

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

July 12, 2022

MEETING MINUTES

I. CALL TO ORDER – 9:10 am

Michael Hess, Chairperson

II. ROLL CALL

Chairperson Hess

CPRB MEMBERS

ATTENDANCE

Michael Hess, Chair
Dave Gatian, Vice Chair
Chenoa Miller
Ken Mountcastle
Roz Quarto
Sherall Hardy

Christopher Heitzel, Staff Counsel

OPS STAFF

ATTENDANCE

Henry Roney, Acting Administrator
Kevin Wynne, Investigator
Julie Delaney, Investigator
David Hammons, Investigator
Vincent Funari, Investigator
Art Bowker, Investigator
Keith Oliver, Investigator
Maryum Ali, Investigator
Anitra Merritt, Investigator
Eric Richardson, 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 DIRECTOR DISCIPLINARY DECISIONS

IX. POLICY UPDATES

X. COMMITTEE REPORTS

XI. UNFINISHED BUSINESS

XII. ADJOURNMENT

Next Meeting: Tuesday, August 9, 2022, at 9:00 am

III. APPROVAL OF MINUTES

Minutes from the May meeting still needed to be reviewed – no minutes to approve at this time.

IV. PUBLIC COMMENT

Latonya Goldsby, President and Co-Founder of Black Lives Matter Cleveland and Board Member of Citizens for a Safer Cleveland, authors of Issue 24:

My question – which was the same question I wanted to ask at the last meeting - I wanted to know if the CRPB (sic) was operating under the new statutes under Charter Section 115. Those powers were granted to the CRPB (sic) on November 2021 once the ballot initiative was passed. I wanted to make sure that folks were addressing and working under the new guidelines for the CRPB (sic) and to see if you all had established any protocols around it.

Chairperson Hess: Chris, do you want to address that? I think that you might be the most qualified person to discuss where we're at in terms of transitioning.

Christopher Heitzel: I am the back-up for Gerri Butler, the legal liaison to the Board. Yes, the short answer is yes, the updates to the manuals are in progress. I don't remember off the top of my head what the deadlines were for getting those submitted for approval but as I understand it, everything is on track, unless Henry or someone else has heard otherwise.

Mr. Roney: No, my understanding is that things are moving right along. I think a lot of it is still going to be contingent on the CPC being named and put in place, but as far as OPS and the CPRB's end of it we're moving right along, but it's my understanding that the statutes can't take place until all three pieces are in place.

Chairperson Hess: Does that answer your question?

Ms. Goldsby: Yes.

David Lima, SURJ:

I appreciate the opportunity to share some public comments I'm sorry I'm at tripoint hospital UH hospital here in Painesville and we're getting my wife ready to be discharged so I found my way to a room so I can at least present these comments. I'll be leaving the meeting as soon as I present them. Over the past year or so I've commented on the importance for police review boards especially this review board to have authority, independence, and adequate funding to properly carry out the responsibility of holding police officers accountable in instances of police misconduct and to promote trust in the accountability process within the Cleveland community.

The Office of Professional Standards and the Civilian Police Review Board have now received that enhanced authority, independence, and funding through the passage of Issue 24 and as enumerated in sections 115-1 through 115-4 of Cleveland's charter. My observation and the observation of others is that OPS and the CPRB are conducting business as usual - not implementing, in what we consider to be a timely fashion, sections 115-1 through 115-4. I recognize the complexities involved in implementing a more robust system, but such complexities are not reason to delay. Current board members may not be equipped to fully implement the change, which again is not reason for delay. The hiring of experts and consultants to help with this important transition could expedite the change required in the charter, and funding is now available and should be utilized for this purpose.

The Charter now places jurisdiction of OPS with the CPRB, rather than with the Department of Public Safety. Continued delay of the implementation of these sections of the Charter can and I think will have a negative impact not only on the effective operation of OPS, but staff morale as well. Issues with the appointment of members of the Cleveland Community Police Commission, if I recall, has been stated as one of reasons for delay. But I believe that the CPRB has now been given independent status from the actions necessary for appointments to the CPC and should not be used to delay implementation. Waiting is not in the best interest of the Cleveland community and threatens the community's trust in Cleveland's police accountability system.

