

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

April 12, 2022

MEETING MINUTES

I. CALL TO ORDER – 9:07 am

Michael Hess, Chairperson

II. ROLL CALL

Chairperson Hess

CPRB MEMBERS

ATTENDANCE

Michael Hess, Chair
Dave Gatian, Vice Chair
Chenoa Miller
Roslyn Quarto
Sherall Hardy
Ashley Mostella
Michael Graham
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Henry Roney, Interim Administrator
Art Bowker, Investigator
Vincent Funari, Investigator
David Hammons, Investigator
Julie Delaney, Investigator
Anitra Merritt, Investigator
Hercules Harris, Investigator

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

V. NEW BUSINESS

Administrator Roney

VI. PRESENTATION OF INVESTIGATIONS

Administrator Roney

VII. ANNOUNCEMENTS AND COMMUNICATIONS

Administrator Roney

VIII. OPS REPORT

Administrator Roney

A. REVIEW OF CHIEF DISCIPLINARY DECISIONS

IX. POLICY UPDATES

X. COMMITTEE REPORTS

XI. UNFINISHED BUSINESS

XII. ADJOURNMENT

Next Meeting: Tuesday, May 10, 2022, at 9:00 am

III. APPROVAL OF MINUTES

Ms. Quarto made a motion to approve the March 8, 2022 minutes, Mr. Hess seconded the motion, Mr. Graham abstained and the motion to approve the minutes passed.

Mr. Graham made a motion to approve the March 14, 2022 minutes, Mr. Gatian seconded, and the motion to approve the minutes passed.

IV. PUBLIC COMMENT

David Lima, SURJ

My comments at the March meeting focused on the ability of the Board to “independently” investigate allegations not only brought to its attention by a citizen complaint but the ability to investigate on its own initiative. In addition, the charter amendment provides the board with the authority to expand its investigatory power beyond those provided in a complaint and in spite of any investigatory efforts being conducted by another agency provided it is not a federal agency investigation.

Another provision of the charter amendment provides for enhanced authority. It assumes the findings and disciplinary recommendations of the Board are correct and just be followed by the chief and, in appeal situations, followed by the director of public safety. Only in cases where there is clear and convincing evidence of error could the findings and recommendations of the board be subject to departure or reversal. Policy precedents, departmental practices or patterns that preceded the action of the Board are prohibited from being considered and used as clear and convincing evidence.

I reviewed the decisions and recommendations of the Board that were recently reviewed by the Chief Drummond. Of the 18 findings and recommendations the chief concurred 11 times and departed from those recommendations 7 times. Currently the chief's decision is final except if the Board appeals to the director of public safety. Upon appeal the director of public safety's decision is final. There is no further appeal available to the Board.

Once the charter amendment is fully implemented the chief and or the director of public safety would not be able to depart from those recommendations simply based on their opinion or judgment. The only avenue for departure would be if there is substantiated clear and convincing evidence of error. I want to emphasize that a override of the Board's recommendations would only be acceptable under the charter provision if the investigation and findings were in error and that error substantiated. This increased authority carries with it increased responsibility on the part of OPS to conduct thorough investigations and increased responsibility of this Board to engage in sound deliberations.

These provisions and other elements of the new charter amendment providing for greater authority will go far in strengthening the effectiveness of the Board and gaining the community's trust as a fair and impartial arbitrator of alleged police misconduct.

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Kareem Henton, Bail Project:

I wanted to bring this up. Basically, diverse perspectives are needed and I feel that Black women are represented on this panel, but I want to empower these women with community support so that they are not worried about being dismissed with the trope of being angry Black women. There needs to be a committed addressing of complaints by Black women because at the moment, they are not the hot topic like Black men – the atrocities that have been happening to Black men – the department has been dismissive of many of the complaints by Black women. I would ask that there be particular attention placed upon addressing some of the complaints that are being experienced by these women, many of whom I encounter as they become entangled in the criminal justice system. Oftentimes they are dismissed because they were like, “Oh they were arrested so, therefore that’s why they have an axe to grind,” and just keep in mind that many folks who have not been arrested just don’t believe in the system, so therefore, they don’t make a complaint. I would ask, and I want to empower the women on here, to use your voice because we need you – they need you. I would ask that this process, as we fill these positions that so desperately need to be filled, that an OPS administrator be hired that is experienced in this. We don’t need to deal with a learning curve, because this community has long been deprived of any real community oversight, or one that is truly empowered with the empowerment that Mr. Lima so eloquently expressed. We don’t really want someone with a learning curve – we need someone who can take off running. I hope that the folks feel empowered and committed to address some of the complaints that have been happening to women in general, but particularly to Black women. These women have been really dismissed and I am aware of quite a few. Thank you.

LaTonya Goldsby, President and Co-Found of Black Lives Matter Cleveland and Board Member of Citizens for a Safer Cleveland, author of the new Charter 115 amendment:

I wanted to echo what Dave Lima and Kareem Henton said – we know what the atrocities look like and our community as it relates the Black women. I’m reminded of the 11 Black women that were murdered on Imperial Avenue – how long it took for police to solve that crime, and how those women were ignored and disregarded, and the complaints and things that they were talking about were just dismissed. I would echo exactly what Kareem said – that we need to be listening to Black women and investigating those complaints when they come in so that we do not have another 11 women – 11 Black women specifically – that end up dead within our community.

V. NEW BUSINESS

Mr. Hess made the motion that once the signature line on the memo has been changed, that the language for the policy recommendation be accepted. Mr. Graham seconded the motion, and the motion passed. The policy recommendations will be sent to Interim Chief of Police, Dornat Drummond.

