

**CIVILIAN POLICE REVIEW BOARD  
OFFICE OF PROFESSIONAL STANDARDS**

March 14, 2023

**MEETING MINUTES**

**THE NEXT CPRB BOARD MEETING IS IN ROOM 514 AT CITY HALL**

**CPRB MEMBERS**

ATTENDANCE

Michael Hess, **Chair**  
Dave Gatian, **Vice Chair**  
Ken Mountcastle  
Billy Sharp  
Sherall Hardy  
Michael Graham  
**Chenoa Miller (ABSENT)**  
**Brandon Brown (ABSENT)**

Christopher Heltzel, Staff Council

**OPS STAFF**

ATTENDANCE

Jonathan Cudnik, Interim Administrator

Eric Richardson, Interim Senior Investigator  
Julie Delaney, Investigator  
Maryum Ali,  
Art Bowker, Investigator  
Vincent Funari, Investigator  
Hercules Harris, Investigator  
Eric Richardson, Investigator  
David Hammons, Investigator  
Joe Szymanski, Investigator  
Robert McEvoy, Investigator

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| <b>I. APPROVAL OF MINUTES</b>                    |  |
| <b>II. PUBLIC COMMENT</b>                        |  |
| <b>III. NEW BUSINESS</b>                         | Jonathan Cudnik, Interim Administrator |
| <b>IV. PRESENTATION OF INVESTIGATIONS</b>        | Jonathan Cudnik, Interim Administrator |
| <b>VII. OPS REPORT</b>                           | Jonathan Cudnik, Interim Administrator |
| <b>A. REVIEW OF CHIEF DISCIPLINARY DECISIONS</b> | Jonathan Cudnik, Interim Administrator |
| <b>VIII. OPS REPORT</b>                          | Jonathan Cudnik, Interim Administrator |
| <b>IX. POLICY UPDATES (None)</b>                 |  |
| <b>X. COMMITTEE REPORTS (None)</b>               |  |
| <b>XI. UNFINISHED BUSINESS (None)</b>            |  |
| <b>XII. ADJOURNMENT</b>                          |  |

**Next Meeting: Tuesday, May 9, 2023 at 9:00 am**

**I. MEETING CALLED TO ORDER AT 9:10 A.M.**

**II. ROLL CALL AT 9:11 A.M.**

**III. APPROVAL OF MINUTES 9:12**

**DG: Motion to approve minutes. 2<sup>nd</sup> by Mountcastle. Motion Carried**

**IV. PUBLIC COMMENT**

**Rosie Palfy 29:17-31:09:** At last month's meeting, Investigator Julie Delaney made a recommendation about looking at the dispatch codes for individuals experiencing a mental health crises and I don't see that reflected in the minutes anywhere. I realize that was after a case was presented and I believe it was the last case, but I really think that if an investigator makes any recommendations in general like that for possible policy changes, reviews or suggestions, I really think that should be reflected in the meeting minutes. The other thing I wanted to say is I did speak at the beginning of last month's meeting and I told you all that I was a member of the mental health response advisory committee and what that committee was and that it was created under the consent decree as a mandate and it was really disappointing to see the discussion at the end where you all didn't know where you should kind of direct these questions or who you should work with. That was really disappointing because I felt like you didn't listen to me. I realize the hearing was hours long, but I was sitting here wondering why didn't they know where to go with this, to send the recommendation or who to reach out to when I told them hours ago. I just wanted to bring that up. Thank you.

**MH:** Thank you for your comment.

**JC:** There doesn't appear to be anybody else. Would you like me to fill in the Board about the location on what we've discovered or do we want to have to vote first?

**MH:** We should definitely talk about it before we have a vote. I'm wondering if we should just get through these cases first. We don't have any Complainants who are here today either, is that correct?

**JC:** I just had a call in user call in.

**BB:** This is Bickerstaff and there's an issue every time I call in on these meetings.

**JC:** We started the public comment period and I'm not quite sure what happened, but we're going to be discussing the public meetings starting in April. Would the board like to hear her comment?

**SH:** Since she called in, yes we do need to hear her.

**Brenda Bickerstaff 32:24-35:20:** I know you wasn't going to let me speak, but this is where I am with this and I'm going to make it brief. You're hiring a gentleman to take over the administrator of OPS, correct?

