



CIVILIAN POLICE REVIEW BOARD
OFFICE OF PROFESSIONAL STANDARDS

October 17, 2018

MEETING MINUTES

I. CALL TO ORDER – 10:00

Roslyn Quarto, Chairperson

II. ROLL CALL

Chairperson Quarto

CPRB MEMBERS

ATTENDANCE

Roslyn Quarto
Stephanie Scalise
Edwin Santos
Michael Graham
Michael Hess
Ashley Mostella
Ernest Turner
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Roger Smith, Administrator
Anitra Merritt, Investigator
Eric Richardson, Investigator
Julie Delaney, Investigator
Dave Hammons, Investigator
Vincent Funari, Investigator.
Shaunita Lee, Investigator
Kevin Wynne, Investigator
Barbara Williams-Bennett, Inv.

III. PUBLIC COMMENT

IV. PRESENTATION OF INVESTIGATIONS

OPS Investigative Staff

V. ANNOUNCEMENTS AND COMMUNICATIONS

VI. OPS REPORT

VII. COMMITTEE REPORTS

VIII. NEW BUSINESS

IX. ADJOURNMENT



III. PUBLIC COMMENT – Ms. Quarto reminds every one of the three (3) minute time limit

Mr. Dave Lima, SURJ

At the September meeting I commented on the dialog the Board had at the July Board hearing with Chief Williams. I was pleased to see that the Chief sent a representative of the CDP to the September Board meeting and hopes this continues on a regular basis.

The Chief mentioned a number of areas where officer discretion is permitted – discretion in determining whether a situation is a civil matter for a police matter, and the discretion in determining whether to file a report when allegations of domestic abuse are made. Has the Board requested for received any clarification from the Chief, especially concerning reporting domestic abuse allegations? If not, is it the intention of the Board to seek further clarification?

Ms. Quarto stated that the Board has not gotten anything from the Chief, nor does she believe that the Board overlooked anything from the Chief. Ms. Quarto states she remembers the particular case where the Board shared the concern of what the underlying rationale was for the lack of options, a lack of discretion allowed in the statutes. Ms. Quarto stated that there has been no further conversation about it, and that she understood the Chief to say that this case was a valid exception to the general rule, and that she did not hear the Chief say that was generally a place where discretion is allowed. That say, the Board does share Mr. Lima's concern, but no further conversation has taken place regarding that.

It has come to our attention that the firm hired by the City to investigate the backlog of hundreds of complaints filed prior to January 2017 has not yet processed a single complaint. Is the Office of Professional Standards involved in working with this firm to facilitate the investigations? And, if so, how?

Mr. Smith stated that OPS is engaged on a regular basis with Hillard Heintze to ensure that their process is moving along. The process itself sets certain stages for when certain aspects of the work is completed, so the issue of whether Hillard Heintze processed any particular cases, by the way things are being done, will not necessarily be indicated at this stage in the engagement. Those cases will come in at a later stage. As far as where Hillard Heintze is with the cases, he can say that the process is moving along very well. Hillard Heintze is doing interviews and gathering evidence, so there is no concern that they will not be able to complete their work. OPS has every sense now that the process will be completed in the timetable anticipated.



IV. VOTE

a. 16-156: KutKut

P.O. Cavanaugh #2144

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Santos
Second: Clark
Motion passes with one abstention

Allegation: Improper Search
Recommendation: Exonerated
Motion: Santos
Second: Clark
Motion passes with one abstention

Lt. Roberts #1183

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Santos
Second: Clark
Motion passes with one abstention

Allegation: Improper Search
Recommendation: Exonerated
Motion: Santos
Second: Turner
Motion passes with one abstention

b. 17-006: Alvarado

P.O. Velazquez #307

Allegation: Missing Property
Recommendation: Unfounded
Motion: Scalise
Second: Santos
Motion passes



- c. **18-005: Gant – Complainant is present. Complainant wanted to understand why both Integrity Control and OPS investigated his complaint. Mr. Gant further stated that he believes that it was wrong of Traffic Commissioner Muhic to provide his name to Bratenahl Police.**

Traffic Commissioner Muhic #6040

Allegation: Unprofessional Conduct

Recommendation: Dismissed due to lack of jurisdiction

Motion: Scalise

Second: Turner

Motion passes with one abstention

- d. **18-009: Spearman – Complainant is present. The Complainant felt that Det. Fischbach performed an improper investigation into the death of her husband, and wants her husband's homicide investigation re-opened. The Complainant felt that Det. Fishbach just took statements and did not investigate.**