The people have spoken, and we are hopeful, and would urge the implementation of Sections 115-1 through 115-4 without delay. Thank you.

Rosie Powthy, Mental Health Response Advisory Committee (MRAC)

I want to thank you all for your hard work – it's evident when you watch one of these meetings, just how much work, time and effort goes into these investigations and what you're doing behind the scenes. I am a member of the City of Cleveland Mental Health Response Advisory Committee, also known as MRAC, and it was created under one of the mandates of the Consent Decree. Crisis Intervention is the only element of police reform that does not fall under the purview of the Cleveland Community Police Committee.

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So, one of my concerns is sometimes you have cases that involve crisis intervention incidents. A lot of these hearings last three or four hours, and I know that there is some staffing issues, but on the website, the last agenda is posted for April, and the last meeting minutes are posted from March. I'm a volunteer. I don't have the time or the bandwidth to go through a four-hour meeting without an agenda to figure out if any of these cases apply to what I'm doing, number one. And number two is – there was a case, I don't have the number in front of me, but I think it happened last year, and it was revisited this year – it involved crisis intervention. One of my concerns is that I don't know if you all are being given correct information in some cases. This was a case where somebody – the officer was disciplined – she had 40 hours of crisis intervention training, but it was the old training. She wasn't considered a specialized CIT officer, so a new policy was being applied to her when basically she was being expected to meet a standard when she didn't have that training or special status. I'm not sure, it's kind of confusing, but maybe OPS needs to have a meeting with the police department to get clarification on this. I know that the crisis intervention team coordinator was interviewed for that particular investigation, and I'm not sure if he pointed any of that out. That was one of my concerns, and I did bring it up during one of our quality improvement meetings. It would be nice if these two groups could kind of collaborate and see if there are any training issues that we should be recommending, because basically these four officers got suspended in part because a crisis intervention form wasn't filled out. It was a lot more complicated than that, but that's part of the reason why a complaint was filed. I just wanted to bring that to your attention. Also, I wanted to praise the OPS staff because I have called the office in the past with questions, I've had lengthy conversations with them, and they've been incredibly helpful, so I appreciate it. Thank you for this opportunity to speak.

Chairperson Hess: Thank you very much for your input. As far as the meeting minutes, I can't speak to what's going on for May, but last month in June we did not have a meeting, so there's only one outstanding set of minutes that have not been posted. But I do appreciate your input. We will take that into consideration as we move forward, and hopefully that's something that OPS can incorporate as they work through these investigations, so thank you.

Ms. Powthy: Could you please post the agendas too? Ohio has Sunshine Laws, the open records act, the open meetings act, and so public bodies are required to publish an agenda before a meeting. I did send a private message through twitter in May to the OPS twitter page, and I don't know if anyone saw that, but I asked if they could post the agenda from May, and I never got a response, so maybe they didn't see that, but I wanted to point that out. Thank you.

Brenda Bickerstaff:

A couple of things. There was supposed to be a meeting last month, and you cancelled the meeting. Did you follow protocol when you cancelled that meeting?

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Chairperson Hess: What happened at last month's meeting is that we had an unexpected absence at that meeting, so we were not able to achieve a quorum. We were anticipating having the minimum number of people of board member to be at the meeting – we have to have more than half of our Board members.

Ms. Bickerstaff: Okay, I understand that, no disrespect, but what I'm asking is did you follow your procedure when you cancelled the meeting? I understand about the quorum – I get that.

Chairperson Hess: This is a little bit of different circumstance when we're cancelling a meeting beforehand and when we get to the meeting and realized that the meeting cannot proceed. The video for the meeting started – we were all on video – and we were waiting for another person to show up and discovered that that person would not be able to attend the meeting, so we can't really take any action as a Board at that point, because we didn't have a quorum.

Ms. Bickerstaff: That's not what I asked you. You did not answer the question I asked you, the direct question that I asked you, so let's move on.

