



CITY OF CLEVELAND

Mayor Justin M. Bibb

Civilian Police Review Board Agenda

Tuesday July 30, 2024

Billy Sharp, Chairman

Marcus Perez, Administrator

**Civilian Police Review Board &
Office of Professional Standards**

205 West St. Clair, 3rd Floor

Cleveland, Ohio 44113

www.clevelandohio.gov/ops

CIVILIAN POLICE REVIEW BOARD
MEMBERS OF THE BOARD

Billy Sharp, *Chairman*

Brandon Brown, *Vice Chair*

Dave Gatian, *Board Member*

Sherall E. Hardy, *Board Member*

Kenneth Mountcastle, *Board Member*

Chenoa C. Miller, *Board Member*

Michael Graham, *Board Member*

Diana Cyganovich, *Board Member*

MEETING NOTICE & AGENDA

The Civilian Police Review Board will hold a public meeting at the following date and time:

Tuesday, July 30, 2024 at 0900 am

THE MEETING WILL BE HELD VIRTUALLY VIA WEBEX

You can view the meeting via YouTube:

<https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg>

Tuesday, July 30, 2024

MEETING AGENDA

- I. CALL TO ORDER Billy Sharp, Chairman
- II. APPROVAL OF MINUTES CPRB
- III. PUBLIC COMMENT Billy Sharp, Chairman
- IV. PRESENTATION OF INVESTIGATIONS WITH CITIZENS PRESENT Marcus Perez, Administrator
- V. PRESENTATION OF INVESTIGATIONS Marcus Perez, Administrator
- VI. OPS STATUS REPORT Marcus Perez, Administrator
 - A. REVIEW OF CHIEF DISCIPLINARY DECISIONS
 - B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS
 - C. UPDATES ON POLICY RECOMMENDATIONS
- VII. NEW BUSINESS Billy Sharp, Chairman
- VIII. OLD BUSINESS Billy Sharp, Chairman
 - A. STATUS on BOARD PROCEDURES (Law Dept.)
- IX. ADJOURNMENT

Statics on Cases for the July Virtual Meeting

INVESTIGATION STATUS:	
Abridged:	9
Standard:	2
Complex:	1
Harassment:	1
Excessive Force:	1
Lack of Service:	9
Unprofessional Behavior/Conduct	6
Bias Policing	1
WCS Violation	1
IMPROPER PROCEDURE:	2
Improper Citations	0
Improper Search	0
Improper Stop	0
Improper Tow	1
Improper Arrest	1
Improper Warrant	0
Improper Collection of Evidence	0
PROPERTY:	0
Missing Property	0
Damage to Property	0

Presentation of Investigations

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	23-225	Pore (Will attend via WebEx)	Bowker	Improper Procedure-Tow	<p>Lt. Stephen Beckner, #8555 Allegation: Improper Procedure-Tow Recommendation: Motion: Second:</p> <p>P.O. Nathaniel Miller, #2072 Allegation: Improper Procedure-Tow Recommendation: Motion: Second:</p> <p>P.O. Joseph Wright, #2445 Allegation: Improper Procedure-Tow Recommendation: Motion: Second:</p>
2	24-018	Terry (Will attend via WebEx)	Smith	Lack of Service/No Service	<p>P.O. Bryce Charmichael, #1525 Allegation: Lack of Service Recommendation: Motion: Second:</p>
3	22-161	Thomas	Bowker	Lack of Service	<p>P.O. Dominik Pendleton, #37 Allegation: Lack of Service Recommendation: Motion: Second:</p>
4	22-186	Reyes	Bowker	Lack of Service	<p>P.O. Dericka Cunningham, #675 Allegation: Lack of Service Recommendation: Motion: Second:</p>

					<p>Motion: Second:</p> <p>Lt. John Farnsworth, #8539 Allegation: Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p>
6	22-290	Toby	Teckmyer	Unprofessional Behavior/Conduct	<p>Det. Vasile Nan #2310 Allegation: Unprofessional Behavior Recommendation: Motion: Second:</p>
7	24-100	Flanders	Green	<p>Biased Policing</p> <p>Unprofessional Behavior/Conduct</p>	<p>P.O. Matthew France, #1924 Allegation: Biased Policing Recommendation: Motion: Second:</p> <p>P.O. Matthew France, #1924 Allegation: Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p>
8	24-064	Burns	Khabir	<p>Unprofessional Behavior/Conduct</p> <p>Lack of Service</p>	<p>Dispatcher Jinger Malave, #147 Allegation: Unprofessional Behavior Recommendation: Motion: Second:</p> <p>Dispatcher Jinger Malave, #147 Allegation: Lack of Service Recommendation: Motion: Second:</p>

