

CIVILIAN POLICE REVIEW BOARD

OFFICE OF PROFESSIONAL STANDARDS

February 13, 2024

MEETING MINUTES

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

The next meeting will be in person at 601 Lakeside

City Hall in Room 514

<https://cityclevelandoh.webex.com/cityclevelandoh/j.php?MTID=m1d33399dc7219eb4e936d8c4d23942c5>

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

Hamza Khabir, Investigator

Vincent Funari, Sr. Investigator

Hercules Harris, Investigator

Joe Szymanski, Investigator

Susan Lanman, Investigator

Kristen Traxler, Investigator

Jermaine Smith, Investigator

Art Bowker, Investigator

Abby O'Neill, General Manager

LEGAL COUNSEL

Lillian Hall

BOLD: IN ATTENDANCE

- | | | |
|-------|---|--------------------------------|
| I. | APPROVAL OF MINUTES | Billy Sharp |
| II. | PUBLIC COMMENT | |
| III. | NEW BUSINESS | |
| IV. | PRESENTATION OF INVESTIGATIONS | Vince Funari, Sr. Investigator |
| V. | OPS REPORT | Vince Funari, Sr. Investigator |
| | A. REVIEW OF CHIEF DISCIPLINARY DECISIONS | Vince Funari, Sr. Investigator |
| VI. | POLICY UPDATES | Vince Funari, Sr. Investigator |
| VII. | COMMITTEE REPORTS | |
| VIII. | UNFINISHED BUSINESS | |

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IX. ADJOURNMENT

I. MEETING CALLED TO ORDER AT 9:00 A.M. (27:28)

ROLL CALL AND INTRODUCTIONS: 9:03 A.M. (27:48)

II. MOTION TO APPROVE MINUTES BY HESS. 2ND BY MOUNTCASTLE.

ABSTAINED: BROWN AND GRAHAM. MOTION CARRIED. (29:05)

III. PUBLIC COMMENT (NONE) (32:00) ***

IV. PRESENTATION OF INVESTIGATIONS: (NO COMPLAINANTS PRESENT)

1. 2023-0272: Sgt. Mark Pesta #9197 (33:04-53:40)

Allegation: Unprofessional Behavior/Conduct

Recommendation: *Insufficient Evidence*

Motion: Sherall Hardy

Second: Mike Graham

Motion: Carried

Complainant Brandy Moore's statement: Complainant states that she was assaulted at Cleveland Clinic and was told by Cleveland Clinic police to go to the County prosecutor's office and bring witness statements. Complainant states she was told that a report would be mailed to her address. Complainant states she has been having on-going issues as a result of the assault and that she would like to press charges against the person for assaulting her. (36:24-38:52)

Public Comment re-opened: There was dialog amongst the board members regarding some citizens not knowing that the meeting was virtual or if they received the correct link to join the meeting. Chair Sharp stated the meeting started late and out of respect for the agenda that is in place, the members and the people who were on the meeting on time, public comment is closed. Chair Sharp stated that the virtual meeting dates have been posted to the website for three months and is public knowledge. Member Brown questioned if the link was available to the public and posted on the website. Chair Sharp re-opened public comment. Teri Wang from the CPC stated that people are stating that the link for the website isn't working. Citizens that arrived at City Hall for the meeting should be given the opportunity to speak during public comment. CPC Member Wang stated that she is not sure why the meetings are virtual since we are no longer in a pandemic. CPC Member Wang read information from the Charter. There was additional discussion amongst the board regarding the charter and the CPRB manual. (53:50-1:01:54)

Antoine Tolbert statement: There was discussion amongst the Chair and Antoine Tolbert's statement regarding OPS2022-0116. Mr. Tolbert was not online for public comment, but in fact making an impact statement regarding the Director's Departure. Mr. Tolbert provided information regarding the case where he was the victim in the case, but is not listed in the

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file as the complainant. Motion to table the Director's Departure by Member Brown, 2nd by Member Hardy. Abstain: Members Gatian and Cyganovich. (1:03:47-1:56:00).