Dave Gatian: Let's address that question. We are not allowed to conduct any Board business if we don't have quorum. We started the meeting on the video, and couldn't even begin to call the meeting to order as a Board because we did not have quorum. Our Charter requires that we have enough members to proceed, so we can't conduct public business, so at that point in time, the meeting was ended. Proper procedure was followed.

Ms. Bickerstaff: The young lady mentioned you having limitations on what you can do as a Board, correct? Pertaining to the complaints, correct?

Chairperson Hess: The board has a jurisdiction that's defined by the City of Cleveland's charter, yes.

Ms. Bickerstaff: I'm coming on late, with the new Charter 115, how long is it going to be before you implement that in the present Board right now? How long is that going to take you?

Chairperson Hess: There's no timeline – there are a lot of moving parts that need to be in place before things can be implemented, and a lot of them we don't have control over. There's a lot of personnel decisions that need to be made by the City and I can't just it's going to be three months or it's going to be six months, but I've been promised by those in power at OPS and the Law Department that they are working as fast as they can to get those changes made.

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VI. PRESENTATION OF INVESTIGATIONS

a. 2020-0141: Ellis

Det. Yasenchack #2362

Allegation: Improper Stop
Recommendation: Sustained
Motion: Quarto
Second: Hardy
Motion passed

Allegation: Improper Search/Strip Search
Recommendation: Sustained
Motion: Quarto
Second: Hardy
Motion passed

Allegation: Improper Arrest
Recommendation: Sustained
Motion: Quarto
Second: Hardy
Motion passed

Allegation: Use of Force/Duty to Intervene
Recommendation: Sustained
Motion: Quarto
Second: Hardy
Motion passed

Allegation: Warrant Service
Recommendation: Sustained
Motion: Quarto
Second: Miller
Motion passed

Allegation: Wearable Camera System (WCS) Violation
Recommendation: Sustained
Motion: Quarto
Second: Miller
Motion passed

Allegation: Vehicles and Equipment
Recommendation: Repetitive of WCS Violation; no vote on this allegation.
Motion: Quarto
Second: Gatian
Motion passed

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Allegation: Retaliation
Recommendation: Sustained
Motion: Quarto
Second: Miller
Motion passed

Allegation: Ethics Violation
Recommendation: Sustained
Motion: Quarto
Second: Miller
Motion passed with Mr. Gatian abstaining due to internet problems.

Captain Kane #6571

Allegation: Failure to Supervise
Recommendation: Sustained
Motion: Quarto
Second: Miller
Motion passed

Sgt. Weaver #9172

Allegation: Improper Search/Strip Search
Recommendation: Repetitive of Failure to Supervise; no vote on this allegation.
Motion: Hess
Second: Quarto
Motion passed

Allegation: Improper Arrest
Recommendation: Repetitive of Failure to Supervise; no vote on this allegation.
Motion: Hess
Second: Quarto
Motion passed

Allegation: Failure to Supervise
Recommendation: Sustained
Motion: Hess
Second: Hardy
Motion passed

Allegation: Wearable Camera System (WCS) violation
Recommendation: Sustained
Motion: Hess
Second: Quarto
Motion passed

Allegation: Excessive Force/Duty to Intervene/Failure to Report
Recommendation: Sustained
Motion: Hess
Second: Quarto
Motion passed

b. 2020-0147: Cohen-Pulliam

P.O. Brown #1393

Allegation: Improper Tow
Recommendation: Sustained
Motion: Gatian
Second: Hardy
Motion passed

c. 2020-0148: Dawson

P.O. Smith #2120

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Hess
Second: Hardy
Motion passed

