

MEETING MINUTES

- I. CALL TO ORDER – 10:07
- II. ROLL CALL

Michael Hess, Chairperson
Chairperson Hess

CPRB MEMBERS

ATTENDANCE

Michael Hess, Chair
Administrator
Dave Gatian, Vice Chair
Ken Mountcastle
Investigator
Michael Graham
Roslyn Quarto
Chenoa Miller
Sherall Hardy
Gerri Butler, Staff Counsel

LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Henry Roney, Acting

Kevin Wynne, Investigator
Barbara Williams-Bennett,

Vincent Funari, Investigator
Art Bowker, Investigator
Keith Oliver, Investigator
Maryum Ali, Investigator
Hercules Harris, Investigator

Eric Richardson, Investigator

- III. APPROVAL OF MINUTES

- IV. PUBLIC COMMENT

- V. PRESENTATION OF INVESTIGATIONS

Administrator Smith

- VI. ANNOUNCEMENTS AND COMMUNICATIONS

Administrator Smith

- VII. OPS REPORT

Administrator Smith

- A. REVIEW OF CHIEF DISCIPLINARY DECISIONS
- B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS

- VIII. POLICY UPDATES

- IX. COMMITTEE REPORTS

- X. UNFINISHED BUSINESS

- XI. NEW BUSINESS

- XII. ADJOURNMENT

III. APPROVAL OF MINUTES

Mr. Graham made the motion to approve the minutes. Motion seconded by Ms. Quarto and the motion to approve the minutes passed with Ms. Hardy abstaining.

IV. PUBLIC COMMENT – Dave Lima – SURJ

History was made last month with the passage of Issue 24 providing enhanced authority, independence and funding not only to this Board, but to the Cleveland Community Police Commission. As most of you know I have previously commented on the importance of these changes in order to improve the community's trust of the system put in place years ago to ensure accountability. As you are well aware, implementation will take time and require significant effort on the part of the Mayor, City Council, police department, police unions, the Federal Judge overseeing the Consent Decree and various community organizations.

Although the Charter Amendment contains some sweeping changes I believe most of the work that is being done now will continue much as it has in the past. Complaints will be filed, investigations will occur, this Board will continue to make findings based on the preponderance of the evidence revealed in the investigations. In most instances, the chief and safety director will concur with the decisions of this board.

I reviewed nearly 3 years of data of this board's 299 sustained findings for all of 2019, 2020 and those that have occurred so far in 2021. The review revealed the following: the chief concurred 81 times, dismissed 47 times, and departed from the board's recommendations 19 times. This board appealed the chief's decision to the safety director 19 times. The director reversed the chief's decision 12 times and concurred with the chief's dismissal 7 times.

On rare occasions the Board's sustained findings and recommendations went directly to the safety director bypassing the chief. This occurred 11 times. In those instances the safety director dismissed the board's recommendation 6 times, concurred 3 times and departed from the board's recommendation 2 times.

Under the provisions of the new charter amendment and based on the data of nearly 3 years, there would be 15 opportunities to override the decisions of the chief and safety director. That's 15 out of 299 sustain findings, or 5%. I believe, based on the past actions of this board that only a few cases out of the 15 would be chosen as candidates for overriding and even fewer would be reviewed by the Cleveland Community Police Commission.

My conclusion: only the most egregious and erroneous decisions by the chief and safety director will be consider and overridden by this board and/or the CPC.

One of the criticisms of the new charter amendment was that the CPRB and CPC would be overwhelmed, ill-informed and ill-equipped to make such decisions. The result, they claim, would result in a less safe Cleveland. The preponderance of the data suggests a finding of unfounded.

In the coming months, as we engage in the implementation of the charter amendment, I plan to comment on some of its other elements.

Next Meeting: Tuesday, January 11, 2022 at 10:00 am

V. PRESENTION OF INVESTIGATIONS

a. 19-188: Clifton

Sgt. Johnson #9224

Allegation: Harassment
Recommendation: Insufficient Evidence
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Improper Search
Recommendation: Exonerated
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Improper Citation – Drugs
Recommendation: Exonerated
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Improper Citation – Driving Under Suspension
Recommendation: Exonerated
Motion: Gatian
Second: Mountcastle
Motion passed

b. 20-098: Dowdley

P.O. Munko #1159

Allegation: Excessive Force
Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Trinh #505

Allegation: Excessive Force
Recommendation: **Investigation tabled for next month due to loss of quorum**

Allegation: Unprofessional Conduct
Recommendation: **Investigation tabled for next month due to loss of quorum**

Next Meeting: Tuesday, January 11, 2022 at 10:00 am

P.O. Dwulat #581

Allegation: Excessive Force

Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Varndell #2554

Allegation: Excessive Force

Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Deems #599

Allegation: Excessive Force

Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Poole #1799

Allegation: Excessive Force

Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Scaggs #860

Allegation: Excessive Force

Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Lampkin #2462

Allegation: Excessive Force

Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. McCartney #820

Allegation: Unprofessional Conduct

Recommendation: **Investigation tabled for next month due to loss of quorum**

Sgt. Maye #9272

Allegation: Lack of Service

Recommendation: **Investigation tabled for next month due to loss of quorum**

Allegation: Improper Procedure

Recommendation: **Investigation tabled for next month due to loss of quorum**

c. 20-107: McCully

Lt. Beckner #8555

Allegation: Lack of Service

Recommendation: **Investigation tabled for next month due to loss of quorum**

Allegation: Unprofessional Conduct

Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Wagner #1216

Allegation: Lack of Service

Recommendation: **Investigation tabled for next month due to loss of quorum**

Allegation: Unprofessional Conduct

Recommendation: **Investigation tabled for next month due to loss of quorum**

d. 20-143: Flantroy

Sgt. Zeisel #9203

Allegation: Biased Policing

Recommendation: **Investigation tabled for next month due to loss of quorum**

e. 20-194: Jones. Complainant was present. Complainant stated that he didn't understand why the truck driver was not cited for fleeing and eluding. Complainant also stated that officers never got in contact with him regarding pursuing the felonious assault charge.