					<p>Recommendation: Motion: Second:</p> <p>Sgt. Michael Keane, #9198 Allegation: Lack of Service-Duty to Furnish Name, Rank, Badge Recommendation: Motion: Second:</p> <p>P.O. Eric Rost, #1587 Allegation: Lack of Service-Duty to Furnish Name, Rank, Badge Recommendation: Motion: Second:</p> <p>Sgt. Michael Keane, #9198 Allegation: WCS Violation Recommendation: Motion: Second:</p>
11	23-133	Banks	Lanman <i>(Presented by Investigator Khabir)</i>	Excessive Force	<p>P.O. Dayshon Coleman, #80 Allegation: Excessive Force Recommendation: Motion: Second:</p> <p>P.O. Cecilia Kochevar, #864 Allegation: Excessive Force Recommendation: Motion: Second:</p> <p>P.O. Edgar Roque, #423 Allegation: Excessive Force Recommendation: Motion: Second:</p> <p>Sgt. Stephen Beitel, #9014 Allegation: Excessive Force</p>

					<p>Recommendation: Motion: Second:</p> <p>Sgt. David Harris, #9146 Allegation: Excessive Force Recommendation: Motion: Second:</p>
12	23-253	Wilson	<p>Lanman <i>(Presented by Investigator Szymanski)</i></p>	<p>Unprofessional Behavior/Conduct</p> <p>Improper Procedure - Arrest</p>	<p>P.O. DeAngelo Rembert, #1574 Allegation: Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p> <p>P.O. Michael Kane Jr., #997 Allegation: Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p> <p>P.O. DeAngelo Rembert, #1574 Allegation: Improper Procedure – Arrest Recommendation: Motion: Second:</p> <p>P.O. Michael Kane Jr., #997 Allegation: Improper Procedure – Arrest Recommendation: Motion: Second:</p>

Departure(s) from the Chief or Director

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	RECOMMENDATION	DIRECTOR'S DECISION
1					
2					



Summary Investigation Out-Brief

Investigator – Art Bowker

OPS Case # 2023-0225 - Complainant: Anthony Pore

Subject Officers: PO Nathaniel Miller #2072, PO Joseph Wright #2445, and Lt. Stephen Beckner #8555

Administrative/Case Information

Status: Open (September 18, 2023) / Closed (April 17, 2024): Total days (210)

Investigation Type: Standard

Initial Allegation #1-3: Improper Towing

Other Matters: None

References: General Police Order (GPO) 8.2.01 Vehicle Tow or Release (June 16, 2003) replaced by GPO 6.03.01 (March 28, 2022) and

Cleveland Codified Ordinance (CCO) §405.02 Impounding of Vehicles

Evidence Collection: WCS footage, complainant interview, incident reports, documents provided by complainant

Case Summary: The complainant alleges his vehicle was improperly towed on May 20, 2021 and September 18, 2023. The tow in 2021 was completed by PO Nathaniel Miller #2072 and the 2023 tow was completed by PO Joseph Wright #2445 and Lt. Stephen Beckner #8555.

Key Findings:

Narrative: During an OPS interview the complainant acknowledged that both in 2021 and in 2023 he was driving a vehicle without a valid license, that the vehicle was not registered with the state of Ohio and that he had outstanding warrants for his arrest for similar violations.

He maintains he has documents and court orders that exempt him the Ohio requirement to have his vehicle registered. Additionally, he noted that the courts with the outstanding warrants for his arrest have noted he is to be advised of the warrants but released and not arrested, which includes not towing his vehicle. For these reasons he does not believe the officers should have towed his vehicle.

WCS footage for September 18, 2023 towing incident reflects he made the same arguments to PO Joseph Wright #2445, and Lt. Stephen Beckner #8555. (WCS footage for the 2021 incident was not retained)

Documents provided by the complainant are not official court orders but a mix of documents including uniform commercial code (UCC) filings, a letter from Washington State Dept. of Licensing concerning a UCC search and written statements by him that have been notarized.

The complainant's documents are consistent with those used by Sovereign citizens who believe the government is operating outside of its jurisdiction and generally do not recognize federal, state, or local laws, policies, or governmental regulations.

- Briefed to Complainant:
- Did Complainant Request Additional Support:
- Briefed to CDP Officer or Employee:
- Policy or Training Recommendation:

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
------------------------------	--------------------	-----------------------------------	------------	-----------------	----------------------------	-----------------



Summary Investigation Out-Brief

Investigator – Jermaine A. Smith

OPS Case # 2024 - 0018 Complainant: Frederick Terry

Subject Officer: P.O. Bryce Carmichael #1525

Administrative/Case Information

Status: Open January 29, 2024/ Closed March 25, 2024, (56 days)

Investigation Type: Abridged

Initial Allegation A: Lack of Service- Insufficient Service

Other Matters: N/A

References: The Cleveland Division of Police General Police Orders (GPO) 3.04.01, Ohio Revised Code (ORC) 2903.21 (Agg. Menacing), and the City of Cleveland Codified Ordinance 621.06- Agg. Menacing.

