

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

June 23, 2020

MEETING MINUTES

I. CALL TO ORDER – 10:40

Michael Graham, Chairperson

II. ROLL CALL

Chairperson Graham

CPRB MEMBERS

ATTENDANCE

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

OPS STAFF

ATTENDANCE

Roger Smith, Administrator
Julie Delaney, Investigator
Kevin Wynne, Investigator
David Hammons, Investigator
Eric Richardson, Investigator
Anitra Merritt, Investigator
Barbara Williams-Bennett, 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 DECISION

VIII. POLICY UPDATES

IX. COMMITTEE REPORTS

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ADJOURNMENT

Next Meeting Date: July 14, 2020

III. APPROVAL OF MINUTES

Mr. Gatian made a motion to approve the minutes. Motion seconded by Mr. Mountcastle 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 –

The tragic death of George Floyd at the hands of Minneapolis police is a horrific reminder of what has been happening for hundreds of years in our country – brown and black Americans disproportionately victimized by state-sanctioned violence.

Supreme Court decisions have resulted in a widespread culture of casualness within police departments concerning the use of force. Officers are keenly aware of the implications of these protective decisions – Grand Jury indictments that they will be held criminally liable are highly unlikely.

The Minneapolis Office of Police Conduct Review (OPCR) is a neutral agency that investigate allegations of police misconduct. It is similar to our own Civilian Police Review Board and has very limited authority and independence. Again, similar to our own Board.

Serious questions remain why the Minneapolis Mayor, City Council, Police Chief and elements of the oversight system failed to address a use of force policy permitting neck restraints that can restrict blood flow and airflow to the head, depriving the brain of needed oxygen. This boggles the mind. We are fortunate that within the Cleveland Department of Police's use of force policy, GPO 2.01.03 prohibits the use of neck holds. Although an important first step, policy doesn't always result in compliance. Hence, the need for a police oversight system with a wide authority and guaranteed independence. What if the Minneapolis OPCR had the authority to review and make recommendations concerning the police department's policies, including the use of force policy, discovered the permissible "neck hold" technique, made recommendations for it to be prohibited, and, failing to have it prohibited, was required to disclose the practice and inform the public?

Now is the time for significant change in police over systems and the larger criminal justice system here in Cleveland and throughout the nation. We can no longer sit idly by, ignoring the importance of civilian oversight of our law enforcement agencies. Had such expanded authority and independence been given to the Minneapolis OPCR, George Floyd might still be alive.

V. PRESENTATION OF INVESTIGATIONS

- a. 19-072: Scales. Complainant was present. Complainant stated that he did not give permission to the officers to search his yard or porch, and felt compelled to show the officers his security video footage in order to not be arrested.**

P.O. Domnori #233

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passes with one abstention

P.O. Garcia #2168

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

P.O. Leonardi #1965

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

P.O. Lopez #1389

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Graham
Second: Turner
Motion passes

P.O. McGervey #2352

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

P.O. Smiley #1138

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Graham
Second: Turner
Motion passes

b. 19-142: Workman

P.O. Bush #1241

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

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Graham
Second: Turner
Motion passes with one abstention

P.O. Delvecchio #1278

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

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Graham
Second: Mountcastle
Motion passes with one abstention

Det. Cozart #457

Allegation: WCS Violation
Recommendation: Sustained
Motion: Graham
Second: Turner
Motion passes with one abstention

Captain Dziuba #6572

Allegation: Excessive Force
Recommendation: Sustained
Motion: Graham
Second: Hess
Motion passes with one abstention

Allegation: Missing Property
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passes

Allegation: Improper Arrest
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passes

Allegation: Improper Citation
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passes

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

c. 19-149: Jones

P.O. Poole #1799

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Graham
Second: Hess
Motion passes with one abstention

d. 19-167: Parish

P.O. White #437

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

P.O. Villafuerte #1608

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

e. 19-198: Bellanca

P.O. Natera #1122

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Graham
Second: Turner
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Graham
Second: Hess
Motion passes

P.O. Ellis #1524

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

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Graham
Second: Hess
Motion passes

f. 19-200: Glosser

P.O. Rees #193

Allegation: Lack of Service

Recommendation: Sustained

Motion: Graham

Second: Hess

Motion passes with one opposed and one abstention

g. 20-008: Natal/Good

P.O. Farra #1182

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Quarto

Motion passes with two abstentions

P.O. Bowser #262

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes with two abstentions

h. 20-014: Murray

P.O. Choat #1961

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Mountcastle

Motion passes with one abstention

P.O. Pietraszkiwicz #2004

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes with one abstention

i. 20-016: Gubanich

P.O. Pesta #576

Allegation: Improper Tow

Recommendation: *****Tabled for next meeting due to missing video*****

j. 20-018: Strickland-Saffold

P.O. Lipinski #1656

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Hess

Motion passes with two abstentions and one recusal

VII (A). REVIEW OF CHIEF DECISIONS

16-216: CPRB rejected the Chief's decision and voted to appeal this case to the Safety Director.

17-037: CPRB rejected the Chief's decision and voted to appeal this case to the Safety Director.

17-089: CPRB accepted the Chief's decision.

VII (B). REVIEW OF DIRECTOR'S DECISION

18-205: Director McGrath reversed the dismissal of the Chief and issued P.O. McManus a fifteen-day suspension.

XII. ADJOURNMENT

Motion to adjourn the meeting made by Mr. Graham and Ms. Quarto seconded. Meeting adjourned at 15:00 hours.