CIVILIAN POLICE REVIEW BOARD
OFFICE OF PROFESSIONAL STANDARDS
December 19, 2018

MEETING MINUTES

I. CALL TO ORDER – 10:00
   Roslyn Quarto, Chairperson

II. ROLL CALL
   Chairperson Quarto

   CPRB MEMBERS
   ATTENDANCE
   Roslyn Quarto
   Stephanie Scalise
   Michael Graham
   Michael Hess
   Ashley Mostella
   Ernest Turner
   Mary Clark
   Edwin Santos
   Ken Mountcastle
   Gerri Butler, Staff Counsel
   LeeAnn Hanlon, Secretary

   ATTENDANCE
   Henry Roney, Sr. Investigator
   Art Bowker, Investigator
   Julie Delaney, Investigator
   Keith Oliver, Investigator
   Barbara Williams-Bennett, Inv.
   Kevin Wynne, Investigator.
   David Hammons, Investigator
   Eric Richardson, Investigator
   Anita Merritt, Investigator
   Toni Shanks, OPS Secretary

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

V. PRESENTATION OF INVESTIGATIONS

VI. CPRB TRAINING

VII. ANNOUNCEMENT AND COMMUNICATIONS

VIII. OPS REPORT
   A. REVIEW OF CDP DISCIPLINARY DECISIONS
   B. REVIEW OF DIRECTOR DISCIPLINARY DECISION

X. POLICY UPDATES

XI. COMMITTEE REPORTS

XIII. NEW BUSINESS

XIV. ADJOURNMENT

Next Meeting Date: Wednesday, November 21, 2018 at 10:00 am
III. APPROVAL OF MINUTES

Ms. Quarto made a motion to approve the minutes. Motion seconded by Ms. Scalise. Motion passes.

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

Dave Lima, SURJ

I thought it might be appropriate at this final 2018 Board meeting to summarize a number of concerns expressed throughout the year that still remain issues for consideration in 2019. I know that some of the issues to be mentioned are not the responsibility of OPS or the Board. However, we believe these issues can impact the effective functioning of OPS and the Board.

- Regular CDP attendance at monthly Board meetings.
- Continuing Board education provided by CDP and outside resources.
- Police officer discretion, especially in the area of allegations of domestic abuse.
- The remaining backlog of some 200 complaints assigned to Hillard Heintze.
- The continuation of investigating complaints in a fair, thorough and timely manner.
- Police misconduct and the role of implicit bias.
- Tracking of officers who engage in repetitive patterns of behavior that result in complaints heard by the Board.

- Body worn cameras remain indispensable for data driven deliberations by the Board. CDP should be encouraged by the Board to effect significant disciplinary action when officers fail to activate their body worn cameras.

- Bias-free policing violations need to be identified and determined by OPS and the Board. The consent decree requires that biased policing be tracked as a separate category of complaint. Specific, observable behaviors are listed in the CDP’s bias-free policing policy.

A personal observation – OPS, its staff, the investigators, and the leadership and members of the Review Board are to be commended for their professionalism and thoroughness when presenting and reviewing complaints, and especially the respect and dignity that are afforded complainants when they appear before the Board. In the few years I’ve been attending meetings, I have seen significant and positive change in the operation of OPS and the Board. I look forward to this continued effort in 2019.
V. PRESENTATION OF INVESTIGATIONS

a. 15-285: McElrath – Complainant is present. The Complainant felt that the OPS investigation was faulty, and that the City of Cleveland concealed information from OPS because she had to tell OPS that OPS was missing 6 videos relevant to her case.

P.O. Judd #1545

Allegation: Biased Policing
Recommendation: Exonerated
Motion: Quarto
Second: Scalise

Motion passes

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise

Motion passes

Allegation: Unprofessional Conduct: Intimidation by Opening/Closing Zone Car Door
Recommendation: Exonerated
Motion: Quarto
Second: Scalise

Motion passes

Allegation: Unprofessional Conduct: Failure to Report Malfunctioning Zone Car Door
Recommendation: Sustained
Motion: Quarto
Second: Clark

Motion passes

Allegation: Unprofessional Conduct: Incorrect Charges
Recommendation: Sustained
Motion: Quarto
Second: Scalise