Evidence Collection: CDP Incident Reports, Traffic Crash Report, and CDP WCS videos.

Case Summary: On Monday, January 29, 2024, the Office of Professional Standards (OPS) received an in-person complaint from Frederick Terry. In his complaint, Mr. Terry alleged that he received insufficient service from P.O. Carmichael #1525 following a motor vehicle traffic crash that Mr. Terry was involved in. Mr. Terry alleged P.O. Carmichael’s investigation into the crash was insufficient, as the completed Traffic Crash Report inaccurately listed him responsible for the crash.

Key Findings:

On Monday, January 21, 2023 P.O. Bryce Carmichael #1525 and his partner P.O. Wolski #2355 responded to a reported traffic crash at the intersection of W. 85th St. at Lorain Ave. Upon arrival, the Patrol Officers spoke with the drivers involved in the crash (one of them being Mr. Terry), other CDP patrol officers on the scene.

Mr. Terry advised P.O. Carmichael that he was not at fault for the crash. Mr. Terry advised P.O. Carmichael that the other vehicle involved in the crash illegally entered that intersection when it’s traffic signal was illuminated red. Mr. Terry further advised that the traffic signal for his lane of traffic was illuminated green as he entered the intersection.

However, P.O. Wolski was advised by the driver of the vehicle that struck Mr. Terry’s (other involved vehicle) that Mr. Terry ignored a red traffic signal and illegally sped through the intersection. The driver’s statement was corroborated by a witness statement provided to CDP Patrol Officers prior to P.O. Carmichael and P.O. Wolski’s arrival.

Mr. Terry’s motor vehicle was towed from the crash scene, and he was subsequently given courtesy transport to a nearby CDP District station where private transport awaited.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
---	-------------------------------	--	-------------------	------------------------	---	------------------------



Summary Investigation Out-Brief

Investigator – Art Bowker

OPS Case # 2022-0161 - Complainant: Gabrielle Thomas

Subject Officers: PO Domini Pendleton #37

Administrative/Case Information

Status: Open (July 12, 2022) / Closed (May 16, 2024) : Total (676) days

Investigation Type: Abridged

Initial Allegations: Lack of Service Allegation

References: The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police Section 4.18

Evidence Collection: WCS footage and OH-1

Case Summary: On July 5, 2022, the complainant filed a written complaint alleging that on April 24, 2022, PO Domini Pendleton #37 had failed to obtain a statement from her after she was involved in an auto accident and incorrectly found her at fault on the OH-1 Report.

Key Findings:

Narrative: Attempts were made to contact the complainant via telephone, email, regular and certified mail, and a field visit. These attempts were unsuccessful.

WCS footage reflects Officer Pendleton obtaining the complainant's statement in the hospital.

Street cam footage reflects the complainant ran a red light and struck the other driver as reflected on the OH-1 Report prepared by Officer Pendleton.

- Briefed to Complainant:
- Did Complainant Request Additional Support:
- Briefed to CDP Officer or Employee:
- Policy or Training Recommendation:

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
------------------------------	--------------------	-----------------------------------	------------	-----------------	----------------------------	-----------------



Summary Investigation Out-Brief

Investigator – Art Bowker

OPS Case # 2022-0186 - Complainant: Luis Reyes

Subject Officers: PO Dericka Cunningham #675

Administrative/Case Information

Status: Open (August 1, 2022) / Closed (May 17, 2024) : Total (655) days

Investigation Type: Abridged

Initial Allegations: Lack of Service Allegation

References:The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police Section 4.18 and General Police Order (GPO) 8.1.02, OH-1 Traffic Accident Reports, Supplements, and Violation Enforcement

Evidence Collection: WCS footage and OH-1

Case Summary: On August 1, 2022, the complainant emailed a lack of service complaint against PO Dericka Cunningham #675 for failure to cite a driver in a motor vehicle accident he had on July 30, 2022. The complainant noted that the other driver had run a stop sign which caused the accident.

Key Findings:

Narrative: On May 20, 2024, the complainant consented to a recorded telephone interview at which time he confirmed his only allegation was for a lack of service as Officer Cunningham failed to cite the other driver as the complainant had the right of way at the time of the accident. The complainant noted that the other driver had run a stop sign which caused the accident.