Sgt. Boddy #9254

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Gatian

Second: Mountcastle

Motion passed with Ms. Hardy abstaining

P.O. Smith #484

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Gatian

Second: Mountcastle

Motion passed with Ms. Hardy abstaining

P.O. Tremaglio #2510

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed with Ms. Hardy abstaining

f. 20-218: Crayton

P.O. Torres #2493

Allegation: Harassment
Recommendation: Unfounded
Motion: Quarto
Second: Graham
Motion passed with Ms. Hardy abstaining

P.O. Holt-Santiago #1262

Allegation: Harassment
Recommendation: Unfounded
Motion: Quarto
Second: Graham
Motion passed with Ms. Hardy abstaining

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Quarto
Second: Miller
Motion passed with Ms. Hardy abstaining

g. 20-231: Robinson. Complainant is present. Complainant stated that the amount of time he had to wait for police service for a Priority 2 call was a disservice to him as a citizen. Complainant stated that he was not trying to get the officers in trouble, but wanted his voice to be heard. Complainant stated no one took the time to investigate what he called about, especially after he had to wait two hours for police to arrive. Complainant stated he felt failed by the police. Complainant stated it was terrible to have to wait two hours for police service.

P.O. Frazier #162

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passed with Ms. Hardy abstaining

Next Meeting: Tuesday, January 11, 2022 at 10:00 am

P.O. Tremaglio #2510

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passed with Ms. Hardy abstaining

h. 20-274: Hopper. Complainant was present. Complainant stated she was present when the officer pulled her son over, but her son did not have marijuana or a firearm on his person. Complainant stated that the Detective was upset that her son did not have contraband on him. The Complainant further stated that the cash her son had on him was from her business, and she did not understand why her money was seized and she is unable to get back the money that the Detective took from her son.

Sgt. Johnson #9224

Allegation: Unprofessional Conduct
Recommendation: ****Investigation tabled pending more information****

Sgt. Mobley #9228

Allegation: Improper Procedure
Recommendation: ****Investigation tabled pending more information****

Det. Correa #2585

Allegation: Improper Procedure
Recommendation: ****Investigation tabled pending more information****

i. 21-019: Leftwich

P.O. Coleman #477

Allegation: Lack of Service
Recommendation: ****Investigation tabled pending more information****

P.O. Irby #2545

Allegation: Lack of Service
Recommendation: ****Investigation tabled pending more information****

j. 21-070: Strickland

Dispatcher Tabb #178

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Hess

Second: Quarto

Motion passed

Allegation: Failure to Provide Badge Number

Recommendation: Sustained

Motion: Hess

Second: Quarto

Motion passed

k. 21-112: Szabo

P.O. Orozco #1601

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Gatian

Second: Quarto

Motion passed

Allegation: Unprofessional Conduct – Complainant Initiated

Recommendation: Unfounded

Motion: Gatian

Second: Graham

Motion passed

Allegation: Unprofessional Conduct – Additional Violation

Recommendation: Sustained

Motion: Gatian

Second: Graham

Motion passed with Mr. Hess opposed

I. 21-146: Bugg

Det. Gonzalez #2001

Allegation: Harassment
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed

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

m. 21-150: Pinkney-Butts

P.O. Huskey #2121

Allegation: Lack of Service
Recommendation: **Investigation tabled for next month due to loss of quorum**

Allegation: Unprofessional Conduct
Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Shingary #670

Allegation: Lack of Service
Recommendation: **Investigation tabled for next month due to loss of quorum**

Allegation: Unprofessional Conduct
Recommendation: **Investigation tabled for next month due to loss of quorum**

n. 21-154: Claxton

P.O. Costanzo #974

Allegation: Improper Tow
Recommendation: Exonerated
Motion: Graham
Second: Hardy
Motion passed

o. 21-161: Pate

P.O. White #1830

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

P.O. Drost #2443

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

p. 21-179: Collins

Sgt. Mobley #9228

Allegation: Harassment
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Graham
Motion passed

Allegation: Improper Citation
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Graham
Motion passed

q. 21-197: Anonymous

Sgt. Mone #9936

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

Allegation: Failure to Provide Name/Badge
Recommendation: Sustained
Motion: Hess
Second: Quarto
Motion passed

r. 21-204: Curbelo

P.O. Davis #561

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

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

s. 21-218: Frary

P.O. Munson #1297

Allegation: Unprofessional Conduct
Recommendation: **Investigation tabled for next month due to loss of quorum**

P.O. Musson #1956

Allegation: Unprofessional Conduct
Recommendation: **Investigation tabled for next month due to loss of quorum**

VII (A). REVIEW OF CHIEF DECISIONS

- 20-069:** The CPRB accepted the Chief's decision and discipline.
- 20-224:** The CPRB appealed this Chief's departure to the Safety Director.
- 20-236:** The CPRB appealed this Chief's departure to the Safety Director.
- 21-005:** The CPRB accepted the Chief's decision and discipline.

XII. ADJOURNMENT

Meeting ended at 2:04 due to a loss of quorum.

Next Meeting: Tuesday, January 11, 2022 at 10:00 am