



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

October 8, 2019

MEETING MINUTES - AMENDED

- | | |
|--|---|
| I. CALL TO ORDER – 10:06 | Michael Graham, Chairperson |
| II. ROLL CALL | Chairperson Graham |
| <u>CPRB MEMBERS</u> | <u>OPS STAFF</u> |
| ATTENDANCE
Michael Graham, Chair
Ashley Mostella, Vice Chair
Ken Mountcastle
Mary Clark
Michael Hess
Ernest Turner
David Gatian
Roz Quarto
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary | ATTENDANCE
Roger Smith, Administrator
George Coulter, General Manager
Henry Roney, Senior Investigator
Spyridon Kodellas, Research Analyst
Art Bowker, Investigator
Vincent Funari, Investigator
Kevin Wynne, Investigator
Keith Oliver, Investigator
David Hammons, Investigator
Barbara Williams-Bennett, Investigator
Anitra Merritt, Investigator
Eric Richardson, Investigator
Julie Delaney, Investigator |
| III. APPROVAL OF MINUTES | |
| IV. PUBLIC COMMENT | |
| V. PRESENTATION OF INVESTIGATIONS | |
| VI. HILLARD HEINTZE CASES | Roger Smith |
| VII. ANNOUNCEMENTS AND COMMUNICATIONS | |
| VIII. OPS REPORT | |
| X. POLICY UPDATES | |
| XI. COMMITTEE REPORTS | |
| XIII. NEW BUSINESS | |
| XIV. ADJOURNMENT | |

Next Meeting Date: Tuesday, November 12, 2019 at 10:00 am



III. APPROVAL OF MINUTES

Mr. Graham made a motion to approve the minutes with amendments to reflect the new Chair and Vice-Chair. Motion seconded by Mr. Mountcastle and passed.

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

Dave Lima, SURJ

We know that a police oversight system that includes an investigative entity like OPS, an adjudication entity like the CPRB and an entity that provides for the voices of its citizens to be heard, like the Cleveland Community Police Commission, are critical to the effectiveness of such a system. The effectiveness needs to be measured not only by the outcome of police misconduct cases brought to the attention of the oversight system, but by the degree of trust that the community has in the system.

What we want is where trust between the public and police is so sufficient that, when inevitable problems or concerning incidents arise, the public would trust the police department and the oversight system to deal with the appropriately and, conversely, the department would trust the public it protects so sufficiently that having citizens involved in review and oversight would be uncontroversial.

I've recommended previously about the components of such a system, independence, authority, and funding, all of which are necessary for an effective oversight system. Today I want to focus on authority and talk about two ways effectiveness can be enhanced.

The authority of the Board should include the ability to review underlying policies of the police department that may lead to individual misconduct. The ability to expose potential problems that are bigger than an individual act of misconduct could prevent future wrongdoing. By including an "inspector general like" authority, formal recommendations for policy reforms could be made to the mayor, the head of the police department, and city council.

Another example of enhanced authority could be found in New York City. Negotiation between the Review Board and Police Department resulted in the creation of the Administrative Prosecution Unit (APU). Instead of merely recommending discipline, in the most serious cases the Review Board prosecutes members of the NYPD in front of the Deputy Commissioner of Trials. These trials are open to the public. Penalties for officers found guilty range from warning and admonishment, loss of vacation days, suspension without pay, dismissal probation, or termination from the NYPD. The Police Commissioner remains the final arbiter of discipline, but gives written explanations when he deviates from the Review Board's recommendations.

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This is just two ways that should be explored further. Including components like these would have a positive impact on the overall effectiveness of the police oversight system and the public's trust of the system.

V. PRESENTATION OF INVESTIGATIONS

a. 16-095: Thurman

Sgt. Graham #9954

Allegation: Excessive Force
Recommendation: Exonerated
Motion: Gatian
Second: Clark
Motion passes

Allegation: Improper Citation/Arrest
Recommendation: Exonerated
Motion: Gatian
Second: Quarto
Motion passes

b. 18-108: Washington

P.O. Wilson #1354

Allegation: Improper Citation/Arrest
Recommendation: Exonerated
Motion: Graham
Second: Gatian
Motion passes

Allegation: WCS Violation
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes



Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Graham
Second: Clark
Motion passes

Allegation: Failure to Cooperate in OPS Investigation
Recommendation: Sustained
Motion: Gatian
Second: Quarto
Motion passes

P.O. Jordon #2227

Allegation: Improper Citation/Arrest
Recommendation: Exonerated
Motion: Graham
Second: Clark
Motion passes

Allegation: WCS Violation
Recommendation: Sustained
Motion: Graham
Second: Clark
Motion passes

Allegation: Failure to Cooperate in an OPS Investigation
Recommendation: Sustained
Motion: Gatian
Second: Quarto
Motion passes



- c. **18-131: Garrett/Wiland.** Complainant was present. Complainant stated she is a social worker, and the police are often called to the complex she manages. Complainant stated P.O. Rice is hostile and aggressive, and while she can deal with his attitude, the residents should not be subjected to his demeanor.