Officer Cunningham had advised the complainant that the other driver had claimed that the complainant purposely ran into him and that the other driver had denied running the stop sign. Officer Cunningham had refused to cite the other party noting it was a case of competing statements from the parties involved.

WCS footage reflects Officer Cunningham obtaining contradictory statements from the complainant and the other party about the accident. It also reflects Officer Cunningham advising the complainant on the scene that due to contradictory statements she was not going to issue the other party a citation.

- Briefed to Complainant:
- Did Complainant Request Additional Support:
- Briefed to CDP Officer or Employee:
- Policy or Training Recommendation:

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
---------------------------------	-----------------------	---	------------	-----------------	----------------------------------	-----------------



Summary Investigation Out-Brief

Investigator – Art Bowker

OPS Case # 2022-0298 - Complainant: Tony Petronzio

Subject Officers: PO Chae Simpson #455, Sgt. Brian Lanasa #9209, Lt. Larry Russell #8533, PO John Halkiadakis #2583, *Lt. John Farnsworth #8539 (retired)*, and Sgt. Roger Stoudmire #9168

Administrative/Case Information

Status: Open (November 30, 2022) / Closed () : Total () days

Investigation Type: Standard

Initial Allegations #A-E: Lack of Service Allegations F-I: Unprofessional Conduct

References:The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police Sections 3.12, 4.18, and 5.01; General Police Orders 1.07.04 and 5.11.01; and Cleveland Division of Police- Detective Unit Manual

Evidence Collection: Complainant and officer interviews, WCS footage, and Field Case Reports and Incident Reports.

Case Summary: The complainant alleged lack of service and unprofessional conduct allegations against officers who were later identified by OPS. The lack of service allegations concern his filing of a burglary and fraud report on June 3, 2023 and that it wasn't investigated. His unprofessional conduct allegations stem from his various interactions with officers who he contend were trying to making him look mentally ill.

Key Findings:

Narrative: On June 3, 2022, the complainant filed a burglary and identify theft report with Officer Chae Simpson #455. He alleged a Strongsville Police detective illegally broke into his residence and arrested him and that his sister was committing fraud offenses against him.

The complainant objected to Officer's Simpson's report, noting in part it made him look mentally ill. He also objected to Sgt. Brian Lanasa's #9209 follow up report. He also objects there was no investigation of his report.

He objects that the follow-up made him look mentally ill and CIT Unit ended up responding to further make him look "crazy,"

No detective was assigned to the complainant's burglary report as it was determined to be unfounded as Strongsville Police had a valid warrant for the complainant's arrest.

His fraud allegations were forwarded to the Financial Crimes Unit. His case was opened but placed inactive as no supporting documentation was received. Detectives are not assigned to inactive cases.

Officer Halkiadakis WCS footage supports he did not receive supporting documents from the complaint.

Interviews with Sgt. Lanasa, Lt. Russell, and Sgt. Stoudmire reflected they all believed the complainant was contacted but could not provide further specifics.

The complainant further contends Lt. Farnsworth told him never to call the 2nd District again about his complainants about the Strongsville Police detective. Lt. Farnsworth does not fully recall all the details of his conversation.

- Briefed to Complainant:
- Did Complainant Request Additional Support:
- Briefed to CDP Officer or Employee:
- Policy or Training Recommendation:

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
------------------------------	--------------------	-----------------------------------	------------	-----------------	----------------------------	-----------------



Summary Investigation Out-Brief

Investigator – Shawna Teckmyer
OPS Case # 2022 -0290-----Complainant Angela Toby
Subject – Detective Vasile Nan #2310

Administrative/Case Information

Status:
Open: 11/15/22
Closed: 05/20/24 # of Days: 553 days
Initial Allegation(s): #1: Unprofessional Behavior/Conduct

Abridged Investigative Report
Other Matters: N/A

References:
Cleveland Division of Police Manual of Rules
Section V. Behavior 5.01, 5.08, 5.09

Evidence Collected:

WCS CPD Detective Vasile Nan #2310 Duration: 01:26:32
OPS Audio Interview with Complainant Angela Toby
Duration: 00:27:00

Case Summary: On 11/14/22, Ms. Angela Toby filed a complaint with OPS alleging Unprofessional Behavior/Conduct. In her complaint, Ms. Toby stated that on above-mentioned date, she was in her living room when she observed two police officers appear in her home without permission and they were unprofessional.

Key Findings

Narrative:

On 11/14/22, the Department of Homeland Security executed a federal warrant at the home of Angela Toby, in search of Phantasia Johnson, Ms. Toby’s daughter. Detective Nan, #2310, with the Cleveland Division of Police, was present during the execution of the federal warrant. Throughout the process, Det. Nan was professional and respectful towards Ms. Toby and her daughter, Ms. Johnson.

