



CIVILIAN POLICE REVIEW BOARD OFFICE OF PROFESSIONAL STANDARDS

April 9, 2019

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
Ken Mountcastle
Mary Clark
Michael Hess
Ashley Mostella
Ernest Turner
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Roger Smith, Administrator
Henry Roney, Senior Investigator
Spyridon Kodellas, Research Analyst
David Hammons, Investigator
Vincent Funari, Investigator
Julie Delaney, Investigator
Keith Oliver, Investigator
Barbara Williams-Bennett, Investigator
Eric Richardson, Investigator
George Coulter, General Manager

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

V. PRESENTATION OF INVESTIGATIONS

VI. CPRB TRAINING

VII. HILLARD HEINTZE CASES

Roger Smith

VIII. ANNOUNCEMENTS AND COMMUNICATIONS

IX. OPS REPORT

A. REVIEW OF CDP DISCIPLINARY DECISIONS

X. POLICY UPDATES

XI. COMMITTEE REPORTS

XIII. NEW BUSINESS

XIV. ADJOURNMENT



III. APPROVAL OF MINUTES

Ms. Quarto request a motion to approve the minutes. Motion to approve the minutes made by Mr. Mountcastle and seconded by Mr. Turner. Ms. Scalise abstains. Motion passes.

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

Dave Lima, SURJ

We believe civilian oversight of law enforcement is an important component in the criminal justice system. It is equally important for the community to support agencies who perform the oversight function.

Over the past few years I have observed a significant number of complainants who appear in person for their hearing but leave feeling that the complaint and the process was a waste of time. A similar situation occurred in last month's meeting when the complainant left abruptly and uttered that same phrase, "This was a waste of time." The same sentiment exists in some parts of the community.

Citizens file their complaints and come with a variety of expectations, some based on an accurate understanding of what OPS is and what the CPRB can do, and some that have a lack of understanding in the role and authority of each entity.

None of us can take responsibility for what another person understands or does not understand, but we can do a better job of educating the public with the goal of reducing misunderstanding. OPS and the CPRB should engage in a concerted effort to educate the community about its role, the process, and the limitations. Public appearances, TV and print media, social media and other forms of engagement can be used to message the community. This may take time, but it should be an item that rises to the top of the agenda.

Ms. Quarto states that the one thing she can say is that she believes that OPS has hired a Community Engagement person, so that will change. Ms. Quarto states that she feels that her primary role in the CPRB hearings is to make sure that people at least feel heard, even when [the CPRB] knows that the Complainant can't get what they want out of the hearing. So, that is the sole thing that she can concentrate on when [the CPRB] has a Complainant here. Unfortunately, as you know, there are many people, despite any facts of the case, that aren't going to get what they want here. I think that you're right – that [the Complainants] often come in here with a true misunderstanding of [the CPRB's] jurisdictional limitations and the role [the CPRB] plays, but she at least tries and allows the Complainant to be heard. Ms. Quarto asks Mr. Lima if



he ever sees her not make a Complainant feel like they've been heard, to please let [the CPRB] know.

Mr. Smith states that he would like to just add one thing as well. [OPS] has hired a community engagement coordinator. He assures that the hiring of a community engagement coordinator is only a fraction of what [IOPS] tends to do in this area. OPS recognizes, as Mr. Lima mentioned, what it really is going to take is a systematic effort so that the public is adequately educated as to the roles of OPS and the CPRB. We are committed to doing that.

V. PRESENTATION OF INVESTIGATIONS

a. 17-153: Zillman

P.O. Santos #301

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Scalise

Motion passes

P.O. Morova #1117

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Scalise

Motion passes

Det. Petchler #1765

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Quarto

Second: Scalise

Motion passes

Next Meeting Date: Tuesday, May 14, 2019 at 10:00 am



b. 17-155: Wilborn

Dispatcher Greer #111

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Scalise

Motion passes

P.O. Paul #2116

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Mountcastle

Motion passes

c. 18-152: Jefferson

P.O. Ramey #2201

Allegation: Lack of Service

Recommendation: Sustained

Motion: Quarto

Second: Scalise

Motion passes

Allegation: WCS Violation

Recommendation: Sustained

Motion: Quarto

Second: Scalise

Motion passes

P.O. Pesta #981

Allegation: Lack of Service

Recommendation: Sustained

Motion: Quarto

Second: Scalise

Motion passes



Allegation: WCS Violation
Recommendation: Sustained
Motion: Quarto
Second: Mountcastle
Motion passes

d. 18-160: Dawson

P.O. France #1924

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Quarto
Second: Scalise
Motion passes with one opposed

Allegation: Improper Tow
Recommendation: Sustained
Motion: Quarto
Second: Graham
Motion passes with one opposed

e. 18-164: Robinson

P.O. Roddy #1753

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes with one opposed

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Quarto
Second: Clark
Motion passes with one opposed

Allegation: Improper Procedure
Recommendation: Sustained
Motion: Quarto
Second: Mountcastle
Motion passes with one opposed

Next Meeting Date: Tuesday, May 14, 2019 at 10:00 am



f. 18-172: Donat

Sgt. Guerra #9144

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Quarto
Second: Mostella
Motion passes with one abstention

P.O. Aldridge #280

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Quarto
Second: Graham
Motion passes with one abstention

