

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

January 11, 2022

MEETING MINUTES

I. CALL TO ORDER – 10:04

Michael Hess, Chairperson

II. ROLL CALL

Chairperson Hess

CPRB MEMBERS

ATTENDANCE

Michael Hess, Chair
Chenoa Miller
David Gatian
Ken Mountcastle
Michael Graham
Roslyn Quarto
Sherall Hardy
Ashely Mostella
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Henry Roney, Acting Administrator
David Hammons, Investigator
Keith Oliver, Investigator
Art Bowker, Investigator
Kevin Wynne, Investigator
Julie Delaney, Investigator
Anitra Merritt, Investigator
Eric Richardson, Investigator
Hercules Harris, Investigator

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

V. PRESENTATION OF INVESTIGATIONS

Acting Administrator Roney

VI. ANNOUNCEMENTS AND COMMUNICATIONS

Acting Administrator Roney

VII. OPS REPORT

Acting Administrator Roney

A. REVIEW OF CHIEF DISCIPLINARY DECISIONS

VIII. POLICY UPDATES

IX. COMMITTEE REPORTS

X. UNFINISHED BUSINESS

XIII. NEW BUSINESS

A. NEW PROPOSED START TIME FOR ONLINE MEETINGS

XIV. ADJOURNMENT

Next Meeting: Tuesday, February 8, 2022, at 9:00 am

III. APPROVAL OF MINUTES

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

IV. PUBLIC COMMENT –

Dave Lima – SURJ

I am encouraged by Mayor Bibb's reappointment of Kerry Howard as Safety Director. From my perspective, the relationship the Board and the Director in the past has been a cooperative one which bodes well for the future and the ability of Cleveland's system of police accountability to function efficiently and fairly for all concerned, the complainants and the officers, not to mention the community. We look forward to the appointment of the police chief, the administrator of OPS and the community members who will serve on this board and the Cleveland Community Police Commission.

The Office of Professional Standards will no longer be under the direction and control of the safety director. OPS will be within and report to this Board. This change is one of the most significant found in the Charter Amendment and will require the Board to take on administrative duties not previously required, including the hiring of an Administrator. The increased administrative duties will be facilitated by the provision of a separate budget totaling at least 1% of the budget allocated to the police department. The current police department budget of 218 million dollars will result in a 2.18 million dollar budget for this Board and its annual operation, including the operation of OPS. If the police budget increases or decreases the Board's budget will be adjusted accordingly. The funds for this budget mandate will not be taken from the police budget. The Mayor and City Council will be required to fund this mandate. These changes will take some time to implement and we all need to be patient as the process moves forward.

V. PRESENTION OF INVESTIGATIONS

a. 20-045: Henderson. Complainant was present. Complainant stated that the officers conspired to lie on him. Complainant stated owns the property, and asked how he could be threatened to be sent to jail when he is the property owner and the person inside the house was no longer allowed in the house? Complainant stated he wanted restitution.

Sgt. Hoover #9235

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

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

P.O. Kovolak #2313

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

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

P.O. Woznicki #2508

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

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

Next Meeting: Tuesday, February 8, 2022, at 9:00 am

P.O. Pierce #503

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

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

P.O. Tremaglio #2510

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

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

b. 20-084: Humbert

P.O. Thomas #1744

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Mountcastle
Motion passed with Mr. Graham abstaining

c. 20-030: Dowdley

P.O. Munko #1159

Allegation: Excessive Force
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. Trinh #504

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Gatian

Second: Hardy

Motion passed with Mr. Hess and Mr. Mountcastle opposing. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. Dwulat #581

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. Varndell #2554

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. Deems #599

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. Poole #1799

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. Scaggs #860

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. Lampkin #2462

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Hess

Second: Gatian

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

P.O. McCartney #820

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

Sgt. Maye #9272

Allegation: Lack of Service

Recommendation: Sustained

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

Allegation: Improper Procedure

Recommendation: Sustained

Motion: Hess

Second: Miller

Motion passed. Case is being held in abeyance until Board-initiated allegation is completed.

Next Meeting: Tuesday, February 8, 2022, at 9:00 am

d. 20-107: McCully

Lt. Beckner #8555

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Mostella
Motion passed with Mr. Graham abstaining

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Quarto
Second: Mountcastle
Motion passed with Mr. Graham abstaining

P.O. Wagner #1216

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Hardy
Motion passed with Mr. Graham abstaining

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Quarto
Second: Mountcastle
Motion passed with Mr. Graham abstaining

e. 20-116: Eichele

P.O. Madej #2078

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

f. 20-138: Wynn

P.O. Pesta #981

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

P.O. Ramey #2201

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

g. 20-143: Flantroy

Sgt. Zeisel #9203

Allegation: Biased Policing
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

h. 20-152: Higgins

P.O. Webb #2064

Allegation: Excessive Force
Recommendation: Exonerated
Motion: Hardy
Second: Miller
Motion passed

P.O. Mauer #986

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Hess
Second: Hardy
Motion passed