Allegation: Wearable Camera System (WCS) Violation
Recommendation: Sustained
Motion: Hess
Second: Hardy
Motion passed

d. 2020-0179: Roberts

P.O. Clark #1048

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

e. 2020-0219: Jackson

P.O. Mayer #1556

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Hess

Second: Quarto

Motion passed with Ms. Miller abstaining due to internet problems

Allegation: Wearable Camera System (WCS) Violation

Recommendation: Sustained

Motion: Hess

Second: Quarto

Motion passed with Ms. Miller abstaining due to internet problems

P.O. Collier #237

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Hess

Second: Quarto

Motion passed with Ms. Miller abstaining due to internet problems

Sgt. Goines #9215

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Hess

Second: Quarto

Motion passed with Ms. Miller abstaining due to internet problems

- f. 2020-0274: Hopper. Complainant was present. On December 23, when we got stopped, he gave us a slip, but the Detective says that he didn't give us nothing. He also said that he took the \$2700 there, the cell phone, and the hat. The last time that this case went before the review board, it was said that there wasn't any marijuana in the car on this date, December 23, 2020. There was no marijuana – nothing on that receipt. He got stopped for running a stop sign and like the review board said, six months ago, we were entitled to – he could have his money in his pocket. He went to court and the judge ended up throwing it out because he ended up getting his driver's license by showing his proof of insurance. So why can't we get our – my- money back? That money was supposed to have been used for us to go to Atlanta. No drugs were in the car, no gun was in the car on December the 23rd. And then the review board said – whoever was running the review board, because I watched it, said he had a right to have money in his pocket and you should not be robbing him. When are we going to get our money back? He's got a thousand cases – he's always under investigation. But on this date, December 23rd, he had nothing. We were on our way to Atlanta, Georgia. And we just get robbed for that?**

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Every time he gets stopped by police? They can just rob us? It doesn't make any sense. We're talking about December 23rd - he got a thousand cases – we're talking about this date, December 23rd. I should be entitled to get my money back. This is ridiculous. And I'm done.

Sgt. Johnson #9224

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Hess

Second: Quarto

Motion passed with Ms. Hardy abstaining due to internet problems

Sgt. Mobley #9228

Allegation: Improper Procedure

Recommendation: Exonerated

Motion: Hess

Second: Quarto

Motion passed with Ms. Hardy abstaining due to internet problems

Det. Correa #2585

Allegation: Improper Procedure

Recommendation: Exonerated

Motion: Hess

Second: Quarto

Motion passed with Ms. Hardy abstaining due to internet problems

g. 2021-0006: May

P.O. Robinson #408

Allegation: Lack of Service

Recommendation: Sustained

Motion: Quarto

Second: Hardy

Motion passed

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Mountcastle

Motion passed

h. 2021-0043: Starr

P.O. Combs #1668

Allegation: Improper Tow
Recommendation: Exonerated
Motion: Gatian
Second: Hardy
Motion passed

Allegation: Improper Crushing
Recommendation: Exonerated
Motion: Gatian
Second: Hardy
Motion passed

i. 2021-0086: Ware

Det. Freehoffer #359

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

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

j. 2021-0145: Jeffries

P.O. Laird #1290

Allegation: Excessive Force
Recommendation: *****Investigation tabled until next meeting due to missing video*****

k. 2021-0155: Dorsey

P.O. Buccini #2130

Allegation: Lack of Service
Recommendation: Sustained
Motion: Hess
Second: Hardy
Motion passed

Safety Telephone Operator Maehler #320

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

l. 2021-0277: Bush

P.O. Santoferraro #2458

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

Allegation: Improper Search
Recommendation: Exonerated
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Gatian
Second: Mountcastle
Motion passed

P.O. Germaine #1606

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Gatian

Second: Mountcastle

Motion passed

- m. **2021-0282: Gray.** Complainant and her advocate are present. Honestly the responding officers were abrasive towards me, and that has affected me still to this day. I felt like I was treated like a criminal when I was calling for help. I am not the type of person to end up in that type of situation, and at the time I didn't know what was going on, and I feel like if the officers were in the least bit trauma informed, then maybe this wouldn't have been such a huge thing. But Detective Adkins' treatment of me - there were times over the phone where she would say, 'I don't have evidence that you were raped,' and 'This isn't NCIS, I can't give you an update when I don't have any.' When this happens to you and you're seeking justice, and you're calling that phone number and it's the only person that can help you and they're saying these things to you, it's mentally traumatizing. You know, you turn to the police department and you turn to your detectives because they're supposed to protect you - if this were to ever - and hopefully not - happen to me again in the City of Cleveland, I don't know if I would even report it. With me is my victim's advocate, Renee, and she would like to say something as well.