- Briefed to Complainant:**
- Did Complainant Request Additional Support:**
- Briefed to CDP Officer or Employee:**
- Policy or Training Recommendation:**

Lack of Service/ No Service	WCS Violation	Unprofessional Behavior/ Conduct	Improper Procedures	Biased Policing	Missing/Damage d Property	Excessive Force
--------------------------------	------------------	--	------------------------	-----------------	------------------------------	-----------------



Summary Investigation Out-Brief

Investigator –LaChickia Green

OPS Case # 2024-0100 – Complainant – Jessica Flanders

Subject – P.O Matthew France #1924

Status: Open/(05/3/24)/Closed/(5/25/24)/# of Days (22)

Classification: Abridged.

Initial Allegation(s): Biased Policing & Unprofessional Conduct.

References: Cleveland Division of Police General Police Orders- Bias-Free Policing 1.07.08

The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of the police:

3.12 Personnel shall be truthful and unbiased in all written reports, verbal reports, court testimony and conversations affecting the Division of Police, its officers and employees or persons under its jurisdiction.

4.13 Personnel shall furnish their name, rank and badge number to any person who may request it.

4:18 Officers shall investigate all reports of suspected criminal activity and non-criminal incidents requiring police action that come to their attention whether by observation, assignment or information.

5.01 Personnel shall not engage in any conduct, speech or any acts while on duty or off duty that would reasonable tend to diminish the esteem of the Division of Police or its Personnel in the eyes of the public.

5.09 Personnel shall be courteous and respectful in their speech, conduct and contact with others,

5.11 Personnel shall not use epithets, terms or words which tend to denigrate any person(s) due to their race, color, creed, ethnicity, country, or region of origin, or sexual orientation except as is necessary when quoting in police reports or testimony.

Evidence Collection: Citizen Complaint, Complainant statement and WCS.

Case Summary: On May 2, 2024, Ms. Jessica Flanders was pulled over for making an illegal U-Turn in a business district. Ms. Flanders claims that P.O Matthew France failed to stop others alleged to have committed the same traffic offense and later called her a liar when she disputed facts of the stop.

Key Findings

Patrol Officer Matthew France #1924 DID comply with **The Manual of Rules for the conduct and Discipline of Employees of the Cleveland Division of Police:**

3.12 Personnel shall be truthful and unbiased in all written reports, verbal reports, court testimony and conversations affecting the Division of Police, its officers and employees or persons under its jurisdiction.

4.13 Personnel shall furnish their name, rank and badge number to any person who may request it.

4:18 Officers shall investigate all reports of suspected criminal activity and non-criminal incidents requiring police action that come to their attention whether by observation, assignment or information.

5.01 Personnel shall not engage in any conduct, speech or any acts while on duty or off duty that would reasonable tend to diminish the esteem of the Division of Police or its Personnel in the eyes of the public.

5.09 Personnel shall be courteous and respectful in their speech, conduct and contact with others,

5.11 Personnel shall not use epithets, terms or words which tend to denigrate any person(s) due to their race, color, creed, ethnicity, country, or region of origin, or sexual orientation

Cleveland Division of Police General Police Orders- Bias-Free Policing 1.07.08 and WCS video shows P. O Matthew France complete a traffic stop with the complainant Ms. Jessica Flanders, however it doesn't how show Biased-Policing and Unprofessional Conduct as alleged.

- Policy or Training Recommendation:** No
- Briefed to Complainant:** N/A
- Did Complainant Request Additional Support:** No
- Briefed to CDP Officer or Employee:** N/A

Lack of Service/ No Service	WCS Violation	Unprofessional Behavior/ Conduct	Improper Procedures	Biased Policing	Missing/Damaged Property	Excessive Force
--------------------------------	------------------	--	------------------------	--------------------	-----------------------------	--------------------



Summary Investigation Out-Brief

Investigator – Hamza Khabir
Case # 2024-0064 – Pauline Burns
Dispatcher Jinger Malave #994895

Administrative/Case Information

Status: Open 03/26/2024 – Closed 04/18/2024 (23 days total)

Investigative Report - Abridged

Allegation #1: Unprofessional behavior

Allegation #2: Lack of Service

Other Matters: N/A

References: (Bureau of Communications and Property Control Communications Control Section policy No. 1.1.17 revised 9 Jan 2023)

Case Summary: On 26 March 2024, the Office of Professional Standards (OPS) received a complaint from Ms. Pauline Burns alleging that call taker, Dispatcher Jinger Malave was rude, unprofessional, and no police were dispatched to her home. Ms. Burns contacted 911 because her family was being menaced by friends of her daughter. Ms. Burns said she kept being cut off when trying to tell the dispatcher what happened. Ms. Burns said after 3 hours no police had arrived to her home. So, she went to the 4th District to file a complaint in person. Ms. Burns said she was told to be quiet and felt that Dispatcher Malave had an attitude.

