN COMPLIANCE WITH MANUAL RULES 4.18 AND GPO 8.02.

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3. 2023-0032: Det. Joseph Markey #613 (21:55-31:00)

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Mike Hess

Second: Diana Cyganovich

Motion: Carried

There was discussion as to who checks an officers' voicemail if they are on vacation. Chair Sharp requests Administrator Perez to inquire to CDP who checks an officer's voicemail if they are on vacation or off from work for any length of time. Chair Sharp requests this information by the next CPRB meeting. The preponderance of evidence to include statements from the complainant and subject detective and records of the investigation indicate that Det. Markey did not follow-up with the complainant. However, his actions were consistent with Manual Rule 4.18 and the CDP Detective Manual.

4. 2022-0075: Sgt. Roger Stoudmire #9168 (31:11-36.48)

Allegation: Lack of Service/Failure to Investigate

Recommendation: Exonerated

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

P.O. Jacob Strehle #658 (resigned)

Based on WCS that could be seen, Sgt. Stoudmire was in accordance with GPO 4.03.06 and Manual Rules 4.18 and 4.19.

5. 2022-0068: P.O. David Morova #1117 (37-23-58:04)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Sustained

Motion: Mike Hess

Second: Sherall Hardy

Abstain: Mike Hess

Motion: Carried

Allegation: Lack of Service/No Service

Recommendation: Exonerated

Motion: Mike Hess

Second: Sherall Hardy

Motion: Carried

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Allegation: WCS Violation
Recommendation: Sustained
Motion: Mike Hess
Second: Sherall Hardy
Motion: Carried

Motion by Mike Hess for a Group I violation for Unprofessional Conduct in violation of Manual Rules 5.01, 5.08 and 5.09, 2nd by Ken Mountcastle. Motion carried. Motion by Mike Hess for a Group I Violation for the WCS Violation, 2nd by Mountcastle. Motion carried.

6. 2023-0011: P.O. Sabrina Sudberry #1703 (58:20-1:03:00)

Allegation: Unprofessional Behavior/Conduct
Recommendation: Insufficient Evidence
Motion: Billy Sharp
Second: Chenoa Miller
Motion: Carried

Allegation: Lack of Service/No Service
Recommendation: Insufficient Evidence
Motion: Billy Sharp
Second: Mike Hess
Abstain: Sherall Hardy
Motion: Carried

Allegation: WCS Violation
Recommendation: Sustained
Motion: Billy Sharp
Second: Chenoa Miller
Motion: Carried

Chair Billy Sharp state due to there wasn't any audio to the video of the encounter with the complainant the allegations of Unprofessional Behavior/Conduct and Lack of Service/No Service is Insufficient evidence. Chair Billy Sharp motioned for a Group I violation for the WCS Violation, 2nd by Chenoa Miller. Motion carried.

7. 2022-0291: P.O. Diamond Murphy #1264

Allegation: Lack of Service
Recommendation: Sustained
Motion: Mike Hess
Second: Sherall Hardy
Abstain: Billy Sharp
Motion: Carried

P.O. Dylan O'Donnell #1228
Allegation: Lack of Service/No Service
Recommendation: Sustained
Motion: Mike Hess

*Second: Sherall Hardy
Abstain: Billy Sharp
Motion: Carried*

The responding officers failed to include in their report, follow-up or investigate, the complainants report that she had been assaulted and threatened with violence. By not following up and not reporting, they were in violation of Manual Rules 4.18 and 9.01. Motion by Hess for a Group I violation for Failure to file a report for both officers, 2nd by Sherall Hardy. Motion carried.

8. 2022-0312: P.O. Brenden Hunt #1201 (1:17:27-1:30:27)

Allegation: Failure to De-Escalate

Recommendation: Sustained

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

P.O. Jesse Chapman #1040

Allegation: Failure to De-Escalate

Recommendation: Sustained

Motion: Mike Hess

Second: Chenoa Miller

Motion: Carried

Officers' actions were in violation of GPO 2.01.02 and should receive a letter of reinstruction because they had just gotten off of probation. Investigator Funari stated that the officers' actions may have been from a lack of training and that he didn't feel that they were being insensitive on purpose. There was extensive dialogue amongst the board members regarding the CIT training that is needed by the officers. Motion by Hess for a Group I violation with a non-disciplinary letter of reinstruction and also verbal counseling provided by a certified CIT officer, 2nd by Sherall Hardy and Ken Mountcastle. Motion Carried.