Hi, my name is Renee Zellers and I am victim advocate, specialization in general cases as well as cold cases. Danielle has been working with us ever since this has happened. She has been in our therapy and she, alongside myself and a previous victim's advocate who is no longer with the agency, has worked alongside with us as we've figured out what's going on with her case. This is not surprising from Detective Adkins, because there are also other previous cases that are being reviewed. The fact of the matter is that Detective Adkins has a history of mistreatment of survivors. This is not something that is ordinary or surprising to our agency. The way that we see it is that it's understandable why a lot of survivors do not want to come forward, especially in Cuyahoga County and Cleveland because a lot of these detectives are not trauma informed. They say things that are not necessarily needed in that time when a survivor is going through something detrimental and traumatic like that, and it's been known for many times that survivors especially come to us because they do not feel comfortable coming out and being around these detectives and speaking about what happened to them. So even though there's not 'quote, unquote' sufficient enough evidence to prove Detective Adkins or anyone did any of these things, we have a history and we also have documentation that shows many of times Detective Adkins had been abrasive, been aggressive, and also been dismissive of many of our cases. So, I appreciate you guys hearing our claim and trying to decide what's going on, but of course a lot of these detectives are going to know and understand how these civilian boards run, and a lot of times they're not going to put sufficient enough evidence to say that they did these things. Have a wonderful day.

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P.O. Singh #1381

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Hess

Second: Quarto

Motion passed

P.O. Cygan #1329

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Hess

Second: Quarto

Motion passed

Det. Adkins #1336

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Hess

Second: Quarto

Motion passed

Ms. Zellers had additional statements after the Board decision: If it was a thorough investigation, why did it end up going to the cold case unit instead. I understand her doing her due diligence, and even if she didn't find anything or find any information, she could have also expressed that under Marcy's Law. The survivor has the right to learn what's going on in her investigation. There were periods of times where Danielle would actually reach out to Adkins and Adkins would not respond. And what is this saying to other survivors who have interactions with not just Adkins, but any other police department or police person and CPD, especially sexual assault survivors, on the fact of your unwillingness to not understand that it was a traumatic experience, and this detective was out of line? How does that correlate? My thing is this: If this was me, I personally would not have worked with her, and I would not have come to this whole panel, because what it seems to me is that we are dismissing the actions of a person that, even though you're not going to include her history, I think that should be a consideration, because this is an on-going thing, this is a pattern with this woman. So the fact that this woman, who is a survivor, saw a female detective, knowing that this detective was going to do her due diligence and failed her is an aspect of failure to a lot of survivors when they interact with Adkins.

n. 2021-0302: Reyes

Det. Reddy #1188

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Gatian

Second: Miller

Motion passed

o. 2021-0312: Shaw

P.O. Munko #1159

Allegation: Unprofessional Conduct / Failure to Provide Badge Number

Recommendation: Sustained

Motion: Hardy

Second: Mountcastle

Motion passed

p. 2021-0318: Perry

P.O. Crowell #108

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Gatian

Second: Mountcastle

Motion passed with Ms. Hardy abstaining due to a conflict of interest

Sgt. Urbania #9207

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Gatian

Second: Mountcastle

Motion passed with Ms. Hardy abstaining due to a conflict of interest

Lt. Ross #8492

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Gatian

Second: Mountcastle

Motion passed with Ms. Hardy abstaining due to conflict of interest

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VII: REVIEW OF DIRECTOR DECISIONS

2020-0085: McCree-Wilson

Chairperson Hess moved that the Law Department investigate whether or not the Board has the power to do what Mr. Hammons asked – to overturn the decision of the Director. Chairperson Hess also requested that OPS prepare a statement on their position with this investigation, and to keep the Board updated with the status of this next month. Motion seconded by Mr. Gatian, motion passed.

XII. ADJOURNMENT

Motion to adjourn the meeting made by Mr. Gatian and seconded by Ms. Hardy. Meeting adjourned.