Evidence Collection:

AUDIO FILE OF 911 CALL: DURATION 00:08:10

EVENT CHRONOLOGY

INTERVIEW OF MS. BURNS

Key Findings:

Narrative On 03/23/2024, Ms. Burns called 911 and the dispatcher asked her to explain what was going on. Ms. Burns began to tell the dispatcher the events that led up to her calling 911, but Dispatcher Malave interrupted her because she was trying to get pertinent information so police could be dispatched. Ms. Burns began again attempting to explain the situation and a minute into the conversation Dispatcher Malave asked, "What's going on right now? That you need the police." Ms. Burns continues trying to explain the situation but was not answering the questions being asked of her. Dispatcher Malave annotated on the event chronology "Caller [Ms. Burns] keeps talking over me & hard to get info from her [Ms. Burns]." Dispatcher Malave kept her composure and determined that the information Ms. Burns was reporting via 911 happened the day prior. Dispatcher Malave told Ms. Burns they would send a patrol car to her location for further investigation and to call back if the situation escalated again before the police arrived. Due to the nature and urgency of the call it was categorized as Priority 4. Fellow Dispatcher, Jacqueline Mizikar followed up this call via protocol by updating the event chronology until the situation was finally resolved by Ms. Burns going to the 4th District to report the incident.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / Insufficient	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
-----------------------------------	-----------------------	---	------------	-----------------	----------------------------------	-----------------



Summary Investigation Out-Brief

Investigator – Jermaine A. Smith

OPS Case # 2022 - 0270 Complainant: Dana Clay-Perdue

Subject Officer: P.O. Marianna Caraballo #62 and P.O. Jordan B. Tooley #954

Administrative/Case Information

Status: Open October 31, 2022/ Closed May 17, 2024, (564 days)

Investigation Type: Abridged

Initial Allegation A: Lack of Service- Insufficient Service

Other Matters : N/A

References: The Cleveland Division of Police General Police Orders (GPO) 3.04.01, Ohio Revised Code (ORC) 2903.21 (Agg. Menacing), and the City of Cleveland Codified Ordinance 621.06- Agg. Menacing.

Evidence Collection: CDP Incident Reports, Traffic Crash Report, CDP WCS video, and written statement(s).

Case Summary: On Monday, October 31, 2022, OPS received a complaint (via e-mail) from Dana Clay-Perdue. In her complaint, Mrs. Clay-Perdue alleged CDP P.O. Caraballo #62 and P.O. Tooley #954 lacked in the service they provided her during a disturbance she was involved in at the Gateway East Garage. Mrs. Clay-Perdue further alleged CDP Patrol Officers did not have her best interest in mind and "...brushed this incident off as if it was nothing."

Key Findings:

On Wednesday, October 19, 2022, P.O. M. Caraballo #62 and P.O. J. Tooley #954 responded to a Priority 1 call (involving a weapon) at 650 Huron Rd. (Gateway East Garage).

Upon arrival, P.O. recovered a firearm from an involved suspect. While on the scene P.O. Caraballo and P.O. Tooley collected the verbal statements of involved parties and witness accounts of the incident. A subsequent Cleveland Division of Police (CDP) police report of Aggravated Menacing was completed. Also, P.O. Caraballo completed a traffic Crash report (Private Property) documenting vehicle damage.

No arrests were made, however following preliminary on-scene investigation, the police reports were forwarded to the CDP Detective Bureau and the Cleveland Prosecutor's Office. P.O. Caraballo advised Mrs. Clay-Perdue to contact the Cleveland Prosecutor's Office to file a criminal complaint, in pursuit of criminal charges against the suspect.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
---	-------------------------------	--	-------------------	------------------------	---	------------------------



Summary Investigation Out-Brief

Investigator – Joseph S. Szymanski

OPS Case # 2023 - 0187 - Complainant – Cressencio Santiago

Subject – Sgt. Michael Keane #9198, P.O. Eric Rost #1587, P.O. Luis Flores-Galarza #800

Administrative/Case Information

Status: Open/(Aug 4, 23)/Closed/(Jan 2, 24)/# of Days (151)

Classification: Complex

Initial Allegation(s): Harassment, Lack of Service/No Service, and Unprofessional Behavior/Conduct.

Other Matters: WCS Violation

References: CDP Manual of Rules and Regulations: *Section IV. DUTY 4.03, 4.13, and Section V. BEHAVIOR 5.09. Cleveland Division of Police General Police Orders 1.1.08, 2.02.01, 4.06.04. Cleveland Division of Police Divisional Notice 21-026.*

Evidence Collection: Citizen Complaint, LERMS Reports, WCS, Google Map of Alleged Incident Location (1st District), CDP Daily Duty Assignments and Duty Reports, Complainant and Officer Statements, OPS2023-0187 Addendum and Correspondence.