Motion passes

Allegation: Insubordination
Recommendation: Sustained
Motion: Quarto
Second: Mostella

Motion passes with two opposed
Allegation: Unprofessional Conduct: Investigations Violation
Recommendation: Sustained
Motion: Quarto
Second: Mostella
Motion passes with one opposed

P.O. Collins #554

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Excessive Force against Complainant Lacretia McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Unprofessional Conduct: Demeaning Language
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Unprofessional Conduct: Investigations Violation
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes

Sgt. Fitzpatrick #9967

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes
Allegation: Improper Arrest against Complainant Lacretia McElraht
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Improper Citation/Arrest against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

P.O. White #1914

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Improper Search
Recommendation: Unfounded
Motion: Quarto
Second: Scalise
Motion passes

P.O. Adkins #910

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes
b. **16-165: Brinton**

Dispatcher Burton #154

Allegation: Lack of Service  
Recommendation: Insufficient Evidence  
Motion: Quarto  
Second: Clark  
*Motion passes*

Dispatcher Meyers #130

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Quarto  
Second: Mostella  
*Motion passes*

c. **18-018: Hyland**

P.O. Smith #493

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Quarto  
Second: Scalise  
*Motion passes*

Allegation: Dress Code Violation  
Recommendation: Sustained  
Motion: Quarto  
Second: Clark  
*Motion passes*

d. **18-075: Proctor-Lemon**

P.O. Choat #1961

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Quarto  
Second: Santos  
*Motion passes*
e. **18-084: Bochmann**

P.O. Dziuba #785

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Quarto  
Second: Santos  
*Motion passes with one opposed and one abstention*

P.O. Jelenich #2504

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Quarto  
Second: Santos  
*Motion passes with one opposed and one abstention*

f. **18-089: Osborne**

P.O. Wagner #1802

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Quarto  
Second: Santos  
*Motion passes*

Allegation: Improper Citation  
Recommendation: Sustained  
Motion: Quarto  
Second: Clark  
*Motion passes*

P.O. O’Dea #873

Allegation: Improper Citation  
Recommendation: Sustained  
Motion: Quarto  
Second: Clark  
*Motion passes*
g. **18-104: Green**

P.O. Anderson #71

Allegation: Lack of Service  
Recommendation: Insufficient Evidence  
Motion: Quarto  
Second: Mostella  
*Motion passes with one abstention*  

P.O. Rohal #1809

Allegation: Lack of Service  
Recommendation: Insufficient Evidence  
Motion: Quarto  
Second: Graham  
*Motion passes with one abstention*

h. **18-120: Frizzell**

P.O. Barnett #2119

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Quarto  
Second: Clark  
*Motion passes*  

P.O. Muniz #440

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Quarto  
Second: Santos  
*Motion passes*
i. **18-122: Tenney**

P.O. Beckwith #1047

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Quarto  
Second: Clark  
*Motion passes*

j. **18-147: Reyes**

Sgt. Norman #9065

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Quarto  
Second: Scalise  
*Motion passes*

Allegation: Unprofessional Conduct  
Recommendation: Insufficient Evidence  
Motion: Quarto  
Second: Clark  
*Motion passes*

k. **18-163: Alexander – Complainant is present.** Complainant stated she feels like her case isn’t being investigated by the correct people. The Complainant stated that she has all of the evidence against the alleged perpetrators.

Det. Cramer #346

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Quarto  
Second: Santos  
*Motion passes*
I. 18-167: Gay

Det. Tusing #2370

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

Sgt. Young #9061

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Santos
Motion passes

VIII(A). REVIEW OF DISCIPLINARY DECISIONS

The Board accepted the recommendation of the Chief, and declined to forward the case to the Safety Director for the following cases:
- 18-038 – Officer was issued a two-day suspension
- 18-064 – Officer was issued a six-day suspension

VIII(B). REVIEW OF DIRECTOR DECISIONS

The Board accepted the decision of Director McGrath regarding 16-232.

XII. NEW BUSINESS

New Board Member Kenneth Mountcastle observed today’s meeting and will be an active participant in the next meeting.

Mr. Santos tendered his resignation after many years of service. His last meeting will be January 8, 2019.

Meeting adjourned at 14:27 hours.