9. 2023-0001: P.O. Mariah Rodriguez #153 (1:50:00-1:59:57)

Allegation: Lack of Service/No Service

Recommendation: Insufficient Evidence

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

P.O. Dominique Anderson #1757

Allegation: Lack of Service/No Service

Recommendation: Exonerated

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

The complainant's initial complaint was that P.O. Rodriguez didn't add additional information that she requested in the report. There was no WCS footage. There is no evidence that the conversation actually occurred. P.O. Anderson did interact with the complainant and complete the supplemental report as she requested. The Sgt on duty was concerned about the complainant's mental health and requested a CIT officer complete the report and provide an assessment solution. Officers were acting consistent with GPO 5.11.03.

10. 2022-0157: Sgt. Daniel Day #9182 (2:00:00-2:05:16)

Allegation: Lack of Service/No Service

Recommendation: Exonerated

Motion: Billy Sharp

Second: Sherall Hardy

Motion: Carried

Allegation: Bias Policing

Recommendation: Unfounded

Motion: Billy Sharp

Second: Sherall Hardy

Motion: Carried

Based on preponderance of evidence and WCS, Sgt. Day was in accordance with GPO 3.4.01 and 1.07.08.

11. 2022-0259: Sgt. Mathias Varga #9298 (2:05:05-2:26:21)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Sustained

Motion: Mike Hess

Second: Chenoa Miller

Motion: Carried

Lt. Thomas Stacho #8535

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

Sgt. Robert Goines #9215

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

Allegation: Improper Procedure

Recommendation: Exonerated

Motion: Mike Hess

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*Second: Billy Sharp
Motion: Carried*

There was a lengthy discussion amongst the board members regarding the officers referring to Mrs. Toth as Miss Toth. Member Mike Hess stated that he didn't believe that when Sgt. Goines was saying this that it wasn't coming from a place of malice. In regards to Mrs. Toth stating that officers were homophobic, Board member Chenoa Miller stated that the officers didn't know Mrs. Toth's sexual orientation or who she was married to prior to their arrival on the scene. Board members believe that Sgt. Varga was unprofessional when he stated to the complainant they "we're not the Toth police". The preponderance of the evidence to include the complainant's testimony, officer interviews and WCS footage indicates Sgt. Varga was unprofessional in his tone.

12. 2023-0066: Dispatcher Gina Smith-Loomis #19 (2:26:25 -2:32:40)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Motion: Carried

Dispatcher Veronica Gall #133

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

Board member Diana Cyganovich questioned whether the allegation should have been Lack of Service instead of Unprofessional Behavior/Conduct. Investigator Bowker stated both Dispatchers inquired about race which the complainant found was unprofessional, but that's actually protocol and policy.

13. 2022-0249: Sgt. Brian Todd #9129 (3:57:57-4:21:30)

Allegation: Lack of Service/No Service

Recommendation: Insufficient Evidence

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Motion carried

Allegation: Unprofessional Behavior/Conduct

Recommendation: Insufficient Evidence

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

Based on the information in the investigators' report and statements, Chair Sharp motioned For insufficient evidence.

P.O. Carlos Robles #2283

Allegation: Improper Citation

Recommendation: Sustained

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

Officer was in violation of Manual Rule 1.07, 4.03. Chair Sharp motioned for a Group I violation, 2nd by Diana Cyganovich. Motion carried

Allegation: Improper Procedure

Recommendation: Sustained

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

Officer was in violation of Manual Rule 4.01, 4.02 and GPO 5.01, 5.02. Chair Sharp motioned for a Group I violation, 2nd by Brandon Brown. Motion carried.

P.O. Alexander Vencil #554

Allegation: Improper Procedure

Recommendation: Sustained

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

Officer was in violation of Manual Rules 9.05 and 9.12. Chair Sharp motioned for a Group I violation, 2nd by Ken Mountcastle. Motion carried.

14. 2022-0276: P.O. Molly Madaras #1754 (4:21:48-4:29:01)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Sustained

Motion: Diana Cyganovich

Second: Billy Sharp

Motion: Carried

P.O. Christopher Bosal #57

Allegation: Unprofessional Behavior/Conduct

Recommendation: Sustained

Motion: Diana Cyganovich

Second: Billy Sharp

Motion: Carried

Next Meeting: October 10, 2023

P.O. Madaras and P.O. Bosal were in violation of Manual Rules 5.01 and 5.09. Diana Cyganovich motioned for a Group I violation, 2nd by Billy Sharp. Motion carried.