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VI. CPRB INITIATED INVESTIGATION – VOTE ONLY

a. 20-098: Dowdley

P.O. Munko #1159

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Gatian

Second: Quarto

Motion passed with Mr. Graham, Ms. Hardy, and Ms. Miller opposed

P.O. Trinh #505

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Gatian

Second: Graham

Motion passed with Ms. Hardy opposed

P.O. Poole #1799

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Hardy

Second: Mostella

Motion passed with Mr. Gatian, Mr. Graham, and Ms. Quarto opposed

P.O. Brown #1393

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Hardy

Second: Graham

Motion passed

VII. PRESENTATION OF INVESTIGATIONS

a. 20-082: Burrage

Det. Hourihan #250

Allegation: Improper Stop

Recommendation: *****This case has been tabled for next month*****

Allegation: Improper Citation

Recommendation: *****This case has been tabled for next month*****

Allegation: Improper Search

Recommendation: *****This case has been tabled for next month*****

Det. Hess #4

Allegation: Improper Search

Recommendation: *****This case has been tabled for next month*****

P.O. Walter #1683

Allegation: WCS Violation

Recommendation: *****This case has been tabled for next month*****

b. 20-114: Lowery

P.O. Robles #2238

Allegation: Unprofessional Conduct

Recommendation: *****This case has been tabled for next month*****

P.O. Colon-Feliciano #84

Allegation: Unprofessional Conduct

Recommendation: *****This case has been tabled for next month*****

P.O. Collier #237

Allegation: Unprofessional Conduct

Recommendation: *****This case has been tabled for next month*****

c. 20-124: Walters

P.O. Leonardi #1965

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

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

d. 20-213: Ailer

P.O. Torres #10

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

e. 20-243: Tisdale

P.O. Asfour #905

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Quarto
Second: Gatian
Motion passed with an abstention from Mr. Graham

P.O. Herrin #2173

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Quarto
Second: Gatian
Motion passed with an abstention from Mr. Graham

P.O. Schinke #2448

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

P.O. Kvach #254

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

f. 20-273: Strickland

P.O. Johnson #595

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

P.O. Wells #556

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

P.O. Doctor #2257

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

P.O. Perkarski #512

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

g. 21-012: Carter

P.O. English #1982

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

P.O. Bachman #1996

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

h. 21-030: Gremonger

Sgt. Stoudmire #9168

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Gatian
Second: Hess
Motion passed

i. 21-095: Kitts

P.O. Robinson #408

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

P.O. Gaston #2294

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

j. 21-129: Spates

P.O. Donnellan #633

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Hess
Second: Graham
Motion passed

Allegation: Improper Detainment
Recommendation: Sustained
Motion: Graham
Second: Hardy
Motion passed with Mr. Hess opposed

Allegation: Biased Policing
Recommendation: Insufficient Evidence
Motion: Hess
Second: Graham
Motion passed with an abstention from Mr. Gatian

P.O. Kloock #1033

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Hess
Second: Graham
Motion passed

Allegation: Improper Search
Recommendation: Sustained
Motion: Hess
Second: Graham
Motion passed with an abstention from Mr. Gatian

Allegation: Biased Policing
Recommendation: Insufficient Evidence
Motion: Hess
Second: Graham
Motion passed with an abstention from Mr. Gatian

P.O. Meehan #2439

Allegation: WCS Violation
Recommendation: Sustained
Motion: Hess
Second: Graham
Motion passed with an abstention from Mr. Gatian

k. 21-184: Jones

Sgt. Chapman #9232

Allegation: Biased Policing
Recommendation: Unfounded
Motion: Gatian
Second: Graham
Motion passed

l. 21-192: Starr

Det. Loomis #2416

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

Det. Schultz #508

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

m. 21-236: Blaginykh

P.O. Ross #2429

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Hess
Second: Graham
Motion passed with an abstention from Mr. Gatian

n. 21-265: Whitaker

Det. Smith #1622

Allegation: Lack of Service

Recommendation: Sustained

Motion: Graham

Second: Hardy

Motion passed with an abstention from Ms. Mostella

o. 21-267: Jones

P.O. Sudberry #1622

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Gatian

Second: Graham

Motion passed

p. 21-289: Fomby

Sgt. Allen #9167

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Hess

Second: Graham

Motion passed

Allegation: Improper Citation

Recommendation: Unfounded

Motion: Hess

Second: Graham

Motion passed

q. 21-290: Jenkins/Hooks

P.O. Robinson #408

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Hardy

Second: Mostella

Motion passed

Next Meeting: Tuesday, May 10, 2022, at 9:00 am

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

r. 21-311: Friedman

P.O. Muniz #1568

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

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

s. 22-003: Cox

Det. Orr #2320

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Gatian
Second: Mostella
Motion passed

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

IX (A). REVIEW OF CHIEF DECISIONS

- 20-085:** The CPRB disagreed with the Chief's departure and moved to appeal this investigation to the Safety Director.
- 20-201:** The CPRB disagreed with the Chief's departure and moved to appeal this investigation to the Safety Director.
- 20-212:** The CPRB disagreed with the Chief's departure and moved to appeal this investigation to the Safety Director.
- 20-255:** The CPRB disagreed with the Chief's departure and moved to appeal this investigation to the Safety Director.
- 21-101:** The CPRB declined to appeal this investigation to the Safety Director and accepted the departures made by the Chief.

XIII. ADJOURNMENT

Motion to adjourn the meeting made by Mr. Graham and seconded by Mr. Hess. Meeting adjourned at 1:58 pm.