

# **CIVILIAN POLICE REVIEW BOARD**

**November 12, 2024**

## **MEETING MINUTES**

### **CPRB MEMBERS**

**Billy Sharp, Chair**

**Brandon Brown, Vice Chair**

Michael Graham

David Gatian

**Glen Parker III**

Chenoa Miller

**Diana Cyganovich**

**Sherall Hardy**

**Kenneth Mountcastle**

### **OPS**

**Marcus Perez, Administrator**

**Kristen Traxler, General Manager**

**Vincent Funari, Sr. Investigator**

**Hamza Khabir, Investigator**

**Kimberly Maxwell, Investigator**

**Art Bowker, Investigator**

**Joe Szymanski, Investigator**

**Lachickia Green, Investigator**

**James Ouk, Investigator**

**Adam Eisen, Investigator**

### **LAW DEPARTMENT**

**Lillian Hall**

**Tiffany Fishbach – Executive Session**

**Michael Hess**

**Geraldine Butler**

### **HUMAN RESOURCES**

**Matthew Cole**

**I. Call to Order**

**Billy Sharp**

**II. Roll Call**

Vice Chair Brandon Brown and Board Member Chenoa Miller arrived after roll call. Board Member Michael Graham had an excused absence. Board Member Dave Gatian had an excused absence.

**III. APPROVAL OF MINUTES**

**Billy Sharp**

Member Hardy requested the amended minutes from the September meeting. A Motion to approve the October minutes was made by Member Cyganovich. The motion was properly second by Member Mountcastle. Member Hardy Opposed to the motion.

#### **IV. TRAINING SESSION**

**Dr. Leigh Anderson**

##### **A. Consent Decree Overview**

Dr. Leigh Anderson provided an in-depth training to the board regarding the Consent Decree. The Consent Decree is an order made by a judge with the agreement of all parties to carry out the order of the court. The Consent Decree in Cleveland is an order from Judge Solomon Oliver of the Northern District of Ohio. It outlines an agreement between the Department of Justice and the city of Cleveland, focusing on extensive reforms to ensure that the Cleveland Division of Police no longer violates constitutional rights. When the City of Cleveland entered into litigation by the United States Government in 2013, it led to the establishment of the Consent Decree established by Judge Oliver. The Police Accountability Team (PAT) aims for compliance with this decree through collaboration with the Cleveland Division of Police and other city partners. While the city is under the decree, the police division is not, which influences the way approach of the PAT. The Pat team conducts policy reviews, internal audits, and data analyses to capture compliance results and recommends modifications. The goal is to support the ongoing implementation of the 21<sup>st</sup>-century policing and works toward dissolving the consent decree.

#### **V. PRESENTATION OF INVESTIGATIONS**

**Marcus Perez**

##### **1. 2024-0130 P.O. Demetrius Woods #2127**

**Summary:** An anonymous complainant alleges Det. Woods abused his police authority when he used his emergency lights to drive through a red traffic light at the intersection of Superior Ave and E. 12th Street at about 8:55 am on June 13, 2024. This action resulted in a MVA that put the public at risk due to his negligence and disregard to public safety. A district/bureau investigation was conducted. OPS reviewed their investigative report and found Det. Woods provided an untruthful testimony that CDP leadership should have reported as officer misconduct per GPO 1.07.05- Internal Complaints of Misconduct.

The CPRB voted unanimously to refer the case to the Internal Affairs Unit for investigation into “serious misconduct” by Det. Woods #2127. This is a direct result of physical and audio evidence that captured violations of Division Values; failure

to report injury; and failure to address damage to property in the District/Bureau Investigative Report.

Chair Sharp made a motion to send the entire packet to IA and asking IA to report back to the Board with an update at the CPRB meeting to be held on Jan 14<sup>th</sup>, 2025. The motion was second by Member Mountcastle

**Allegation: Improper Procedure**

**Recommendation:**

Motion: TABLED

Second: TABLED

Motion: TABLED

**2. 2023-0298 P.O. Chad Smith #289**

**Summary:** On 12-28-23 OPS received a complaint from Ms. Boyd alleging she called Police to her house and officers did not arrive until the next day due to unavoidable workload. Ms. Boyd stated that when they finally did arrive P.O. Smith #289 pretended to knock on her door. All of which was captured on her doorbell camera.

Chair Sharp makes a motion for CPRB to concur with CDP on the Group level and recommendation. Vice Chair Brown second the motion.

