

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

October 13, 2020

**MEETING MINUTES**

**I. CALL TO ORDER – 10:13**

**Michael Graham, Chairperson**

**II. ROLL CALL**

Chairperson Graham

**CPRB MEMBERS**

**ATTENDANCE**

Michael Graham, Chair  
Ashley Mostella, Vice Chair  
Michael Hess  
Roz Quarto  
Mary Clark  
David Gatian  
Ernest Turner  
Dennis Matejka, Staff Counsel  
LeeAnn Hanlon, Secretary

**OPS STAFF**

**ATTENDANCE**

Roger Smith, Administrator  
Keith Oliver, Investigator  
Julie Delaney, Investigator  
Art Bowker, Investigator  
David Hammons, Investigator  
Eric Richardson, Investigator  
Anitra Merritt, Investigator

**III. APPROVAL OF MINUTES**

**IV. PUBLIC COMMENT**

**V. PRESENTATION OF INVESTIGATIONS**

Administrator Smith

**VI. ANNOUNCEMENTS AND COMMUNICATIONS**

**VII. OPS REPORT**

Administrator Smith

**A. REVIEW OF CHIEF DISCIPLINARY DECISIONS**

**VIII. POLICY UPDATES**

**IX. COMMITTEE REPORTS**

**X. UNFINISHED BUSINESS**

**A. RESOLUTION OF OPS2019-0107**

**XI. NEW BUSINESS**

**XII. ADJOURNMENT**

**Next Meeting: November 10, 2020 at 10:00 am**

### **III. APPROVAL OF MINUTES**

Ms. Clark made a motion to approve the minutes, with a note to modify the date announcing the next meeting at the bottom. Mr. Graham also requested that the minutes reflect that Vice Chair Mostella was present during public comment and not him and seconded the motion. Motion to approve the minutes with the changes passed.

### **IV. PUBLIC COMMENT – Mr. Graham reminded everyone of the three (3) minute time limit.**

Dave Lima, SURJ –

Disciplinary procedures have long been a concern and focus of a variety of community organizations including SURJ, the Cleveland Division of Police itself, and recently by the Cleveland Community Police Commission's Disciplinary working group. General Police Order 1.07.06 states that written guidelines should provide all members of the Division the assurance that corrective action will be imposed in an equitable manner while providing management with the discretion necessary to maintain fairness and the good order of the Division. Although the policy states that it is important to impose discipline in an equitable manner, by allowing discretion necessary to maintain fairness and the good order of the Division, it creates significant opportunity for non-equitable, inconsistent and unfair disciplinary decisions. Unfortunately, such discretion can and often does result in a confused and dissatisfied community and dissension among the rank and file of the Division.

The Police Commission's draft of 1.07.06 stresses the need for transparency, consistency, and fairness. Transparency means sharing factual information with the public and members of the Division. Such transparency would lead to community confidence in the disciplinary process as well as reducing dissension among members of the Division. Consistency means holding everyone equally accountable for unacceptable behavior regardless of rank. Again, dissension among the members of the Division could be significantly reduced by consistent disciplinary decisions. Fairness means the application of the consequences according to the Disciplinary Guidance Matrix without discretion playing a major role in the decision-making process. Facts need to be first and foremost. Fairness also extends to the community with equitable consideration of witness testimony.

Police culture consisting of values and norms guide behavior in an officer's working environment and often influences and guides disciplinary decision making. While other occupational groups also have shared behavioral norms, the police subculture is notably strong. For this reason, it is extremely important that transparency, consistency, and fairness be adhered to with a minimum use of discretion and maximum consideration and use of facts.

**V. PRESENTATION OF INVESTIGATIONS**

**a. 19-065: Black**

P.O. Sains #497

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Graham

*Motion passed with one abstention*

P.O. Santoferraro #2458

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Graham

*Motion passed with one abstention*

**b. 19-083: Brown**

P.O. Hayes #2163

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Gatian

*Motion passed with one abstention*

Allegation: Failure to Provide Name/Badge

Recommendation: Unfounded

Motion: Quarto

Second: Gatian

*Motion passed with one abstention*

**c. 19-132: Thomas**

P.O. Davison #143

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Gatian

Second: Turner

*Motion passed*

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Gatian

Second: Turner

*Motion passed*

P.O. McGervey #2352

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Gatian

Second: Clark

*Motion passed*

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Gatian

Second: Clark

*Motion passed*

**d. 19-137: Evans**

Sgt. O'Neill #9041

Allegation: Improper Tow

Recommendation: Sustained

Motion: Mostella

Second: Quarto

*Motion passed with three opposed*

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Gatian

Second: Graham

*Motion passed*

Allegation: WCS Violation

Recommendation: Sustained

Motion: Turner

Second: Mostella

*Motion passed*

- e. 19-219: Dobriansky. Complainant provided a written statement. "I grew up always believing that the police force is here to help us and protect us. However, that was not the case for my family and I last August. The police basically failed us. After a phone call, I learned that my brother was in an accident and was at Metro Hospital. By the minute, my brother kept taking a turn for the worse. Within hours, he had emergency surgery and put on life-support. Throughout this horrible and painful ordeal, no one could tell us what had happened.

