



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

November 12, 2019

MEETING MINUTES

I. CALL TO ORDER – 10:06

Michael Graham, Chairperson

II. ROLL CALL

Chairperson Graham

CPRB MEMBERS

ATTENDANCE

Michael Graham, Chair
Ashley Mostella, Vice Chair
Ken Mountcastle
Michael Hess
Ernest Turner
David Gatian
Roz Quarto – excused absence
Mary Clark – excused absence
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Roger Smith, Administrator
George Coulter, General Manager
Henry Roney, Senior Investigator
Spyridon Kodellas, Research Analyst
Art Bowker, Investigator
Vincent Funari, Investigator
Keith Oliver, Investigator
David Hammons, Investigator
Anitra Merritt, Investigator
Eric Richardson, Investigator
Julie Delaney, Investigator

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

V. SUBPOENA

Roger Smith, Administrator

VI. ADMINISTRATIVE DIMISSAL APPEAL

Administrator Smith

VII. PRESENTATION OF INVESTIGATIONS

Administrator Smith

VIII. HILLARD HEINTZE CASES

Administrator Smith

IX. HILLARD HEINTZE FINDINGS LETTERS

Administrator Smith

X. ANNOUNCEMENTS AND COMMUNICATIONS

XI. OPS REPORT

Administrator Smith

A. REVIEW OF CDP DISCIPLINARY DECISIONS

XII. POLICY UPDATES

XIII. COMMITTEE REPORTS

XIV. NEW BUSINESS

XV. ADJOURNMENT

Next Meeting Date: Tuesday, December 10, 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 – **Mr. Lima’s statement is from the October meeting. His comments were regrettably omitted from last month’s minutes, and have been added to these minutes for the record.**

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.

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.

Ryan Walker, Community Police Commission (CPC)

One of the most important things that the CPC does is get community input on the police reform process. Mr. Walker wanted to talk with community members about the different aspects of police reform. Mr. Walker asked that if you would like to provide your voice on reform process, he would like to provide you with his contact information:

Ryan Walker, Senior Policy Analyst
Community Police Commission
3631 Perkins Avenue, 3rd Floor
Cleveland, OH 44114
Office/216-505-5920 Cell/216-857-7650
rwalker@clecpc.org
www.clecpc.org



VI. ADMINISTRATIVE DISMISSAL APPEAL

- a. **19-133: Burgess. Complainant is present. Complainant stated her concern is that we all have to share the road. Complainant stated that the officers delayed her route of travel because they were riding in the middle of the road.**

P.O. Moyano #2085

Allegation: Improper Citation

Recommendation: Upheld Administrative Dismissal

Motion: Graham

Second: Mountcastle

Motion passes

P.O. Piper #1113

Allegation: Improper Citation

Recommendation: Upheld Administrative Dismissal

Motion: Graham

Second: Mountcastle

Motion passes

VII. PRESENTATION OF INVESTIGATIONS

- a. **15-029: Rice. Complainant is present. Complainant stated she thinks it's a shame it took so long to answer this complaint, and she wants to know why it took so long.**

Sgt. Rutherford #9017

Allegation: Improper Detainment

Recommendation: Sustained

Motion: Graham

Second: Mostella

Motion passes



b. 19-025: Collins

P.O. Brown #1844

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Graham

Second: Gatian

Motion passes

P.O. Woods #1989

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Graham

Second: Gatian

Motion passes

c. 19-034: Kahn

Det. Kaufmann #893

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Graham

Second: Mostella

Motion passes

d. 19-036: Naffah

P.O. Sabala #853

Allegation: Lack of Service

Recommendation: Sustained

Motion: Graham

Second: Gatian

Motion passes with one opposed

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Graham

Second: Mostella

Motion passes

Next Meeting Date: Tuesday, December 10, 2019 at 10:00 am



e. 19-049: King

Lt. DeFranco #8509

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Graham
Second: Mountcastle
Motion passes

Sgt. Bryant #9174

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

f. 19-050: Davis

P.O. Webb #2064

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

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Graham
Second: Mostella
Motion passes

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



Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Graham
Second: Mountcastle
Motion passes

P.O. Corea #2597

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

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

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passes

g. 19-054: Mack

P.O. Potchatek #2016

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



h. 19-102: Olson

P.O. Von Mayhem #2396

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Graham

Second: Mostella

Motion passes

i. 19-107: Jernigan

Dispatcher Mainor #2

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Graham

Second: Mountcastle

Motion passes

P.O. Zarefoss #1238

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Graham

Second: Mountcastle

Motion passes

P.O. Rivera #1704

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Graham

Second: Mountcastle

Motion passes



j. 19-109: Lopez

P.O. Rodriguez #1353

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

k. 19-115: Miller

P.O. Lyons #1022

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

Sgt. Weaver #9172

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

l. 19-117: Nulph

Phone Operator Torres #105

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



m. 19-124: Turner. Complainant is present. Complainant stated she wants to know why police aren't responding to her calls.