Case Summary: Mr. Santiago alleged Sgt. Michael Keane #9198 and P.O. Luis Flores-Galarza #800 *harassed* him on 08-03-23 for open carry (constitutional carry). He alleged an *unprofessional behavior/conduct* allegation against Sgt. Keane, P.O. Flores-Galarza, and P.O. Eric Rost #1587. He stated they were rude and did not know how to communicate or talk, especially Sgt. Keane as he was disrespectful right away by saying, "Oh, you're asking me? You're doing this for attention." He alleged a *Lack of Service – Duty To Furnish Name, Rank, and Badge Number* as he asked all the officers for their names and badge numbers, which they did not provide, alleging they had jumped into their vehicles and pulled off as nobody wanted to provide their credentials. He alleged an officer (P.O. Flores-Galarza) pulled over, hit the curb, and jumped out of his truck at him. There was an irregularity with the questions asked, the officer (P.O. Flores-Galarza) asked the same questions the Sergeant did, they drove up and down the street, circled his property, made U-turns, and followed him. However, he contradicted himself when he said the Sergeant never approached him.

Key Findings

P.O. Luis Flores-Galarza #800 complied with GPO 1.1.08, 2.02.01, Divisional Notice 21-026. WCS showed he was the only officer to have contact with the complainant. In his encounter, he did not express any *harassment-type behavior or communication*. He had a *consensual conversation* with the complainant, advised the complainant that he was open-carrying, and was good several times. Pursuant to 21-026, the complainant was advised correctly that Ohio is an open-carry state. P.O. Flores-Galarza's questioning was casual and consensual as the complainant's path was free to leave, and he was advised he was not being detained.

P.O. Luis Flores-Galarza #800 complied with 5.09. P.O. Flores-Galarza did not show any *unprofessional behavior or conduct* in his encounter with the complainant. WCS and the preponderance of evidence established that P.O. Eric Rost #1587 did not have contact or speak with the complainant, indicating that this behavior and conduct did not occur. P.O. Luis Flores-Galarza #800 and P.O. Eric Rost #1587 were not requested to furnish their name, rank, or badge number. Therefore, they do not have a duty to comply by 4.13.

The preponderance of the evidence failed to establish if Sgt. Michael Keane #9198 had an in-person encounter with the complainant and complied with GPO 1.1.08, Manual Rules and Regulations 4.13, 5.09, as Sgt. Keane **did not have WCS of the alleged conduct/behavior**. Sgt. Keane had no obligation to comply with GPO 4.06.04 as the preponderance of the evidence showed he did not respond to a call of service. *Sgt. Keane said the reason he responded to the area was to ensure his officers didn't overstep their bounds and to ensure they didn't bother the complainant; so, he watched from afar.* He had no contact with the complainant. Further, the complainant contradicts his encounter with a sergeant and the responding officers. WCS did not show them make mention of Sgt. Keane, hear communication (radio) from Sgt. Keane or of his voice, nor visualize Sgt. Keane nor his zone car.

Addendum

On 05-14-24, during the presentation of this case, the Board requested OPS to contact Mr. Santiago to determine if video footage was available to show that there was an interaction with Sgt. Keane. If, it was found to be, the report would be updated. Mr. Santiago was contacted. He said he no longer had any body camera footage (video footage). He was asked if he had any evidence of the interaction occurring and any other evidence of the interaction occurring. Mr. Santiago said, "No." Sgt. Keane was interviewed. He confirmed being the first CDP officer to arrive on scene, approximately 5-6 minutes prior to the officers arrival. He denied having a conversation with Mr. Santiago. Sgt. Keane confirmed he was responding as a supervisor to his subordinates in the area, a common practice, a part of his duties. He did not respond to answer a call for service.