P.O. Rice #1886

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

Allegation: Unprofessional Conduct – 1st Encounter
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passes

Allegation: Unprofessional Conduct – 2nd Encounter
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passes

- d. **18-136: Kavouras**

Sgt. Bovenzi #9133

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Graham
Second: Mostella
Motion passes



e. 18-169: Thomas

P.O. Valencic #2091

Allegation: Lack of Service - Insufficient

Recommendation: Unfounded

Motion: Graham

Second: Quarto

Motion passes

P.O. Augustin #2347

Allegation: Lack of Service - Insufficient

Recommendation: Unfounded

Motion: Graham

Second: Quarto

Motion passes

f. 18-175: Lusk

Det. Kaufmann #893

Allegation: Lack of Service – Insufficient

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Graham

Second: Clark

Motion passes

P.O. Campbell #2533

Allegation: Lack of Service – Insufficient

Recommendation: Unfounded

Motion: Graham

Second: Clark

Motion passes



g. 18-210: Figueroa

Sgt. Eaton #9221

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Gatian

Second: Graham

Motion passes

Allegation: Improper Procedure

Recommendation: Exonerated

Motion: Gatian

Second: Quarto

Motion passes

P.O. Luongo #761

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Gatian

Second: Graham

Motion passes

P.O. Borgione #1650

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Gatian

Second: Clark

Motion passes



h. 19-016: Russell

P.O. Bronish #148

Allegation: Lack of Service – Insufficient

Recommendation: Insufficient Evidence

Motion: Graham

Second: Quarto

Motion passes with one abstention

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Graham

Second: Quarto

Motion passes with one abstention

i. 19-060: DeMarco

P.O. Smith #2376

Allegation: Excessive Force

Recommendation: Unfounded

Motion: Graham

Second: Clark

Motion passes

j. 19-064: Abrams

P.O. Brown #2103

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Graham

Second: Quarto

Motion passes



P.O. Freese #390

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

k. 19-078: Calhoun

Sgt. Oliver #9220

Allegation: Biased Policing
Recommendation: Unfounded
Motion: Gatian
Second: Graham
Motion passes

l. 19-080: McCann

Sgt. Moran #9072

Allegation: Improper Search
Recommendation: Insufficient Evidence
Motion: Graham
Second: Quarto
Motion passes

Allegation: Improper Procedure
Recommendation: Sustained
Motion: Quarto
Second: Gatian
Motion passes with one abstention



m. 19-091

P.O. Clark #1048

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

Allegation: WCS Violation
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passes

P.O. Pinda #2377

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

Allegation: WCS Violation
Recommendation: Exonerate
Motion: Graham
Second: Quarto
Motion passes

n. 19-094: Ottih

P.O. Choat #1961

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes



Allegation: WCS Violation
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes

o. 19-100: Boyd

Traffic Controller Shaw #7060

Allegation: Harassment
Recommendation: Insufficient Evidence
Motion: Graham
Second: Mountcastle
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes

p. 19-103: Muhammad

P.O. Sumlin #2153

Allegation: Improper Tow
Recommendation: Exonerated
Motion: Graham
Second: Clark
Motion passes



q. 19-106: Foster

P.O. Benson #779

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Graham

Second: Gatian

Motion passes

P.O. Santana #2012

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Graham

Second: Hess

Motion passes

r. 19-134: Boyce

P.O. Neagu #1205

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Gatian

Second: Quarto

Motion passes

s. 19-144: Lindsey

P.O. Sumlin #2153

Allegation: Improper Tow

Recommendation: Exonerated

Motion: Gatian

Second: Quarto

Motion passes



VI. HILLARD HEINTZE CASES – Mr. Graham makes a motion that the recommendations of the HH Cases be accepted by the Board. Motion seconded by Ms. Quarto, motion passes. The Board accepted the HH recommendations for the following cases:

- 15-008: Scott
- 15-070: Altabbaa
- 16-079: Young
- 16-086: Gibson
- 16-089: Glass
- 16-105: Saliym
- 16-109: Pierce
- 16-111: Manley
- 16-143: White
- 16-152: Yakovlevich
- 16-154: Memeti
- 16-160: Crenshaw
- 16-176: Planchard
- 16-183: Zales
- 16-191: Marzouk
- 16-208: Devine
- 16-212: Jones
- 17-016: Moody
- 17-041: Beal
- 17-046: Daniel
- 17-055: Nenindez
- 17-079: Davis
- 17-097: Bova
- 17-102: Gaines
- 17-119: Roque
- 17-122: Bickerstaff
- 17-130: Williams
- 17-160: King
- 17-203: Turner



VII. HILLARD HEINTZE FINDINGS LETTERS

a. 15-075: Sims

Sgt. Oliver #9220

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Graham
Second: Clark
Motion passes

Allegation: Lack of Service
Recommendation: Sustained
Motion: Graham
Second: Clark
Motion passes

b. 15-180: Brown

Sgt. Ivey #9212

Allegation: Excessive Force
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes

Allegation: Failure to Report Use of Less Lethal Force
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes

c. 15-263: Ritchey

P.O. Taylor #1345

Allegation: Lack of Service
Recommendation: Sustained
Motion: Graham
Second: Clark
Motion passes

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d. 16-129: New

P.O. Hodges #206

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

e. 16-159: Jones

Dispatcher Meyers #130

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes

f. 16-161: Winn

P.O. Wohl #396

Allegation: Missing Property
Recommendation: Insufficient Evidence
Motion: Graham
Second: Mountcastle
Motion passes

P.O. Santillo #309

Allegation: Missing Property
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes



g. 16-174: Shaver

P.O. McGrath #2219

Allegation: Missing Property

Recommendation: Sustained

Motion: Graham

Second: Quarto

Motion passes

P.O. Donnellan #633

Allegation: Missing Property

Recommendation: Insufficient Evidence

Motion: Graham

Second: Quarto

Motion passes

h. 16-204: Austin

P.O. Haburjak #1145

Allegation: Lack of Service

Recommendation: Sustained

Motion: Graham

Second: Quarto

Motion passes

P.O. Beach #1948

Allegation: Lack of Service

Recommendation: Sustained

Motion: Graham

Second: Quarto

Motion passes

XIII. ADJOURNMENT

Meeting adjourned at 14:04 hours.