P.O. Kitko #553

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Gatian
Motion passes

P.O. Williams #2155

Allegation: Lack of Service
Recommendation: Sustained
Motion: Graham
Second: Turner
Motion passes with one opposed

P.O. Bowser #262

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passes

P.O. Farley #409

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passes

n. 19-151: Allison

P.O. Petitti #1932

Allegation: Lack of Service
Recommendation: Sustained
Motion: Graham
Second: Mostella



o. 19-160: Eichele

P.O. Haburjack #1145

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Mostella

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes

P.O. Farra #1182

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Hess

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Mostella

Motion passes

P.O. Truxel #386

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Mountcastle

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes

Next Meeting Date: Tuesday, December 10, 2019 at 10:00 am



P.O. Parente #1221

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passes

p. 19-169: Henderson

Sgt. Allen #9167

Allegation: Improper Procedure
Recommendation: Exonerated
Motion: Graham
Second: Turner
Motion passes

- q. 19-175: Thomas. Complainant is present. Complainant stated that he called the police because he was being harassed and it was unclear if the officers actually spoke to the person who was harassing him. Both officers gave him a hard time while he was explaining how the other person was harassing him. The Complainant stated he did not appreciate the officers aggressively asking him questions, acting as if he's the person in trouble, when in actuality he's the victim. The Complainant further stated that the second incident involved the same individual harassing him, and then the restaurant manager harassed him as well. The Complainant stated that told him it wasn't a crime, and that the officers continually argued with him, acting like he was lying.**

P.O. Johnson #305

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Graham
Second: Gatian
Motion passes

Next Meeting Date: Tuesday, December 10, 2019 at 10:00 am



P.O. Cozart #552

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Hess

Motion passes

Sgt. Pirinelli #9046

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Gatian

Motion passes

P.O. Foster #1863

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Mountcastle

Motion passes

P.O. Petkac #1821

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Graham

Second: Mostella

Motion passes with two opposed



VIII. HILLARD HEINTZE CASES – Mr. Graham makes a motion that the recommendations of the HH Cases be accepted by the Board, with the modification that all recommendations be changed to INSUFFICIENT EVIDENCE. Motion seconded by Ms. Mostella, motion passes. The Board accepted the modified HH recommendations for the following cases:

- 15-050: Colon
- 16-051: Owens
- 16-068: Karim
- 16-070: Robinson
- 16-074: Pinter
- 16-155: Fesby
- 16-199: Estergall
- 16-207: Whitley
- 17-004: Pullom
- 17-007: McQueen
- 17-057: Halfen
- 17-061: Braden
- 17-076: Krapes
- 17-078: Hernandez/Glover
- 17-093: Liddell
- 17-100: Nelson
- 17-106: Daniel
- 17-107: Dailey
- 17-108: Johnson
- 17-109: Petriella



X. HILLARD HEINTZE FINDINGS LETTERS

a. 16-008: Belcher

P.O. King #2131

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

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

b. 16-033: Williamson

Lt. Baeppler #8502

Allegation: Improper Procedure
Recommendation: Sustained
Motion: Graham
Second: Gatian
Motion passes

c. 16-039: DeFreeze

P.O. Lynch #730

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

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

Next Meeting Date: Tuesday, December 10, 2019 at 10:00 am



d. 16-127: Shutes

P.O. Corrigan #840

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

P.O. Soucek #119

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

e. 16-157: Tuggle

P.O. Hagy #268

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Mostella
Second: Gatian
Motion passes with one opposed

P.O. Zeitz #1174

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Mostella
Second: Gatian
Motion passes with one opposed



f. 16-216: Angel

P.O. Ruma #842

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Graham
Second: Mountcastle
Motion passes with one opposed

Allegation: Improper Procedure
Recommendation: Sustained
Motion: Graham
Second: Mostella
Motion passes

g. 16-257: Shaver

Det. Smith #1712

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

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

h. 17-037: Pugh

P.O. Soucek #119

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



P.O. Corrigan #840

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

i. 17-040: Crosby

P.O. Lane #1661

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

j. 17-051: Hawkins

P.O. Gasiewski #648

Allegation: Improper Procedure
Recommendation: Unfounded
Motion: Graham
Second: Mountcastle
Motion passes

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

XV. ADJOURNMENT

Meeting adjourned at 15:05 hours.