**MH:** Yes, that's correct.

**BB:** So, from my understanding, I know you're holding a job for him until May because he's in the military, correct?

**MH:** Yes. That's correct.

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**BB:** He has a sister that's a police officer in Cleveland. You don't think that's a conflict?

**MH:** We've discussed this topic at this point, multiple times at these meetings.

**BB:** Multiple times when? You never answered the question. I never heard you speak about it. When did you speak about it?

**MH:** We discussed this at our last meeting. We discussed the hiring of the administrator.

**BB:** I didn't hear you say anything about that.

**MH:** With all due respect, this is not how this meeting is going to run.

**BB:** I'm asking a question and it's a valid question. If you discussed it before and I missed it, what did you say because I missed it?

**MH:** John, I'm going to ask you to mute her then I'm going to answer the question for her. The answer to the question, the administrator that we hired who's going to begin at the beginning of May. He did identify that he has a sister that is a Cleveland Police Officer. Again, I do not believe that that is going to cause a conflict of interest with this particular individual. I think he is a man of high character and I think he's a great fit for this position and I do not think that that is going to cloud his judgement in the discharge of his duties.

**SH:** Mr. Chair may I add to your comment? Miss Bickerstaff, I brought that up as well for the general public and my question to him was exactly your question and he stated that if his sister was brought up on charges, he would recuse himself, he would not be there to render any judgement or anything. That's what he said and that happens a lot of times with judges and they know people and different things and they have to dismiss themselves. So, I did address that for the general public.

**MH:** Thank you Miss Hardy.

**V. NEW BUSINESS 35:25-1:03**

**JC:** We did some very quick investigation into the room that this board used prior to the pandemic, room 514 at City Hall. It turned out that it was available the second Tuesday of every month. We went ahead and made preliminary arrangements to have the room reserved for the board hearings. We did look into parking for board members, investigators and complainants. We are finalizing those details, but again the board has to make a vote whether or not to return to in-person meetings.

**MH:** What are everybody's thoughts on that because it sounds like we're ready to make moves to move those meetings back to in-person? I know there are a couple of considerations involved in that, such as, I guess this is more for Mrs. Grimes, we're going to need to need to make sure the board members are going to be able to park at City Hall and I think we might need to have ID'S made. Jon, is this stuff that OPS is aware of?

**JH:** We made initial inquiries into parking. That should not be an issue, we just need to finalize details on that. As far as the City ID'S are concerned, we still need to look into that, but if those aren't available, you can still get into the building, it just would take a little bit longer.

**SH:** I'm not sure what Jon said. You said it's going to take a little bit longer, so are going to meet there next month in April. I'm not sure what longer means.

**JC:** Getting physically into the building, you'd have to go through security if you didn't have an ID to get into City Hall. When you park, there's an entrance to come in and there's a security gateway. If Board Members were permitted to have ID'S, they would be able to get through that security checkpoint a lot quicker and depending on the time of the day, it's really not that long either way.

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**DG:** Initially, we did not have ID'S when we went to online meetings. Basically you walked up to the security desk, you hand them a driver's license. They scan it into the system. I never waited no more than two minutes. They parking lot access should not be a hold up for us. It might be a nice convenience that we could go in and swipe or whatever an employee does, but that's not something that should really come into play in terms of us deciding to go back. I think one of the questions that we should at least look at is previously we had started our meetings at 10:00. I'm not sure the genesis of that. I'm suspecting perhaps that was to allow board members to avoid rush hour coming in and starting a meeting at nine, but some of the members that were on the board prior to me might know the answer to that and perhaps we've taken that into consideration.

**MH:** The current start time was arrived at because our agenda was just getting longer and longer. We decided that we needed more time to get through it so it may not be a bad idea to move to ten if we're going to do it in person. Anybody have any general thoughts on that.

**KM:** When we met in person previously, we started at 10:00. We were generally out of that meeting by 2:00.

**CH:** The first meeting back, we're going to be synchronizing the camera system in Room 514 with the simulcast through YouTube and WebEx for the first time from that location and so perhaps for the first meeting, it might be a good idea to keep the 9:00 start time in the event we end up going a little bit longer.