P.O. Johnson #1166

Allegation: Improper Handling of Evidence
Recommendation: Sustained
Motion: Quarto
Second: Mountcastle
Motion passes with one abstention

P.O. Danczak #1828

Allegation: Improper Handling of Evidence
Recommendation: Sustained
Motion: Quarto
Second: Clark
Motion passes with one abstention

g. 18-182: Haynesworth

P.O. Laska #757

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Hess
Motion passes with one opposed and one abstention



Allegation: Biased Policing
Recommendation: Unfounded
Motion: Quarto
Second: Hess
Motion passes with one abstention

h. 18-190: Dille

P.O. Ellis #1524

Allegation: Unprofessional Conduct (Racist)
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Mountcastle
Motion passes

Allegation: Unprofessional Conduct (Badge)
Recommendation: Exonerated
Motion: Quarto
Second: Mountcastle
Motion passes

Allegation: WCS Violation
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes

P.O. Alford #510

Allegation: Unprofessional Conduct (Badge)
Recommendation: Exonerated
Motion: Quarto
Second: Clark
Motion passes



i. 18-202: Hilton

P.O. Zubal #2513

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Scalise

Motion passes with one abstention

j. 18-212: Leftwich

P.O. Brody #153

Allegation: Improper Procedure

Recommendation: Exonerated

Motion: Quarto

Second: Clark

Motion passes

P.O. Rospierski #2006

Allegation: Improper Procedure

Recommendation: Exonerated

Motion: Quarto

Second: Clark

Motion passes

k. 19-001: McDowell

P.O. Crivel #1727

Allegation: Improper Arrest

Recommendation: Exonerated

Motion: Quarto

Second: Hess

Motion passes



P.O. Rahim #238

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Quarto
Second: Hess
Motion passes

I. 19-005: Burns

Det. Harston #994

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Clark
Motion passes

m. 19-014: Eggleston

P.O. Williams #989

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Quarto
Second: Mostella
Motion passes



- n. **19-024: Thomas – Complainant is present. The Complainant wants to know if the officers received discipline. Complainant stated that he was aware that the dispatcher received counseling for her interaction with him. Complainant stated that he did not like how the officers conducted themselves when they interacted with him, and he did not like how he was made to feel like a suspect instead of a victim. The Complainant stated that he felt that the officers did not let him speak to them about his side of the story, and he was upset that the officers did not allow him to get his story out. The Complainant stated he felt as if he was dismissed and that his concerns were not taken seriously.**

P.O. Gallagher #422

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Clark
Motion passes

P.O. Lavender #2594

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Mostella
Motion passes

Dispatcher Alvarez #31

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Hess
Motion passes



VII. HILLARD HEINTZE CASES

Ms. Quarto moves that the CPRB adopt the Hillard Heintze recommendations for the following cases:

- 15-288
- 15-292
- 16-007
- 16-010
- 16-017
- 16-026
- 16-029
- 16-035
- 16-049
- 16-052.
- 16-053
- 16-073
- 16-081
- 16-083
- 16-088
- 16-093
- 16-100
- 16-104
- 16-112
- 16-113
- 16-118
- 16-122
- 16-123
- 16-125
- 16-126

Ms. Clark seconds the motion, motion passes.



IX(A). REVIEW OF DISCIPLINARY DECISIONS

15-285: McElrath – Chief Williams dismissed the allegations against P.O. Collins, citing that P.O. Collins asked a question during the arrest that attempted to determine motive. Chief Williams also stated that P.O. Collins attempted to answer the questions asked by OPS and did not interfere with the investigation. Chief Williams further recommended that P.O. Collins attend Cultural Sensitivity training.

Additionally, Chief Williams dismissed the allegations against P.O. Judd, citing that the allegations were false and that P.O. Judd amended the felony charges to misdemeanor charges within 24 hours. Chief Williams further stated that P.O. Judd experienced difficulty in answering questions because of the age of the case, and not because he was misleading OPS.

The Board disagreed with the Chief's decision, and Ms. Quarto moved to appeal the Chief's decision to the City of Cleveland Safety Director. Motion was seconded by Ms. Scalise, and the motion passed.

18-018: Hyland - Chief Williams dismissed the allegation of Unprofessional Conduct against P.O. Smith, citing that the CPRB failed to substantiate evidence or independent witnesses for the allegation.

Chief Williams found P.O. Smith guilty of the Dress Code Violation and issued him a letter of reinstruction.

The Board disagreed with the Chief's decision, and Ms. Scalise moved to appeal the Chief's decision to the City of Cleveland Safety Director. Motion was seconded by Ms. Quarto, and the motion passed.

18-167: Gay – Chief Williams dismissed the allegation of Lack of Service against Det. Tusing, citing that it is an investigatory strategy to interview the suspect after the detective has exhausted all other investigatory avenues.

The Board disagreed with the Chief's decision, and Mr. Graham moved to appeal the Chief's decision to the City of Cleveland Safety Director. Motion was seconded by Ms. Scalise.

XIII. NEW BUSINESS

Investigator Delaney requested a subpoena to pursue investigatory leads for a case that she is working on. The subpoena was approved by the Board.

XIV. ADJOURNMENT

Meeting adjourned at 13.04 hours.

Next Meeting Date: Tuesday, May 14, 2019 at 10:00 am