

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

November 10, 2020

MEETING MINUTES

I. CALL TO ORDER – 10:04

Michael Graham, Chairperson

II. ROLL CALL

Chairperson Graham

CPRB MEMBERS

ATTENDANCE

Michael Graham, Chair
Roz Quarto
Ernest Turner
Mary Clark
Ken Mountcastle
David Gatian
Michael Hess
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Henry Roney, Senior Investigator
Anitra Merritt, investigator
Keith Oliver, Investigator
Vincent Funari, Investigator
Art Bowker, Investigator
David Hammons, Investigator
Julie Delaney, Investigator
Eric Richardson, 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

B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS

VIII. POLICY UPDATES

A. PROPOSED AMENDMENT TO CPRB MANUAL AND PROCEDURES

IX. COMMITTEE REPORTS

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ADJOURNMENT

III. APPROVAL OF MINUTES

Ms. Quarto made a motion to approve the minutes. Motion seconded by Mr. Graham and the motion to approve the minutes passed with one abstention.

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

Dave Lima, SURJ –

I have no formal comment to make with all of the excitement and activity that has been going on in the past week. I have not actually written a comment, but I did want to note I was on a conference call yesterday with a representative from the Attorney General's Office, Doug Dumott. He was going over some significant police matters that that the Attorney General is trying to implement statewide. I'm not sure whether members of your board are aware of what's going on, but they are going to establish – or they are proposing to establish – a peace officer oversight board that would have much of the same function and procedures as Cleveland's police review board. They will begin to adjudicate formal complaints that are provided by the statute that the Attorney General is proposing.

I did ask whether this new oversight board would intersect with local review boards, and Doug Dumott indicated that it would not take the place of local boards due to home rule. They will have a disciplinary procedure, they will receive complaints, allegations that are referred to them by employing law enforcement agencies. They will also be able to do a number of things, which would include a public reprimand of the police officer or trooper, they would be able to recommend training or counseling, they would be able to suspend a police officer's certificate for a definite period or remove it completely, so that particular officer would not be able to be a police officer in the State of Ohio. There are a number of other details. I was on this call yesterday and just received a 14-page print-out of their draft this morning. I haven't reviewed it completely, but they're going to also create a database of police officer use of force throughout the State. It has 16 items that will be included in this database, and the database will be made public.

That's basically it. I would be happy to forward this draft of what the Attorney General is proposing if there is interest on your part to have that information. And that is all I have.

Mr. Graham thanked Mr. Lima and told him that he would be interested, as well as being sure that other Board members and OPS staff members would be interested, and asked that Mr. Lima send the draft so that it could be looked at. Mr. Lima stated that he would forward the information along, and Mr. Graham thanked him for passing along the information from the Ohio Attorney General's Office.

*****Edit – Shortly after the meeting ended, Mr. Lima was asked not to forward the proposal until it no longer is in draft form. Mr. Lima respected the request, and will forward the proposal when it is finalized.*****

V. PRESENTATION OF INVESTIGATIONS

a. 18-217: Campbell

Det. Klamert #1690

Allegation: Improper Search
Recommendation: Exonerated
Motion: Quarto
Second: Graham
Motion passed

Det. Graves #2225

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

b. 19-093: Perez-Gordon

P.O. Matis #2022

Allegation: Excessive Force
Recommendation: *****Case tabled for future meeting*****

P.O. Gelske #1943

Allegation: Excessive Force
Recommendation: *****Case tabled for future meeting*****

Det. Smith #882

Allegation: Improper Search
Recommendation: *****Case tabled for future meeting*****

Sgt. Woyma #9157

Allegation: Improper Search
Recommendation: *****Case tabled for future meeting*****

Det. Santiago #1904

Allegation: Unprofessional Conduct
Recommendation: ****Case tabled for future meeting****

c. 19-112: Patterson

P.O. Little #2177

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Quarto
Second: Graham
Motion passed

d. 19-121: Church

P.O. Pendleton #37

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passed with one abstention

e. 19-123: Harris

Sgt. O'Neill #9041

Allegation: Unprofessional Conduct - driving
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Graham
Motion passed

Allegation: Unprofessional Conduct - citation
Recommendation: Exonerated
Motion: Quarto
Second: Graham
Motion passed

Allegation: Bias Policing
Recommendation: Unfounded
Motion: Quarto
Second: Graham
Motion passed

P.O. Fixler #1360

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Quarto
Second: Graham
Motion passed

