

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

May 11, 2021

MEETING MINUTES

I. CALL TO ORDER – 10:05

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
Vincent Funari, Investigator
Barbara Williams-Bennett, Investigator
Eric Richardson, 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 DIRECTOR DISCIPLINARY DECISIONS

VIII. POLICY UPDATES

IX. COMMITTEE REPORTS

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ADJOURNMENT

Next Meeting: Tuesday, June 8, 2021 at 10:00 am

III. APPROVAL OF MINUTES

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

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

Dave Lima, SURJ –

Over the past few months I have, and I assume you have, been concerned about the failure of City Council to appoint a member to this Board to fill the vacancy left by Mylonne Sullivan some 11 months ago. The importance of having all the seats filled to do the “people's business” can't be overstated. The criteria written in the Operating and Procedure Manual stresses the importance of and requires the Board to be representative of Cleveland's diversity. The failure to meet this requirement and fulfill the obligation to promptly fill a vacancy results in the Board being less representative of the community it serves. In addition, it poses procedural problems like failing to have a quorum, cutting meetings short or even canceling meetings altogether. It is also important to have more rather than less members review the findings of investigations to make a proper collective decision. This was the whole purpose of having ballot issue 33 presented to the Cleveland voter in 2018 increasing Board membership to 9 in order for it to be more representative of Cleveland's diversity.

Section D, Organization and Meetings, part (4) (c), Vacancies, states that upon resignation of a Board member, the Board shall notify the Mayor and Council “as soon as possible”. I assume this phrase was inserted in order to convey the importance of filling the vacancy promptly. Unfortunately the manual is silent about the responsibility of the Mayor and Council to respond to the Board's notice. I understand the vacancy has been posted for some 6 months without action by Council to fill the vacancy. Who's responsible to get this done once the Board “notifies” the Mayor and Council. The manual does not specify who or when. Is it the law department, the monitoring team, or some unknown obscure city department or official? It is neither benign nor helpful to the residents of this city to persist in delay. SURJ to Council – do your job!

Mr. Graham responded to Mr. Lima's statement, saying that he was recently made aware that City Council had begun the appointment process for a new member, and that a new member would be added to the CPRB within the next 30 days.

V. PRESENTATION OF INVESTIGATIONS

a. 20-099: Sheets

P.O. Johnson #305

Allegation: Lack of Service

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Unprofessional Conduct

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Sgt. Walker #9234

Allegation: Lack of Service

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

b. 20-120: Collie

P.O. Smith #1615

Allegation: Failure to De-Escalate

Recommendation: Sustained

Motion: Quarto

Second: Mostella

Motion passed

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Quarto

Second: Gatian

Motion passed

P.O. Dawson #940

Allegation: Failure to De-Escalate

Recommendation: Sustained

Motion: Quarto

Second: Turner

Motion passed

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

Sgt. Brown #9138

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

Allegation: Improper Procedure
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passed

c. 20-189: Griffon

Sgt. Newton #9233

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Mostella
Second: Turner
Motion passed

d. 20-202: McClendon

P.O. Riolo #2375

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

e. 20-212: Fitzgerald

P.O. Munguia #1813

Allegation: Lack of Service

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Unprofessional Conduct

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: WCS Violation

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

P.O. Nussbaum #325

Allegation: Lack of Service

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Unprofessional Conduct

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: WCS Violation

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Failure to Provide Medical Attention

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Failure to Investigate

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

P.O. Woods #1784

Allegation: Improper Procedure

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Failure to Provide Medical Attention

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Failure to Investigate

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

Allegation: Failure to Cooperate in an OPS Investigation

Recommendation: *****This case was pulled due to the inability by the CPRB to view pertinent video footage. This case will be re-submitted when a workable solution for the video can be found.*****

f. 20-244: Elliott

Sgt. Williams #9252

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Quarto

Second: Hess

Motion passed

Allegation: Retaliation

Recommendation: Sustained

Motion: Quarto

Second: Mountcastle

Motion passed with Mr. Graham and Ms. Mostella opposing

- g. **21-011: Jones.** Complainant was present and stated that the female officer had no sympathy or empathy for her, and that the Complainant was shell-shocked and traumatized. Complainant stated that the female officer walked over to her, told her to shut up, threatened to flip her over the bed, and, while she was holding a cup of ice water, squeezed her hand, causing her to spill her water on the Complainant. Complainant stated that the male officer sat by and watched this happen. Complainant urged the CPRB to re-watch the WCS video again, as the male officer had his WCS running.

P.O. Varkony #680

Allegation: Lack of Service

Recommendation: *****The CPRB had voted unfounded on this allegation prior to hearing the testimony from the Complainant, and, moved to rescind their vote until the next meeting until the WCS video footage is reviewed.*****

Motion: Mostella

Second: Quarto

Motion passed with Mr. Hess, Mr. Gatian, and Mr. Graham opposed.

- h. **21-022: Collins**

P.O. Rodriguez #2573

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Clark

Motion passed

Sgt. Bottone #9053

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Turner

Motion passed

- i. **21-028: Pinkney-Butts**

P.O. Bush #1241

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Graham

Second: Mostella

Motion passed

Dispatcher Vega #143

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

j. 21-033: Samilton

P.O. Pietraskiewicz #2004

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

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

P.O. Jackson #1651

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

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

k. 21-045: Rowan. Complainant was present. Complainant stated that the officers approached him first and never spoke to the other party or the many witnesses in the

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laundromat. Complainant stated that the WCS video will show the officers asking him to leave, even though he was the one who called the police for help. Complainant also stated that he did not feel free to leave, and that he missed his bus home due to being detained.

P.O. Taylor #2067

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Mostella
Motion passed with Mr. Turner opposed
Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Graham
Second: Turner
Motion passed with Ms. Mostella opposed

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

Allegation: Improper Detention
Recommendation: Exonerated
Motion: Graham
Second: Mountcastle
Motion passed

Sgt. Maxel #9210

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

Allegation: Improper Detention
Recommendation: Sustained
Motion: Graham
Second: Clark
Motion passed

VII (A). REVIEW OF DIRECTOR DECISIONS

19-128: Director Howard reversed the Chief's decision and issued the officer a **two-day** suspension.

19-163: Director Howard **upheld** the Chief's dismissal. The CPRB declined to vote for a resolution on this case.

XII. ADJOURNMENT

Motion to adjourn the meeting made by Mr. Graham and it was seconded by all. Meeting adjourned at 1:19 pm.