CIVILIAN POLICE REVIEW BOARD
OFFICE OF PROFESSIONAL STANDARDS
December 8, 2020
MEETING MINUTES

I. CALL TO ORDER – 10:15
Michael Graham, Chair
Chair Graham

II. ROLL CALL
CPRB MEMBERS
ATTENDANCE
Michael Graham, Chair
Ashley Mostella, Vice Chair
Ken Mountcastle
Mary Clark
Michael Hess
Ernest Turner
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF
ATTENDANCE
Roger Smith, Administrator
Barbara Williams-Bennett, Investigator
Art Bowker, Investigator
Dave Hammons, Investigator
Julie Delaney, Investigator
Julie Delaney, 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

XI. NEW BUSINESS

XII. ADJOURNMENT

Next Meeting: January 12, 2021 at 10:00 am
III. APPROVAL OF MINUTES

Mr. Graham made a motion to approve the minutes. Motion seconded by Mr. Hess and the motion to approve the minutes passed.

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

Dave Lima, SURJ –

There are some stirrings in Columbus proposing a Policing Bill that would create a statewide Police Oversight Board. This Board would adjudicate formal complaints brought against peace officers and troopers by the Peace Officer Disciplinary Committee. It would have the authority to impose sanctions when peace officers and troopers violate professionalism standards set by statute and rule. If an officer’s or trooper’s certificate was suspended or revoked by the Board, that officer or trooper would not be permitted to exercise the authority set forth in Chapters 2935 and 5503 of the Ohio Revised Code (ORC) – Power to arrest and issue citations.

The Oversight Board’s authority would be to review complaints that involve the following: the inability of an officer to perform the functions of a peace officer, or if an officer committed a criminal offense, made misleading representations, violated a condition of the Board, failed to cooperate, engaged in fraudulent conduct, been suspended, demoted, discharged or resigned when engaging in conduct subject to Board sanctions, was engaged in civil rights misconduct, failed to report misconduct, or violated the promulgated rules.

The Ohio Peace Officer Training Committee (OPOTC) Disciplinary Committee would have the authority to investigate and prosecute allegations of professional misconduct and violations of OPOTC professionalism standards. Allegations referred by the officer’s employing agency would be required when the agency is aware of the misconduct. The agency would be permitted to conduct an “internal” investigation, but only by officer trained to conduct those investigations, and the results would have to be transmitted to the OPOTC Disciplinary Committee to determine whether the investigation was adequate. If not, they could take it on.

Allegations of misconduct could also be made directly to the OPOTC Disciplinary Committee. If the Oversight Board determined the allegation to be true, they could issue a reprimand, require training/counseling, suspend the officer’s certificate for a definite or indefinite period of time, or permanently revoke the certificate. Officer appeal would be permitted. The complaint and the adjudication results would become part of the public record.

This all sounds good. However, in my opinion, there are at least two significant flaws in the proposal. The first is the composition of the Board, made up to include seven police officers, three troopers, and only three members of the public with no law enforcement experience. The Board would certainly have a bias in favor of law enforcement and have a direct impact on adjudication decisions. Members of the public should make up the majority of the Board. The second is the Attorney General, who would be the appointing authority. The appointment authority should be expanded to include a selection committee that would include concerned community groups.
V. PRESENTATION OF INVESTIGATIONS

a. 19-150: Hayes

P.O. Santoferraro #2458

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

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

P.O. Boyle #716

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

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Graham
Second: Clark
Motion passed
b. 19-59: Curry

P.O. Manns #1170

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

Allegation: WCS Violation  
Recommendation: Sustained  
Motion: Graham  
Second: Hess  
Motion passed

P.O. Boyle #716

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Graham  
Second: Hess  
Motion passed
c. 19-168: Thomas

P.O. Graves #1635

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

Allegation: Unprofessional Conduct – Conversation Not Private
Recommendation: Exonerated
Motion: Graham
Second: Turner
Motion passed

Allegation: Unprofessional Conduct – Statement about Moving
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passed

P.O. Petitti #1932

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

Allegation: Unprofessional Conduct – Conversation Not Private
Recommendation: Exonerated
Motion: Graham
Second: Turner
Motion passed

Sgt. Pirinelli #9046

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Graham
Second: Mountcastle
Motion passed
d. 19-177: Williams

P.O. Florjancic #792

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Graham
Second: Turner
Motion passed

P.O. Thierrin #2587

Allegation: Improper Procedure
Recommendation: Unfounded
Motion: Graham
Second: Hess
Motion passed with one abstention

P.O. Hutchison #2238

Allegation: Improper Procedure
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passed with one abstention