"After a day and a half, I learned it was Second District who handled the accident. I could not call fast enough thinking I would finally get the information and help my family and I were desperately seeking. To my disappointment, the only think I will take away from my phone call with Sgt. Kutina is how heartless a human being can be. I felt like my family and I did not matter. I cried after. When I told him what my family and I were going through, and my brother on life-support, his reply to me was, "I wouldn't know. I wasn't there." He was cold and had attitude. He did not seem to care, and he demonstrated it by what he did.

"What was the reason to hang on to the report? What was the reason not to notify the Accident Investigative Unit? Why did Second District not follow up with the family? Sgt. Kutina gave no explanation nor an apology. He had no regard for my brother or my family. There was no excuse for the police report not being filed on time, nor the family being contacted. This should not have happened, and my hope is that it does not happen to another family.

"However, there is one special detective who my family and I will never forget and who was a blessing to us. He made up for what Sgt. Kutina and the other officers lacked. This wonderful person is Det. Moten #2306. He came through for us. He gave us compassion, sympathy, and understanding of what we were going through. He was there for us, 100%. He even apologized for everyone, which meant so much to us. In the end, he was able to give us closure. We are truly grateful to Det. Moten. Thank you."

P.O. Tracy #1895

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
*Motion passed*

Sgt. Kutina #9106

Allegation: Unprofessional Conduct  
Recommendation: Insufficient Evidence  
Motion: Graham  
Second: Clark  
*Motion passed*

**f. 20-038: Spraggins-Norman**

P.O. Naples #449

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Graham  
Second: Gatian  
*Motion passed*

P.O. Ragazzo #749

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Graham  
Second: Gatian  
*Motion passed*

**g. 20-043: Johnson**

P.O. Holiday #1213

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Mostella  
Second: Clark  
*Motion passed with one abstention*

P.O. Hutchinson #2238

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Mostella  
Second: Clark  
*Motion passed with one abstention*

**h. 20-058: Dickerson**

P.O. Taylor #1037

Allegation: Improper Stop  
Recommendation: Exonerated  
Motion: Graham  
Second: Gatian  
*Motion passed*

Allegation: Improper Citation  
Recommendation: Exonerated  
Motion: Graham  
Second: Clark  
*Motion passed*

Allegation: Improper Tow  
Recommendation: Exonerated  
Motion: Graham  
Second: Clark  
*Motion passed*

**i. 20-061: McCoy**

P.O. Sklarsky #2434

Allegation: Improper Tow  
Recommendation: Exonerated  
Motion: Graham  
Second: Hess  
*Motion passed with one opposed*

Allegation: Missing Property  
Recommendation: Sustained  
Motion: Graham  
Second: Mostella  
*Motion passed*

Allegation: WCS Violation  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
*Motion passed*



P.O. Blue #2351

Allegation: Improper Tow  
Recommendation: Exonerated  
Motion: Graham  
Second: Gatian  
*Motion passed with one opposed*

Allegation: Missing Property  
Recommendation: Unfounded  
Motion: Graham  
Second: Mostella  
*Motion passed*

Allegation: Improper Frisk  
Recommendation: Sustained  
Motion: Graham  
Second: Mostella  
*Motion passed*

Allegation: Improper Citation  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
*Motion passed*

P.O. Douglas #991

Allegation: Missing Property  
Recommendation: Unfounded  
Motion: Graham  
Second: Clark  
*Motion passed*

Allegation: Damaged Property  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
*Motion passed*

Allegation: Improper Search  
Recommendation: Sustained  
Motion: Turner  
Second: Clark  
*Motion passed with two opposed*

**j. 20-063: Blunt**

Sgt. Hoover 39235

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Graham  
Second: Turner  
*Motion passed*

**k. 20-079: Green**

P.O. Floyd #514

Allegation: Harassment  
Recommendation: Insufficient Evidence  
Motion: Graham  
Second: Mostella  
*Motion passed with one opposed*

**l. 20-089: Broom**

P.O. Helmuth #2215

Allegation: Lack of Service  
Recommendation: ***\*\*Case returned to OPS due to missing WCS video. Will be on November agenda\*\****

**m. 20-090: Roberts**

P.O. Thomas #1744

Allegation: Missing Property  
Recommendation: ***\*\*Case removed from agenda and will be on November agenda\*\****

Sgt. Harhay #9136

Allegation: Improper Arrest  
Recommendation: ***\*\*Case removed from agenda and will be on November agenda\*\****

**n. 20-144: Pachon**

P.O. Gray #813

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Graham  
Second: Mostella  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Graham  
Second: Clark  
*Motion passed*

P.O. Petry #353

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Graham  
Second: Mostella  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Graham  
Second: Clark  
*Motion passed*

**VII (A). REVIEW OF DIRECTOR DECISION**

**15-180:** The CPRB moved to adopt a resolution standing by the original findings of this case, which will be read into record at the meeting in November.

**X. UNFINISHED BUSINESS**

The resolution of OPS2019-0107 was read into record and approved by the CPRB.

**XII. ADJOURNMENT**

Meeting adjourned at 14:25 hours.