Allegation: Bias Policing
Recommendation: Unfounded
Motion: Quarto
Second: Graham
Motion passed

f. 19-130: Padgett

Det. Schade #290

Allegation: Improper Procedure
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passed

Det. Horvat #2491

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

g. 19-173: Miller

Det. Smith #816

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

Sgt. Newton #9252

Allegation: Failure to Provide Complainant with an OPS Complaint Form

Recommendation: Sustained

Motion: Quarto

Second: Graham

Motion passed

- h. 19-189: Pitts/Ridgell. Co-Complainants were present. Complainant Ridgell stated that it was then she noticed that there were multiple officers at her mother's house, and she didn't understand why so many officers would be there for a domestic violence incident. Complainant Ridgell asked if only one or two officers could come inside the home to see that what she was saying was true – there was no domestic violence incident – because she was afraid of the situation with the police escalating and was concerned because the officer had his weapon unholstered. Complainant Ridgell stated that with all of the officers and the dogs at the scene of her mother's house, she never felt more unsafe in her life. Complainant Ridgell asked if she could let her parents know that the police were at her mother's house and was informed that she could not use her phone. Complainant Ridgell stated it was only after her mother arrived on scene and began telling the officers that they were violating their rights that the officers began to say that they believed that Complainant Ridgell's life was in danger. Complainant Ridgell stated that if the officers believed that her life was in danger, then why was she detained in the house instead of being removed from what the officers believed to be an unsafe residence? Complainant Ridgell stated that she felt violated – that she did not have any rights or any protection, and felt like she was going to die that day, because she did not know why the officers were there or why all the guns were drawn in the first place.**

Complainant Pitts stated that the officers got a call and "ran with it" and didn't check anything out because they didn't want the person to get away. It hurt Complainant Pitts that the officers went into her house and went through all of her belongings without allowing her daughter to call her. Complainant Pitts stated that it was not right. Complainant Pitts stated that she has been left traumatized by this event, and just want police to follow protocol, because when they don't, that's how people end up killed.

Sgt. Hodous #9223

Allegation: Improper Search

Recommendation: Sustained

Motion: Graham

Second: Quarto

Motion passed with one abstention

Allegation: Unprofessional Conduct

Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passed with one abstention

i. 20-070: Johnson

P.O. Guerra #569

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Graham
Second: Clark
Motion passed

P.O. White #1914

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

Sgt. Harper #9230

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

j. 20-072: Joiner

Sgt. Guerra #9144

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Graham
Second: Quarto
Motion passed with one abstention

k. 20-089: Broom

P.O. Helmuth #2215

Allegation: Lack of Service
Recommendation: Unfounded

Motion: Quarto
Second: Clark
Motion passed

I. 20-090: Roberts

P.O. Thomas #1744

Allegation: Missing Property
Recommendation: Sustained
Motion: Quarto
Second: Graham
Motion passed with one abstention

Sgt. Harhay #9136

Allegation: Improper Arrest
Recommendation: Sustained
Motion: Quarto
Second: Gatian
Motion passed with one abstention

m. 20-121: Anderson

Det. Borgione #1650

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Hess
Motion passed

n. 20-164: McCombs

P.O. Sheets #1276

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Graham
Motion passed with one abstention

VII (A). REVIEW OF CHIEF DECISIONS

17-128: CPRB accepted the Chief's decision.

17-194: CPRB accepted the Chief's decision.

19-039: CPRB accepted the Chief's decision.

19-085: CPRB accepted the Chief's decision.

19-128: CPRB voted to appeal the Chief's decision to the Safety Director.

19-193: CPRB accepted the Chief's decision.

20-017: CPRB accepted the Chief's decision.

VII (B). REVIEW OF DIRECTOR'S DECISION

15-029: Director Howard reversed the dismissal of the Chief, amended the recommendation of the CPRB from a Group II to a Group I and issued Sgt. Rutherford a two-day suspension.

X. UNFINISHED BUSINESS (A) – RESOLUTION OF OPS2015-0180

Mr. Graham read the resolution aloud, and then moved that the resolution be adopted and approved. Ms. Quarto seconded the motion, and the resolution was adopted.

XI. NEW BUSINESS

Mr. Graham reminded the Board that they moved to make a policy recommendation for GPO 1.3.27, stemming from OPS2019-0121, to recognize that CDP officers can inadvertently identify the complainant of a service call even without directly naming them. Mr. Graham asked that the policy recommendation be ready for the next meeting.

XII. ADJOURNMENT

Motion to adjourn the meeting made by Mr. Graham and Ms. Quarto seconded. Meeting adjourned at 1:49 pm.