Det. Fischbach #450

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Scalise

Second: Santos

Motion passes

- e. **18-022: Jackson**

Sgt. Bryant #9174

Allegation: Improper Search

Recommendation: Exonerated

Motion: Scalise

Second: Santos

Motion passes

Allegation: Damaged Property

Recommendation: Exonerated

Motion: Scalise

Second: Turner

Motion passes



Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Scalise
Second: Santos
Motion passes

Det. Gonzalez #1011

Allegation: Improper Search
Recommendation: Exonerated
Motion: Scalise
Second: Mostella
Motion passes

Allegation: Damaged Property
Recommendation: Exonerated
Motion: Scalise
Second: Mostella
Motion passes

Det. Ilain #97

Allegation: Improper Search
Recommendation: Exonerated
Motion: Scalise
Second: Santos
Motion passes
Allegation: Damaged Property
Recommendation: Exonerated
Motion: Scalise
Second: Turner
Motion passes

Det. Mussell #2519

Allegation: Improper Search
Recommendation: Exonerated
Motion: Scalise
Second: Mostella
Motion passes



Allegation: Damaged Property
Recommendation: Exonerated
Motion: Scalise
Second: Santos
Motion passes

f. 18-042: Knowles

P.O. DiFranco #1777

Allegation: Improper Report
Recommendation: Unfounded
Motion: Scalise
Second: Santos
Motion passes with one abstention

Sgt. Givens #9039

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Scalise
Second: Santos
Motion passes with one abstention

P.O. Payne #1751

Allegation: Improper Report
Recommendation: Unfounded
Motion: Scalise
Second: Santos
Motion passes with one abstention

P.O. Polichuk #1058

Allegation: Improper Report
Recommendation: Unfounded
Motion: Scalise
Second: Santos
Motion passes with one abstention



P.O. Tessin #389

Allegation: Improper Report
Recommendation: Unfounded
Motion: Scalise
Second: Turner
Motion passes with one abstention

g. 18-055: Bonty

P.O. Surtz #1383

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Santos
Second: Scalise
Motion passes

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Santos
Second: Turner
Motion passes

h. 18-059: Hindi

P.O. Hernandez #605

Allegation: Improper Tow
Recommendation: Unfounded
Motion: Santos
Second: Turner
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Santos
Second: Scalise
Motion passes



Allegation: Lack of Service
Recommendation: Unfounded
Motion: Santos
Second: Quarto
Motion passes

i. 18-62: Hurayt

Commander Stacho #6115

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Santos
Motion passes

j. 18-070: Whitley

P.O. Sparks #1959

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Scalise
Second: Santos
Motion passes

k. 18-077: Gaston

P.O. Hamadi #2382

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passes



I. 18-099: Schade

P.O. Troche #1878

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Graham
Second: Santos
Motion passes

m. 18-100: Perez

P.O. Lopez #930

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Scalise
Second: Mostella
Motion passes

Allegation: Failure to Provide Badge Number
Recommendation: Unfounded
Motion: Scalise
Second: Turner
Motion passes

P.O. Tracy #1895

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Scalise
Second: Turner
Motion passes

Allegation: Failure to Provide Badge Number
Recommendation: Unfounded
Motion: Scalise
Second: Santos
Motion passes



n. 18-113: Edwards

Sgt. Valentino #9183

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Scalise
Second: Turner
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Scalise
Second: Clark
Motion passes

- o. 18-121: Bond – Complainant is present. The Complainant stated that P.O. Bell and Sgt. Brown made a decision to not help her or change anything about the report. The Complainant stated that the party that hit her had a dash cam video that proved that she was not at fault, and she is fighting to change what is in the police report. The Complainant felt that she wasn't heard by the officers on scene.**

P.O. Bell #9613

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Scalise
Second: Clark
Motion passes

p. 18-124: Gaston

P.O. Januszczak #1728

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Scalise
Second: Clark
Motion passes



VII. REVIEW OF DISCIPLINARY DECISIONS

16-163 and 16-167 – Ms. Quarto moved that the Board not forward these cases to the Safety Director. Seconded by Mr. Hess, and the motion passes with one abstention. Final Disposition letter sent out.

17-235 – Ms. Quarto moved that the Board not forward this case to the Safety Director. Seconded by Ms. Clark, and the motion passes with one abstention. Final Disposition letter sent out.

17-239 – Ms. Quarto moved that the Board not forward this case to the Safety Director. Seconded by Ms. Scalise, and the motion passes with one abstention. Final Disposition letter sent out.

16-232 – Ms. Quarto moved that the Board forward this case to the Safety Director for appeal. Seconded by Ms. Scalise, and the motion passes with one abstention. Letter to the Safety Director sent for appeal.

Meeting adjourned at 14:34 hours.