**BS:** I want to have a little bit of discussion about how the meeting is going to run. Certainly we talked about going into a winter session. I think that would be December, January and February that we would go back to WebEx for those three months just out of an abundance of caution. We don't know what the weather would be. Around the public comment part, so that everybody can get their comments in the record, I think we give them three minutes to speak and if they have it in writing, they can submit the rest of it or they can just simply submit their comment in writing and then have some kind of follow-up from us. I was interest in what the board thinks about that, just in the interest of getting everybody's comment into the record.

**MH:** I think we've had people submit written public comments in the past, so that it is an option. The whole thing would be incorporated into the minutes.

**BS:** I thought that the purpose or mission of the board should be read in some kind of abbreviated form so people know before they begin to talk what is actually our purview and people are not wasting time talking about issues that we don't have purview over. So that being read at the beginning of every meeting just so people know what our purpose is. Again, an abbreviated version. I've been doing public service for quite a while and when it's not clear, you'll have people coming in talking about housing and all kinds of other stuff that we can't even tackle.

## **VI. PRESENTATION OF INVESTIGATIONS:**

### **1. 2022-0074: P.O. McGreer #1065-1:04:16-1:31:37 (correction: should be 21-0074)**

#### **Allegation: Lack of Service/Failure to Report**

Recommendation: Sustained

Motion: Gatian

Second: Sharp

Motion carried

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**Allegation: Lack of service/Failure to Investigate**

Recommendation: Sustained

Motion: Gatian

Second: Sharp

Motion carried

**Allegation: Lack of Service/Failure to Provide Badge Number**

Recommendation: Unfounded

Motion: Gatian

Second: Sharp

Motion carried

**P.O. Naples #449**

**Allegation: Lack of Service/Failure to Report**

Recommendation: Sustained

Motion: Gatian

Second: Sharp

Motion carried

**Allegation: Lack of service/Failure to Investigate**

Recommendation: Sustained

Motion: Gatian

Second: Sharp

Motion carried

**Allegation: Lack of Service/Failure to Provide Badge Number**

Recommendation: Unfounded

Motion: Gatian

Second: Sharp

Motion carried

**P.O. Nickel #0229**

**Allegation: WCS Violation**

Recommendation: Sustained

Motion: Gatian

Second: Sharp

Motion carried

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**Capt. Mandzak #6563**

**Allegation: WCS Violation**

Recommendation: Unfounded

Motion: Gatian

Second: Sharp

Motion carried

**2. 2022-0031: Lt. Miksch #8544-1:32:39-1:44:35**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Hess

Second: Graham

*Motion carried*

**Allegation: Lack of Service**

*Recommendation: Unfounded*

*Motion: Hess*

*Second: Graham*

*Motion carried*

**Allegation: WCS Violation**

*Recommendation: Sustained*

*Motion: Hess*

*Second: Graham*

*Motion carried*

**3. 2021-0202 P.O. Sedlak #1157-1:44:53-1:49:32**

**Allegation: Lack of Service**

*Recommendation: Unfounded*

*Motion: Graham*

*Second: Mountcastle*

*Motion carried*

**P.O. Schmitz #1875**

**Allegation: Lack of Service**

*Recommendation: Unfounded*

*Motion: Graham*

*Second: Mountcastle*

*Motion carried*

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4. **2021-0090: P.O. Lyons #1022-1:49:42-1:57:32**  
**Allegation: Unprofessional Behavior/Conduct**  
Recommendation: Unfounded  
Motion: Sharp  
Second: Mountcastle  
Motion carried

5. **2022-0257: P.O. Alford #510-1:57:49-2:08:11**  
**Allegation: Lack of Service/No Service**  
Recommendation: Sustained  
Motion: Hess  
Second: Hardy  
Motion carried

**Allegation: WCS Violation**  
Recommendation: Sustained  
Motion: Hess  
Second: Hardy  
Motion carried

6. **2021-0233: P.O. Ellis #1524-2:08:21-2:14:20**  
**Allegation: Lack of Service**  
Recommendation: Sustained  
Motion: Sharp  
Second: Hardy  
Motion carried

**Allegation: WCS Violation**  
Recommendation: Sustained  
Motion: Sharp  
Second: Hardy  
Motion carried

7. **2022-0277: P.O. Alford #510-2:14:29-2:18:39**  
**Allegation: Lack of Service**  
Recommendation: Exonerated  
Motion: Hess  
Second: Graham  
Motion carried