**Allegation: Improper Procedure**

**Recommendation: Sustained-** The preponderance of the evidence revealed that P.O. Smith #289 violated GPO 7.01.02, failing to notify CCS of his arrival, and did not press "Arrive" in MCAD. P.O. Smith violated 5.01 of the CDP Manual Rules and Regulations.

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

**3. 2022-0022 P.O. Riccardo Holt-Santiago #1262**

**Summary:** OPS received a complaint from R. Mansfield alleging on 1-23-22, Det. Holt-Santiago #1262 instructed him to not try to retrieve his vehicle the night it was stuck in a snowbank and said it was dangerous due to the weather. Mr. Mansfield said Det. Holt-Santiago told him multiple times his vehicle would not be towed and gave him further instructions on how he could retrieve his vehicle. The following day during an attempt to retrieve his vehicle, he was sent on a wild goose chase and

was told something different by everyone he spoke to. Mr. Mansfield stated his issue was with Det. Holt Santiago because he is the one who assured him his vehicle would not be impounded.

Member Cyganovich makes a motion for OPS to check and see if a citation is needed in order to tow or move a vehicle. The motion was second by Vice Chair Brown.

Chair Sharp asked that OPS come up with a policy recommendation regarding a car receiving a citation during an emergency, the cost around the citation, and the cost of storage fee in the impound. OPS will present the policy recommendation during the December meeting.

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

**Recommendation: Exonerated-** Based on the preponderance of the evidence, the Detective conduct occurred but was consistent with law, CDP GPO, training, and/or procedures.

Motion: Brandon Brown

Second: Sherall Hardy

Motion: Carried

**P.O. Derricka Cunningham #675**

**Allegation: Improper Procedure-Tow**

**Recommendation: Exonerated-** Based on the preponderance of the evidence, the Detectives conduct occurred but were consistent with law, CDP GPO, training and/or procedures.

Motion: Brandon Brown

Second: Sherall Hardy

Motion: Carried

**4. 2022-0210 P.O. Antwuan Wells #1330**

**Summary:** On 8/25/22 OPS received a complaint from Ms. C. Spates alleging that after being assaulted by several individuals P.O Wells #1330 failed to apprehend the individual. During the investigation, it was determined that P.O. Wells violated CDP Manual Rules 4.01, 4.03 4.14. 4.18 And 5.01.

Vice Chair Brown made a motion to table making a determination in regard to the group level of discipline until OPS can do an additional investigation into the disciplinary history of the Officer. The motion was second by Member Cyganovich.

**Allegation: Lack of Service**

**Recommendation: Sustained-** Based on the preponderance of the evidence including officers WCS supports a finding that the alleged conduct occurred and the officer was in violation.

Motion: Brandon Brown

Second: Glenn Parker III

Motion: Carried

#### 5. 2023-0107 P.O. Carlos Munguia #1813

**Summary:** On October 18<sup>th</sup> Mr. Bondar was involved in a MVC with another vehicle and claims P.O. Munguia #1813 responded to the scene of the accident but failed to turn in the police report. Mr. Bondar states that he made several attempts to obtain a police report but was informed that one could not be found.

Chair Sharp makes a motion to site the CBA and not go with a Group Level. The motion was second by Member Cyganovich

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

**Recommendation: Sustained-** The preponderance of the evidence supports the alleged conduct did occur and the Officer's actions were inconsistent with the law or Cleveland Division of Police Orders, G.P.O 8.1.02. Officers did respond to the call but failed to ensure that the OH-1 Report was delivered to the record section within the required three days without exception.

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

#### 6. 2024-0121 Dispatcher Glenda Burton #154

**Summary:** On July 15, 2024, Ms. Shabazz filed a complaint with OPS regarding an incident that took place with Dispatcher Burton #154. Ms. Shabazz stated that when she called the non-emergency police number to make a noise complaint about her neighbors, she was told by Dispatcher Burton that there were 38 to 40 domestic calls that have yet to be handled. Ms. Shabazz felt Dispatcher Burton's response was unprofessional.

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

**Recommendation: Exonerated-** Based on the preponderance of the evidence including dispatch recordings supports a finding that the alleged statement was made but this conduct did not rise to a level that violated Manual Section 5.01.