2. **2023-0240: P.O. James Brooks #1014 (Tabled until next board meeting) (1:56:19-2:25:57)**

Allegation: Lack of Service/No Service

Recommendation:

Motion:

Second:

Motion

P.O. Antonio Muniz #440

Allegation: Lack of Service/No Service

Recommendation:

Motion:

Second:

Motion

Complainant, Valerie Linder statement: Complainant feels that the overview was accurate. Complainant feels that this incident was not an accident and was deliberate and thinks the behavior was inexcusable and believes that further counseling would be beneficial for all parties. There was dialog amongst the board members on whether or not during a probable cause stop, the officer witnessing a child not in a car seat, should have issued a citation. Member Cyganovich questioned Investigator Traxler of her knowledge if there is a GPO about mandatory reporting. Member Graham read Ohio Revised code 2151.421 Reporting Child Abuse or Neglect. Chair Sharp asked that Investigators make the board aware of any obstacles they are faced with when it comes to their investigations when Investigator Traxler stated that the investigators no longer have access to LERMS for reports (2:00:00-2:01:04)

Motion to enter into Executive Session for the purpose of discussing employment, discipline and investigation of charges or complaints against an employee by Vice-Chair Hess. 2nd by Member Hardy. Motion carried. (2:42:43)

3. **2023-0180: P.O. Kevin Nussbaum #325 (4-52-9:15) 2nd YOUTUBE video**

Allegation: Lack of Service/No Service

Recommendation: Unfounded

Motion: Mike Hess

Second: Billy Sharp

Motion Carried

P.O. Mitchell Hokavar #1099

Allegation: Lack of Service/No Service

Recommendation: Unfounded

Motion: Mike Hess

Second: Diana Cyganovich

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Motion Carried

WCS evidence as well as statements made by the officers, shows the conduct did not occur.

4. 2023-0255: P.O. Patrick Bishop #150 (9:27-13:42)

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Sherall Hardy

Second: Mike Graham

Motion: Carried

The preponderance of the evidence which includes WCS, interviews and photos presented to the board indicates conduct did not occur.

5. 2022-0028: P.O. Anthony VonMayhem #2396 (13:56-35:50)

Allegation: Unprofessional Behavior

Recommendation:

Motion:

Second:

Motion:

Allegation: WCS Violation

Recommendation: Unfounded

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

After a lengthy discussion amongst the board, it was motioned by Member Graham to table this case due to needing clarification of Deputy Chief Todd's email. 2nd by Member Hardy. Motion carried.

6. 2022-0019: P.O. Michael Fragapane #1609 (36:21-43.56)

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Mike Hess

Second: Mike Graham

Motion: Carried

P.O. Mitchell Hokavar #1099

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Mike Hess

Second: Mike Graham

Motion: Carried

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P.O. Colin McNeeley #287
Allegation: Unprofessional Behavior/Conduct
Recommendation: Unfounded
Motion: Mike Hess
Second: Mike Graham
Motion: Carried

P.O. Todd Clemens #1096 (Retired)

P.O. Gregory Kwan #1362 (Retired)

The preponderance of the evidence to include WCS footage of the encounter, statements from the complainant and the responding officers indicate that the alleged conduct did not occur. No violation of Manual Rules 4.17 or 4.18, 5.01 and 5.09 and GPO 1.1.03 or any other CDP policy or procedures.

7. **2022-0118: P.O. Dhar Mansour #2055 (46:14-51:22)**
Allegation: Improper Procedure/Arrest
Recommendation: Exonerated
Motion: Sherall Hardy
Second: Chenoa Miller
Motion: Carried

P.O. Ryan Holliday #1213
Allegation: Improper Procedure/Arrest
Recommendation: Exonerated
Motion: Sherall Hardy
Second: Chenoa Miller
Motion: Carried

The preponderance of the evidence which includes WCS footage and the investigator's report indicates the conduct did not occur and that the officers followed the GPO'S.

8. **2023-0223: P.O. Nathan Farrell #1594 (52:13-57:25)**
Allegation: Lack of Service
Recommendation: Exonerate
Motion: Sherall Hardy
Second: Diana Cyganovich
Motion: Carried

P.O. Matthew Ratti #2318
Allegation: Lack of Service
Recommendation: Exonerated

Motion: Sherall Hardy
Second: Diana Cyganovich
Motion: Carried

Based on the preponderance of the evidence that was presented by the investigator and according to the GPO'S and laws the allegation did not occur.