15. 2022-0301: P.O. Brandon Bliss #29 (4:29:04-4:40:11)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

Allegation: Harassment

Recommendation: Unfounded

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

Allegation: Improper Citation

Recommendation: Unfounded

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

Chair Sharp stated sometimes officers will use deceptive tactics to get a person to come outside when their car is getting ready to be towed. The officer acted in accordance to Manual Rule 5.09 and 5.01.

16. 2022-0266: P.O. Anthony Rice #1886 (4:40:22-4:55:46)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

P.O. Gary Kane #56

Allegation: Harassment

Recommendation: Unfounded

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

Allegation: Lack of Service/No Service

Recommendation: Exonerated

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

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Allegation: Improper Arrest

Recommendation: Exonerated

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

P.O. Andrea Renshaw #413

Allegation: Harassment

Recommendation: Unfounded

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

Allegation: Lack of Service/No Service

Recommendation: Unfounded

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

Allegation: Improper Arrest

Recommendation: Exonerated

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

P.O. Cody Hutchinson #2238

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

WCS footage that was available for review indicates officers were in accordance with Manual Rules 4.18 and 5.09.

- IV. NEW BUISNESS: (2:51:03-2:53:49)** *Mike Hess made a motion to accept the resignation of Investigator Eric Richardson, 2nd by Billy Sharp, Diana Cyganovich abstained due to not being on the board at the time. Resignation accepted.*

Mike Hess made a motion to accept the resignation of Investigator Peter Demopolis, 2nd by Billy Sharp, Diana Cyganovich abstained due to not being on the board at the time. Resignation accepted.

Mike Hess made a motion to accept the resignation of Investigator Julie Delaney, 2nd by Sherall Hardy, Resignation accepted.

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Mike Hess made a motion to accept the resignation of Community Engagement Coordinator Maryam Ali, 2nd by Sherall Hardy, Resignation accepted.

(2:53:53- 3:29:57) There was extensive interview Q and A between board members and Investigator Funari regarding his interest in being promoted to Sr. Investigator.

Chair Billy Sharp nominated Vince Funari to be appointed as the Sr. Investigator, 2nd by Ken Mountcastle. Motion carried.

(3:31:26-3:44:45) Introduction of new employees **General Manager, Abby O'Neill, Investigator Susan Lanman, Investigator Kristen Traxler and Investigator Jermaine Smith .**

(3:45:41-3:57:03) NACOLE update: Justification letters are going out. Once everything is approved, everyone will be receiving information about their flights and hotels. Chair Billy Sharp and board members Chenoa Miller and Ken Mountcastle are attending from the CPRB. Board member Sherall Hardy states that she looked on the website and that this conference is very expensive. She wants to be assured that information is brought back by those in attendance from the conference because she feels that the board needs additional training for those that won't be able to attend. Member Hardy also states that she doesn't feel like she was trained and educated properly, because she was just given literature to read.

Administrator Perez states that they met with CSU professors in order to break down the Fourth Amendment and those things that the law department can come in and actually train. They're also looking at opportunities where they can video teach the members. Also working with CDP Commander who runs the training program to identify those things that they have looked at for trainees that are coming up this year.

Member Hardy asked what is actually being put together.

Administrator Perez referred the question to Investigator Lanman for an answer. She has been gathering information to try to get an idea of what a proposal would look like for training.

- V. **OPS REPORT: (2:34:50-2:50:47)** Chief Departures: Case 21-206: The Board **will not** appeal the Chief's decision to depart from the CPRB'S recommendation for a Group II violation for Improper Procedure against Det. Daniel Florentz #2586 to the Director of Public Safety.

Case 22-255: The Board **will not** appeal the Chief's decision to depart from the CPRB'S recommendation for a Group I violation for Lack of Service/Failure to Investigate against Det. Darryl Turner #2200 to the Director of Public Safety.

IX. ADJOURNMENT

Motion to adjourn the meeting by Chair Billy Sharp. 2nd by Diana Cyganovich at 3:30 P.M. (4:56.25). Motion carried.

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