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

**7. 2024-0058 P.O. Peter Sains II #497**

**Summary:** On 3/15/24 OPS received a complaint from Mr. N. Mete alleging that P.O. Peter Sains #497 used excessive force against him during an altercation at Jack Casino. Mr. Mete stated he entered Jack Casino and was assaulted for no reason by P.O. Sains. He stated his arms were twisted behind his back and his head was shoved into the ground causing him to bleed from his head. Mr. Mete also alleged the Officer used vulgar language towards him.

**Allegation: Excessive Force**

**Recommendation: Unfounded-** Based on the preponderance of the evidence including Jack Casino surveillance supports a finding that the alleged conduct did not occur.

Motion: Diana Cyganovich

Second: Glenn Parker III

Motion: Carried

**8. 2024-0023 Det. Michael Cox #163**

**Summary: This was an Addendum OPS case.**

On 2/2/2024 OPS received a complaint from Mr. R. Todd alleging that Det. Michael Cox #163 did not complete the OH-2 accurately. Mr. Todd stated that an 18-wheeler hit him on his bicycle while he was attempting to cross the street, and therefore he was not at fault for the accident. However, the OH-1 stated that Mr. Foster was at fault for the accident. The conclusive evidence was a dash-cam video of the 18-wheeler approaching the intersection and turning, but Mr. Foster nor his bicycle are seen in the video. Det. Cox could not initially determine who was at fault, but when he viewed the video he determined that Mr. Foster was at fault for failing to yield. At the time Mr. Foster filed his complaint, he was under the impression that no video existed of the accident.

**Addendum OPS2024-0023**

After further investigation, the recommendation of Exonerated is amended to Sustained. GPO 8.1.02, OH-1 Traffic Accident Reports, Supplements, and Violation enforcement states, "if there are statements available from involved parties and witnesses, officers shall utilize the Driver/Witness Accident statement for c of c 71-1-E (Attachment A) and the OH-3 (Attachment B). The initial

witness's statement in the determination of Det. Cox was not reliable based on the information he had at the time of the report and video evidence that contradicted the witness statement, and that was the reason Det. Cox did not add the witness's name to the OH-1. According to GPO 8.1.02, the witness's name should have been listed.

Member Hardy makes a motion for a Group Level 1 recommendation. The motion was second by Vice Chair Brown.

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

**Recommendation: Sustained-** Based on the preponderance of the evidence including GPO's and the investigator's report, supports a finding that the alleged conduct occurred.

Motion: Sherall Hardy

Second: Glenn Parker III

Motion: Carried

**9. 2024-124 Traffic Controller Gothard Hirzer #7123**

**Summary:** On 6/04/24 Ms. McBeth notified OPS that she would like to file a complaint against the CDP. Ms. McBeth was issued a citation for parking at an expired meter but feels the Traffic Controller Hirzer #7123, was unprofessional to her because of her disability. Traffic Controller Hirzer denied these allegations and there was no video interaction of the encounter. OPS contacted the Traffic Controller Bureau, and OPS was informed Traffic Controllers are not currently issued WCS. Ms. McBeth stated that a witness had a video of the interaction and would send it to her, but she has not received the alleged video.

**Allegation: Unprofessional Behavior/ Conduct**

**Recommendation: Exonerated** Based on the preponderance of the evidence including statements from the complainant and the investigator's report, the alleged conduct was consistent with Law.

Motion: Brandon Brown

Second: Billy Sharp

Motion: Carried

The revised OPS and CPRB manuals have been posted for the required 15 days, therefore the CPRB may now vote to accept them. The manuals have been posted on all the social media outlets and there was a brief discussion as to why there were no public comments regarding the revised manuals as expected.

The motion to accept the manuals was made by Member Mountcastle and second by Member Hardy.

**VII. Executive Session**

**CPRB**

Member Hardy made a Motion to go into executive and to include the Law department and the HR Director, to discuss personnel, employment and discipline matters. The Motion was seconded by Member Mountcastle.

**VIII. New Business-**

**A. Investigator Appointments**

**Jessyca Watson and Tammi Lampkin**

Chair Sharp makes a Motion to appoint Ms. Watson and Ms. Lampkin as Investigators. The Motion was second by Member Hardy.

**B. Special Meeting-**

A Motion to have a special meeting on 11-22-24 for purposes of personnel and discipline matters to include the Board Members and OPS Administrator. Motion was made by Member Cyganovich. The Motion was second by Member Cyganovich.

**IX. ADJOURNMENT**



Member Miller makes a motion to adjourn the November meeting. The motion was properly second by Member Mountcastle.

\*These meeting minutes were distributed via email on 11/27/2024 to all CPRB members and the Law Department.