P.O. Taylor #1090

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Hess
Second: Miller
Motion passed

P.O. Sanchez #2503

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Hess
Second: Hardy
Motion passed

i. 20-185: Battle

Sgt. Walker #9237

Allegation: Missing Property
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed

P.O. Augustin #2347

Allegation: Missing Property
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed

P.O. Johnson #201

Allegation: Missing Property
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed

j. 20-201: Thaxton

P.O. Munko #1159

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

P.O. Schmitz #1875

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

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

k. 20-212: Fitzgerald

P.O. Munguia #1813

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Gatian
Second: Hess
Motion passed with Ms. Hardy abstaining

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstaining

Allegation: WCS Violation
Recommendation: Sustained
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstaining

P.O. Nussbaum #325

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

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstaining

Allegation: WCS Violation
Recommendation: Sustained
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstaining

Allegation: Failure to Provide Medical Attention
Recommendation: Sustained
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstaining

Allegation: Failure to Investigate
Recommendation: Sustained
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstaining

P.O. Woods #1784

Allegation: Improper Procedure
Recommendation: Sustained
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstaining

Allegation: Failure to Provide Medical Attention
Recommendation: Sustained
Motion: Gatian
Second: Graham
Motion passed with Ms. Hardy abstainng

Allegation: Failure to Investigate
Recommendation: Sustained
Motion: Gatian
Second: Mostella
Motion passed with Mr. Graham and Mr. Mountcastle opposing and Ms. Hardy abstaining

Allegation: Failure to Cooperate with an OPS Investigation
Recommendation: Sustained
Motion: Gatian
Second: Hess
Motion passed with Ms. Hardy and Mr. Graham abstaining

I. 20-233: Grant-Portis

P.O. Steinmetz #1141

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

P.O. Neubert #504

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

m. 21-032: Samilton

P.O. Mazanec #2011

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed with Mr. Gatian and Ms. Hardy abstaining

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Hess
Second: Miller
Motion passed with Mr. Gatian and Ms. Hardy abstaining

P.O. Gera #1131

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed with Mr. Gatian and Ms. Hardy abstaining

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Hess
Second: Mountcastle
Motion passed with Mr. Gatian and Ms. Hardy abstaining

Dispatcher Williams #174

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Hess
Second: Mountcastle
Motion passed with Mr. Gatian and Ms. Hardy abstaining

n. 21-042: Jackson

P.O. Gibson #2244

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

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

o. 21-091: Hicks

P.O. Farren #1866

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

P.O. Floyd #514

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

p. 21-111: Curiale

P.O. Smith #2117

Allegation: Lack of Service
Recommendation: Sustained
Motion: Graham
Second: Miller
Motion passed with Mr. Gatian and Ms. Quarto opposed

P.O. Bliss #29

Allegation: Lack of Service
Recommendation: Sustained
Motion: Graham
Second: Miller
Motion passed with Mr. Gatian and Ms. Quarto opposed

Dispatcher Taylor #120

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

q. 21-150: Pinkney-Butts

P.O. Huskey #2121

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

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Graham
Second: Mountcastle
Motion passed

P.O. Shingary #670

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

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

r. 21-207: Grayes

Det. Santiago #1321

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed with Ms. Hardy abstaining

s. 21-218: Frary

P.O. Munson #1297

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Mountcastle

Motion passed

P.O. Musson #1956

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Mountcastle

Motion passed

t. 21-237: DeJesus

P.O. Vajusi #16

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Hess

Second: Miller

Motion passed with Ms. Hardy abstaining

u. 21-245: Vacha

P.O. Santana #2012

Allegation: Improper Tow

Recommendation: Exonerated

Motion: Gatian

Second: Mountcastle

Motion passed with Ms. Hardy abstaining

v. 21-258: Herrera

P.O. Mariani #1614

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed with Ms. Hardy abstaining

Allegation: WCS Violation
Recommendation: Sustained
Motion: Hess
Second: Miller
Motion passed with Ms. Hardy abstaining

w. 21-268: Bouldin

P.O. Dziuba #785

Allegation: Improper Tow
Recommendation: Exonerated
Motion: Hess
Second: Miller
Motion passed with Ms. Hardy abstaining

VII (A). REVIEW OF CHIEF DECISIONS

21-005: The CPRB accepted the Chief's departure, and moved for a Board-initiated investigation to determine supervisor that should have been reviewing the WCS of P.O. Lynch.

21-052: The CPRB accepted the Chief's decision and discipline.

21-143: The CPRB accepted the Chief's decision and discipline.

XI (A). NEW PROPOSED START TIME FOR ONLINE MEETINGS

The CPRB moved that the start time for online meetings should now be at 9 am. This new start time will be reflected in notification letters to complainants and on OPS/CPRB social media platforms to alert citizens of the new start time.

XII. ADJOURNMENT

Meeting adjourned at 3:57 pm.

Next Meeting: Tuesday, February 8, 2022, at 9:00 am