9. 2024-0003: P.O. Cody Dorner #2069 (57:36-1:00:09)

Allegation: Unprofessional Behavior

Recommendation: Unfounded

Motion: Billy Sharp

Second: Sherall Hardy

Motion: Carried

Officer Dorner was in accordance with GPO 5.09

10. 2022-0083: P.O. Kerry Adams #49 (1:00:28-1:06:04)

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

Based on the investigator's report and the complainant's rude and belligerent behavior towards the investigator.

11. 2023-0277: P.O. Dennison Crowell #108 (1:06:26-1:14:02)

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Abstain: Sherall Hardy (Due to knowing officer personally)

Motion: Carried

P.O. Lamar Q. Heath #817

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Abstain: Sherall Hardy (Due to knowing officer personally)

Motion: Carried

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Based on WCS footage and the investigator's report.

12. 2023-0247: P.O. Willie Peterson #1536 (1:18:22-1:22:00)

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Sherall Hardy

Second: Ken Mountcastle

Motion: Carried

Based on the investigator's report, the WCS and the interviews.

13. 2023-0068: P.O. Charles Leonardi #1965 (1:22:25-1:29:18)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated

Motion: Mike Hess

Second: Sherall Hardy

Motion: Motion carried

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Mike Hess

Second: Sherall Hardy

Motion: Motion carried

Records of the duty reports, WCS and phone calls were consistent with CDP Policy

14. 2023-0037: Sgt Patricia Katynski #9302 (1:30:01-1:49:08)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated

Motion: Billy Sharp

Second: Ken Mountcastle

Abstain: Sherall Hardy (**Didn't receive case**)

Motion: Motion carried

P.O. Luis A. Flores-Galarza #800

Allegation: Harassment

Recommendation: Exonerated

Motion: Billy Sharp

Second: Ken Mountcastle

Abstain: Sherall Hardy (**Didn't receive case**)

Motion: Motion carried

P.O. Brendan Marzan #1135

Allegation: Harassment

Recommendation: Exonerated

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Motion: Billy Sharp

Second: Ken Mountcastle

Abstain: Sherall Hardy (Didn't receive case)

Motion: Motion carried

Member Hardy recommended a policy for officer's when they are addressing the gay community. Chair Sharp says that he believes that there wasn't any malice from Sgt. Katynski when she stated to Mrs. Toth that she herself has gay friends.

CHIEF DEPARTURE:

The Board will not appeal OPS Cases 2022-0073: P.O. Joseph Danczak #1828. (1:51:56-1:55:00)

COMMITTEE REPORT: Member Miller gave an update on the Nacole Convention (2:10:34-2:15:30).

POLICY UPDATE: (1:56:18-2:09:48)

Investigator Bowker gave an update on his recommendation for OPS2020-0195 stating that GPO 1.3.33 was 16 years old and should be revisited by the Chief and clarified to make it more effective. Investigator Bowker states the policy covers some areas of conflict of interest, but there are some areas that need to be enhanced. Investigator Bowker gave a brief synopsis of the case and summarized the suggested changes of the policy to the board members. Motion by Member Hardy to accept Investigator Bowker's recommended changes to GPO 1.3.33-Duty to Avoid the Appearance of Impropriety. 2nd by Vice-Chair Hess. Motion Carried.

(2:15:49-2:17:13)

Sr. Investigator Funari gave an update from Sgt. Ashely Graham of the Policy Unit on how long it takes before an officer is notified and trained on policy updates. "Officers are notified of new or revised GPO'S via email the same day and it is also updated on the division's SharePoint website. Policies that require training are not issued until members are trained on the new policy".

NEW BUSINESS: (2:17:26- 2:22:45)

Member Hardy revisited the division using the term mental illness. Chair Sharp stated that information was received that the division would no longer be using the term mental illness. Member Hardy stated that this information should be placed in a binder for future board members. Chair Sharp requested that Sr. Investigator Funari provide all board members with a copy of the notice.

OLD BUSINESS: (2:23:08-2:43:55)

Member Brown states he's been getting questions about the manual and what is the board doing about Issue 24. There was discussion amongst the board members regarding the CPRB Manual. Chair Sharp requests an Executive Session for the March 12th meeting to discuss an update on the OPS and CPRB manuals

IX. ADJOURNMENT (2:44:08)

**Motion to adjourn the meeting by Vice Chair Mike Hess. 2nd by Member Mountcastle.
Motion carried.**