

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

April 13, 2021

MEETING MINUTES

I. CALL TO ORDER – 10:04

Michael Graham, Chairperson

II. ROLL CALL

Chairperson Graham

CPRB MEMBERS

ATTENDANCE

Michael Graham, Chair
Michael Hess
Mary Clark
Ken Mountcastle
Ernest Turner
Ashley Mostella
Roslyn Quarto
David Gatian
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Roger Smith, Administrator
Art Bowker, investigator
Julie Delaney, Investigator
David Hammons, Investigator
Anitra Merritt, Investigator
Barbara Williams-Bennett, Investigator
Kevin Wynne, 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

B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS

VIII. POLICY UPDATES

IX. COMMITTEE REPORTS

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

A. SUBPOENA REQUEST

XII. ADJOURNMENT

Next Meeting: Tuesday, May 11, 2021 at 10:00 am

III. APPROVAL OF MINUTES

Ms. Quarto made a motion to approve the minutes. Motion seconded by Ms. Clark and the motion to approve the minutes passed with one abstention by Mr. Gatian.

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

Dave Lima, SURJ –

Last month I spoke about police high-speed vehicle pursuit policies knowing that the high-speed pursuit case resulting in the death of Tamia Chappman was to be heard. The Board deferred hearing the case until this month. Last month I referred to the CDP's policy that clearly states "no assignment shall be of such importance ... that the principles of safety become secondary". I also referred to the federal policy that clearly states that the most important reason for an effective pursuit policy is to protect life and property - the basic police mission.

Cleveland.com reported in May, 2020 that the CDP had determined that the chase resulting in the death of Tamia Chappman was conducted properly within department protocol after a "thorough and comprehensive" investigation. The Chief goes on to say that, and I quote, "We did our due diligence". I decided to do a deeper dive into the division's investigation, conclusion and disciplinary decision in this case by searching for additional information. I found the court record in a case involving the Commander of the 4th District that provided a more detailed description of the findings of the investigation. Two officers were found to have violated vehicle pursuit and wearable camera system policies and given written reprimands and non-disciplinary letters of reinstruction despite the aggravating factor of the death of a citizen. It wasn't until May of 2020 that Division's disciplinary decision was announced to the public despite the fact of having been announced internally in March of 2020. Without the search through court records a member of the public would unlikely have access to this information. I mention this to point out what appears to be a pattern of delay, concealment and lack of transparency by the Division in controversial cases that shed a negative light on the Division. It also has procedural consequences when two investigations are conducted at the same time about the same case, one internally by the Division and one externally by OPS. Differing outcomes would only serve to confuse the public and cast doubt on the efficacy of both organizations. It would seem that the consent decree monitoring team would have a role in providing clarification concerning the process, especially processes that could potentially interfere with investigations conducted by OPS.

Fortunately, a complaint filed with OPS provides us, the public, with the opportunity to have access to an impartial investigation, an investigation conducted by an organization outside the organization being investigated. I look forward to the presentation of evidence by the OPS investigation and the deliberation of this Board. The transparent public process conducted by OPS and the CPRB where all voices are heard has the benefit and advantage of shining a light on critical incidents with fairness and impartiality enhancing public trust in procedural justice.

Next Meeting: Tuesday, May 11, 2021 at 10:00 am

V. PRESENTATION OF INVESTIGATIONS

- a. **20-028: Mason.** Ms. Mason's attorney, Mr. Stanley Jackson, spoke on the Complainant's behalf. From the report that we at least heard today, what we found out today is that there are some serious, glaring issues with the Cleveland Police Department. What we learned today is that it seems as though the supervising Sgt. Chapman had no idea what was going on during this chase. He was not prepared, nor was he properly trained prior to that moment. The main thing that we were concerned about is that there wasn't any AVL, and that no one even took the time to even check to make sure that it worked. How could the Cleveland Police Department operate a police department without knowing where their officers were, and what they were doing at any given time, not even including this chase? How can you hold officers accountable if you don't know where they are and what they're doing, outside of this process? We believe that this situation happened because there was no accountability, no care, from the top of the department all the way down to these officers.