- Policy or Training Recommendation:** No
- Briefed to Complainant:** N/A
- Did Complainant Request Additional Support:** No
- Briefed to CDP Officer or Employee:** N/A

Lack of Service/ No Service	WCS Violation	Unprofessional Behavior/ Conduct	Harassment	Biased Policing	Missing/Damaged Property	Excessive Force
--------------------------------	------------------	--	------------	--------------------	-----------------------------	--------------------



Summary Investigation Out-Brief

Investigator – Susan Lanman presented by Investigator Hamza Khabir

OPS Case #2023-0133 - Complainant Juan Banks

Subject P.O. Dayshon Coleman #80, P.O. Cecila Kochevar #864, P.O. Edgar Roque # 423, Sgt. Stephen Beitel # 9104 Sgt. David Harris # 9146

Administrative/Case Information

Status: Open (June 12, 2023) / Closed (March 25, 2024) (287 Days)

Standard

Initial Allegation #1:Excessive Force

Other Matters: N/A

References: Cleveland Division of Police General Police Order 2.01.01 (effective July 1, 2019), Use of Force – Definitions

Cleveland Division of Police General Police Order 2.01.03 (effective March 20, 2023), Use of Force – General, Sections: II(B)(C)(1-3), III(A)(B), V(A)(B)(1)(2)(D)(1-3), V(A)

Cleveland Division of Police General Police Order 2.01.05 (effective March 20, 2023)

Use of Force – Reporting

The Manual of Rules for the Conduct and Discipline of Employees (revised October 1, 2022) IV. DUTY,

4.14 Personnel shall give assistance to injured and sick person and obtain proper transportation to the nearest hospital.

Evidence Collection: WCS, interviews, CDP reports, Court documents

Case Summary: On June 11, 2023, at approximately 11:30 am, Juan Banks alleges that Officers Coleman, Roque, Kochevar and Sgts. Beitel and Harris used excessive force when they arrested Nytez Johnson by holding him on the ground and attempted to handcuff him.

Key Findings:

Narrative: Officers Coleman and Roque had a verified County felony warrant and a verified City of Cleveland misdemeanor warrant which gave them probable cause to arrest Nytez Johnson. Officers met with Johnson, attempted to arrest him, and Johnson immediately pulled his arms away from them. Johnson went to the ground under his own power and locked his arms under his legs to avoid being handcuffed. Officers Coleman and Roque struggled with Johnson and called for assistance. Officer Kochevar and Sergeants Harris and Beitel responded to the scene and assisted with trying to get Johnson handcuffed as a crowd gathered. Johnson resisted by refusing to give the officers his arms, said the officers were breaking his arm, randomly yelled “ow,” and asked for EMS. Officers asked Johnson why he needed EMS, and he told them because he was hot and needed a drink of water. Officers offered him water, but he refused it.

The officers used de-escalation techniques which included: officer presence, verbal commands, escort holds and guiding movements to try and control movement and handcuff Johnson.

Johnson did not receive any injuries from the handcuffing process, did not complain of any arm pain, did not show any signs of injury, and refused to see the medics at the jail While Johnson complained about receiving scratches to his back, his t-shirt had lifted up and exposed his back to the asphalt as he struggled with the officers.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
------------------------------	--------------------	-----------------------------------	------------	-----------------	----------------------------	-----------------



Summary Investigation Out-Brief

Investigator – Susan Lanman presented by Investigator Joseph Szymanski
 OPS Case #2023-0253 - Complainant Judith Wilson
 Subject P.O. DeAngelo Rembert Badge # 1574, P.O. Michael Kane, Jr. Badge # 997

Administrative/Case Information

Status: Open October 17, 2023 / Closed May 23, 2023
 (220 Days)

Standard Investigation

Initial Allegation #1: Unprofessional Behavior/Conduct
 Allegation #2: Improper Procedure: Arrest

Other Matters: N/A

References: CDP GPO 5.11.01 (effective July 11, 2023) Crisis Intervention Team Definitions; CDP GPO 5. 11. 03 (effective July 11, 2023) Crisis Intervention Team Response, V. Crisis Incident De-escalation (A)(1-9)(B)(1-8),

X. Law Enforcement Emergency Hospitalization

Evidence Collection: WCS video, Civilian interview, CDP reports
 Case Summary:

On October 12, 2023, at approximately 11:30 am, Judith Wilson alleged that Officers Rembert and Kane were unprofessional when they met with her, aggravated her with their actions and words, and involuntarily committed her without justification.

Key Findings:

Narrative: CDP dispatch received numerous 911 calls about Wilson standing in the street, dancing, screaming, and hollering. CDP dispatch coded the call as a “psych emergency.” Officers Rembert and Kane responded to the call. They observed Wilson standing in a convenience store parking lot, performing yoga-like moves and splits, refusing to answer their questions, and calling herself, “I am.” Officers Kane and Rembert spent over thirty minutes observing Wilson’s behavior and attempting to talk to her. Wilson appeared incoherent at times and tried to walk away from the officers. Officers Kane and Rembert used de-escalation techniques by allowing Wilson distance, allowing time to slow down the interaction with Wilson, using a calm and natural tone of voice when speaking to Wilson, avoiding any use of force, and maintaining a non-conversation with Wilson.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure (Arrest)	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
------------------------------	-----------------------------	-----------------------------------	------------	-----------------	----------------------------	-----------------