8. **2022-0119: P.O. Wilson #1038-2:18:54-2:28:22**  
**Allegation: Lack of Service/No Service**  
Recommendation: Unfounded  
Motion: Graham  
Second: Hardy  
Motion carried

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**Det. Kindell #44**

**Allegation: Unprofessional Behavior**

Recommendation: Unfounded

Motion: Graham

Second: Hardy

Motion carried

**P.O. Coda #1927**

**Allegation: Bias Policing**

Recommendation: Exonerated

Motion: Graham

Second: Hardy

Motion carried

**Allegation: Lack of Service/No service**

Recommendation: Unfounded

Motion: Graham

Second: Hardy

Motion carried

**9. 2022-0127 P.O. Pudlinski #892-2:28:26-2:34:26**

Allegation: Unprofessional Behavior/Conduct

Recommendation: Exonerated

Motion: Hardy

Second: Sharp

Motion carried

**P.O. McGregor #854**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Exonerated

Motion: Hardy

Second: Sharp

Motion carried

**10. 2021-0144 P.O. Pierse #191-2:23:23-2:40:55**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Exonerated

Motion: Gatian

Second: Mountcastle

Motion carried

**11. 2021-0130 P.O. Sowders #1103-2:41:08-3:09:55**

**Allegation: Lack of Service**

Recommendation: Exonerated

Motion: Hess

Second: Sharp

Motion carried

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***Allegation: Excessive Force***

*Recommendation: Unfounded*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

***Allegation: Improper Procedure (Detained) Improper Citation***

*Recommendation: Exonerated*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Sustained*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

***P.O. Madaras 31754***

*Allegation: Lack of Service*

*Recommendation: Exonerated*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

***Allegation: Excessive Force***

*Recommendation: Unfounded*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

***Allegation: Improper Procedure (Detained) Improper Citation***

*Recommendation: Exonerated*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Insufficient Evidence*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

***P.O. Collins #926***

***Allegation: Improper Citation***

*Recommendation: Exonerated*

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*Motion: Hess  
Second: Sharp  
Motion carried*

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Sustained*

*Motion: Hess*

*Second: Sharp*

*Motion carried*

**12. 2021-0165: P.O. Adkins #910-3:10:40-3:21:48**

***Allegation: Improper Detainment***

*Recommendation: Exonerated*

*Motion: Sharp*

*Second: Mountcastle*

*Motion carried*

***P.O. Woods #2515***

***Allegation: Improper Detainment***

*Recommendation: Exonerated*

*Motion: Sharp*

*Second: Mountcastle*

*Motion carried*

***P.O. Beckwith #1363***

***Allegation: Excessive Force***

*Recommendation: Unfounded*

*Motion: Sharp*

*Second: Mountcastle*

*Motion carried*

***P.O. Vencil #541***

***Allegation: Excessive Force***

*Recommendation: Unfounded*

*Motion: Sharp*

*Second: Mountcastle*

*Motion carried*

**13. 2021-0151: Det. Curtis #195-3:22:08-3:34:36**

***Allegation: Lack of Service***

*Recommendation: Sustained*

*Motion: Hess*

*Second: Mountcastle*

*Motion carried*

**14. 2021-0137 P.O. Trevor Smith #1615-3:34:48-3:47:58**

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Sustained*

*Motion: Gatian*

*Second: Sharp*

*Motion carried*

**15. 2021-0082: Sgt. Crespo #9154-3:48:03-3:53:30**

***Allegation: Lack of Service/No service***

*Recommendation: Unfounded*

*Motion: Graham*

*Second: Hardy*

*Motion carried*

***Sgt. Harper #9230***

***Allegation: Lack of Service/No Service***

*Recommendation: Unfounded*

*Motion: Graham*

*Second: Hardy*

*Motion carried*

**CHIEF'S DEPARTURES:**

***THE CPRB will appeal the Chief's Departures for cases 2022-0103 and 2022-0153.***

**XII. ADJOURNMENT**

Dave Gatian made the motion to adjourn the meeting 1:34 P.M., 2nd by Graham. Motion carried.

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