Sgt. Chapman #9232

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

Allegation: Vehicle Pursuit: Excess Speed
Recommendation: Sustained
Motion: Clark
Second: Mountcastle
Motion passed with one abstention

Allegation: Vehicle Pursuit: AVL
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passed with one abstention

Allegation: Emergency Response Driving
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passed with one opposed and one abstention

Allegation: Vehicle Pursuit: Multiple Cars
Recommendation: Unfounded
Motion: Graham
Second: Clark
Motion passed with one abstention

P.O. Stipkovich #40

Allegation: Vehicle Pursuit: Initiation
Recommendation: Sustained
Motion: Graham
Second: Hess
Motion passed with one abstention

Allegation: Vehicle Pursuit: Failure to Yield
Recommendation: Sustained
Motion: Graham
Second: Gatian
Motion passed with one abstention

Allegation: Vehicle Pursuit: Excess Speed
Recommendation: ****Determined to be a duplicative allegation and not voted on****

Allegation: Emergency Response Driving
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passed with one abstention

P.O. Singh #1381

Allegation: Vehicle Pursuit: Initiation
Recommendation: Exonerated
Motion: Quarto
Second: Clark
Motion passed with two opposed and one abstention

Allegation: Vehicle Pursuit: Excess Speed
Recommendation: ****Determined to be a duplicative allegation and not voted on****

Allegation: Emergency Response Driving
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passed with one abstention

P.O. Miller #1583

Allegation: Self-Dispatch Violation
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passed with one abstention

Allegation: Emergency Response Driving
Recommendation: Sustained
Motion: Graham
Second: Turner
Motion passed with one abstention

P.O. Sabolik #1021

Allegation: Self-Dispatch Violation
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passed with one abstention

Det. Warnock #1719

Allegation: Self-Dispatch Violation
Recommendation: Unfounded
Motion: Graham
Second: Gatian
Motion passed with one abstention

Det. Crivel #1767

Allegation: Self-Dispatch Violation
Recommendation: Unfounded
Motion: Graham
Second: Gatian
Motion passed with one abstention

P.O. Dunn #1583

Allegation: Self-Dispatch Violation
Recommendation: Unfounded
Motion: Graham
Second: Mountcastle
Motion passed with one abstention

P.O. Staskevich #942

Allegation: Self-Dispatch Violation
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passed with one abstention

Lt. Farmer #8487

Allegation: Vehicle Pursuit: Excess Speed

Recommendation: Sustained

Motion: Turner

Second: Clark

Motion passed with one abstention

Allegation: Emergency Response Driving

Recommendation: Unfounded

Motion: Gatian

Second: Clark

Motion passed with one abstention

b. 20-035: Sampson

P.O. Crawford #439

Allegation: Improper Citation

Recommendation: Exonerated

Motion: Quarto

Second: Mostella

Motion passed

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Graham

Second: Mostella

Motion passed

c. 20-109: Johnson

P.O. Lehman #815

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Graham

Motion passed

P.O. Wagner #1260

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Graham

Motion passed

Next Meeting: Tuesday, May 11, 2021 at 10:00 am

Sgt. Harhay #9136

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

d. 2020-0133: Cheng

P.O. Fronckwiak #401

Allegation: Unprofessional Conduct – No Face Mask
Recommendation: Unfounded
Motion: Graham
Second: Mountcastle
Motion passed

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

e. 20-266: Anonymous

Dispatcher Walker #30

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

f. 20-180: Gibson/Warner/Akers

Det. Smith #882

Allegation: Improper Search
Recommendation: Exonerated
Motion: Quarto
Second: Mostella
Motion passed with one abstention

Allegation: Damaged Property
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Mostella
Motion passed with one abstention

Det. Johnson #802

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Quarto
Second: Turner
Motion passed with one abstention

P.O. Soros #1852

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Quarto
Second: Mostella
Motion passed with one abstention

g. 21-008: Hugo

Det. Fischbach #450

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

VII (A). REVIEW OF CHIEF DECISIONS

20-016: CPRB voted to appeal the Chief's decision to the Safety Director.

20-111: CPRB voted to appeal the Chief's decision to the Safety Director.

20-162: CPRB accepted the Chief's decision.

20-168: CPRB accepted the Chief's decision.

VII (B). REVIEW OF DIRECTOR'S DECISION

19-142: Director Howard dismissed the allegations of Excessive Force, Improper Citation and Improper Arrest. Director Howard concurred with the CPRB recommendation and issued Captain Dziuba a two-day suspension. The CPRB declined to vote for a resolution on this case.

20-015: Director Howard reversed the Chief's dismissal and issued P.O. Estremera #357 a two-day suspension.

XI. NEW BUSINESS – SUBPOENA REQUEST

Chair Graham reviewed the subpoena and signed it for use in Investigator Delaney's case.

XII. ADJOURNMENT

Motion to adjourn the meeting made by Mr. Graham and Ms. Clark seconded. Meeting adjourned at 2:50 pm.