P.O. Boyle #716

Allegation: Improper Procedure
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passed with one abstention

e. 19-181: Jackson. Complainant was present. Complainant stated she felt violated by the entire situation. The officers should be held accountable for their extreme neglect in their failure to protect the rights of the victim. Complainant stated that it is not up to the officers to make discretionary decisions regarding a civil matter, and believed that the officers should be held fiscally responsible for assisting the contractor in allowing him to enter her home and remove property. Complainant stated she felt that the officers compromised her position in this civil matter. Complainant further stated the fact that officers allowed someone to enter her home and remove property has caused her an immense amount of stress and anxiety.
P.O. Choat #1916

Allegation: Improper Procedure
Recommendation: Unfounded
Motion: Graham
Second: Clark
*Motion passed with one abstention*

f. 19-184: Niedes/Santiago

P.O. Wagner #1802

Allegation: Improper Stop/Detainment
Recommendation: Sustained
Motion: Graham
Second: Clark
*Motion passed with one opposed*

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

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Graham
Second: Mostella
*Motion passed*

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

P.O. Madej #2078

Allegation: WCS Violation
Recommendation: Sustained
Motion: Graham
Second: Turner
*Motion passed*
g. **19-209: Black**

P.O. Santillo #309

**Allegation:** Excessive Force  
**Recommendation:** Sustained  
**Motion:** Graham  
**Second:** Mostella  
*Motion passed*

**Allegation:** Unprofessional Conduct  
**Recommendation:** Sustained  
**Motion:** Graham  
**Second:** Turner  
*Motion passed*

**Allegation:** Improper Stop/Detention  
**Recommendation:** Sustained  
**Motion:** Graham  
**Second:** Turner  
*Motion passed*

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

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

**Allegation:** Failure to De-Escalate  
**Recommendation:** Sustained  
**Motion:** Graham  
**Second:** Mountcastle  
*Motion passed*

**Allegation:** Failure to Provide Name/Badge  
**Recommendation:** Sustained  
**Motion:** Graham  
**Second:** Turner  
*Motion passed*
P.O. Trinh #505

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

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h. 20-059: Hall

P.O. Ellenberger #1331

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Graham
Second: Hess
*Motion passed*

Allegation: Improper Search
Recommendation: Exonerated
Motion: Graham
Second: Turner
*Motion passed*

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

P.O. Miller #2072

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Graham
Second: Turner
*Motion passed*

Allegation: Improper Search
Recommendation: Exonerated
Motion: Graham
Second: Clark
*Motion passed*
Allegation: Improper Stop  
Recommendation: Exonerated  
Motion: Graham  
Second: Clark  
Motion passed  

P.O. Sherlock #1569

Allegation: Improper Arrest  
Recommendation: Unfounded  
Motion: Graham  
Second: Turner  
Motion passed  

Allegation: Improper Search  
Recommendation: Unfounded  
Motion: Graham  
Second: Turner  
Motion passed  

Allegation: Improper Stop  
Recommendation: Unfounded  
Motion: Graham  
Second: Turner  
Motion passed  

i. 20-094: Heckman

P.O. Angelone #2333

Allegation: Social Media Policy Violation  
Recommendation: Sustained  
Motion: Graham  
Second: Mostella  
Motion passed  

j. 20-137: Hardy

Det. McNeeley #2217

Allegation: Lack of Service  
Recommendation: Insufficient Evidence  
Motion: Hess  
Second: Clark  
Motion passed with one opposed and one abstention
k. **20-155: Philpott**

P.O. Nezbeth #1850

Allegation: Improper Arrest  
Recommendation: Exonerated  
Motion: Graham  
Second: Mostella  
*Motion passed with one abstention*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Graham  
Second: Turner  
*Motion passed with one abstention*

P.O. Simko #629

Allegation: Improper Arrest  
Recommendation: Exonerated  
Motion: Graham  
Second: Turner  
*Motion passed with one abstention*

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

l. **20-162: Childress**

P.O. Orozco #1601

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

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
*Motion passed*
P.O. Crane #2108

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

m. 20-168: Brown

P.O. Kelley #1242

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
Motion passed with one abstention

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

Allegation: WCS Violation  
Recommendation: Sustained  
Motion: Graham  
Second: Mostella  
Motion passed with one abstention

n. 20-182: Taylor

Sgt. Hayes #9188

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
Motion passed with one abstention

Allegation: Failure to Provide Badge Number  
Recommendation: Sustained  
Motion: Graham  
Second: Turner  
Motion passed with one abstention
VII (A). REVIEW OF CHIEF DECISIONS

19-187: Wilson: Mr. Hess made the motion to appeal this decision to the Safety Director. Ms. Mostella seconded the motion, and the motion passed with two opposed.

XII. ADJOURNMENT
Motion to adjourn the meeting made by Mr. Graham. Motion seconded by Mr. Turner, and the motion passed. Meeting adjourned at 2:25 pm.