CIVILIAN POLICE REVIEW BOARD
OFFICE OF PROFESSIONAL STANDARDS
July 14, 2020
MEETING MINUTES

I. CALL TO ORDER – 10:05
Michael Graham, Chairperson
Chairperson Graham

II. ROLL CALL

CPRB MEMBERS
ATTENDANCE
Michael Graham, Chair
Ashley Mostella, Vice Chair
Michael Hess
Roz Quarto
Mary Clark
Ken Mountcastle
David Gatian
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF
ATTENDANCE
Roger Smith, Administrator
Barbara Williams-Bennett, Investigator
Julie Delaney, Investigator
Vincent Furnari, Investigator
Kevin Wynne, Investigator
Eric Richardson, Investigator
Anitra Merritt, 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

VIII. POLICY UPDATES

IX. COMMITTEE REPORTS

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ADJOURNMENT

Next Meeting: August 11, 2020 at 10:00 am
III. APPROVAL OF MINUTES

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

Last month I speculated that if the Minneapolis OPRC had had the expanded authority and independence enabling it to review and make recommendations concerning the police department’s policies, including the use of force policy, a tragic situation could have been avoided. Strengthening the police oversight system through expanded authority and independence is critical, but so is guaranteed funding.

I’ve spoken in the past about a model of funding that is tied to the police department’s non-capital budget. There has been some confusion concerning this model that I would like to clarify today. This model does not take money away from the police budget and give it to the oversight system. This model is not similar to the “defund the police” effort that is currently being discussed here and throughout the country.

For the oversight system, and I include OPS, CPRB, and the Community Police Commission, to be free from political manipulation that could otherwise weaken it, its funding must be secure and efficiently robust. Otherwise, a hostile administration could deprive the components of the system to perform its duties by simply cutting its funding. To insulate the system from cuts to funding due to politically unpopular decisions, the system’s budget should be tied to a fixed percentage of the police department’s non-capital budget. Thus, if the police department’s operating budget increases due to the hiring of additional police officers, so will the system’s budget and staff, and the opposite will happen if the police department lays off officers. The percentage of a police department’s budget committed to the system should be fixed by law. That percentage must be enough to cover the hiring of professional staff to run the operations, including an executive director, investigators, attorneys, and analysts to audit departmental policies and practices. The budget should also be enough to fund accessible office locations and hours, outreach, and public education materials.

For example – let’s say the percentage to fund the above is determined to be 2% of the current police budget. Cleveland’s current police budget is $218 million, and, based on the 2%, this would generate a little over $4 million for the oversight system. This would require the city to provide revenue in the amount of $220 million for the current year.

This can happen in Cleveland. All it takes is the political will of the people, City Council, and the Mayor.
V. PRESENTATION OF INVESTIGATIONS

a. 18-133: Harris

P.O. Russo #231

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passes with one opposed and one abstention

P.O. Halkiadakis #2583

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passes with one opposed and one abstention

Sgt. Ross #9024

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passes with one opposed and one abstention

Det. Habeeb #381

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

Lt. Cutlip #8476

Allegation: Retaliation
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passes with one abstention
P.O. Sowders #1103

Allegation: Improper Procedure
Recommendation: Unfounded
Motion: Graham
Second: Quarto
Motion passes with one abstention

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Graham
Second: Mostella
Motion passes with one opposed and one abstention

b. 19-040: Stanton

P.O. Charney #1700

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Graham
Second: Gatian
Motion passes

P.O. Judd #1545

Allegation: Excessive Force
Recommendation: Exonerated
Motion: Graham
Second: Quarto
Motion passes with one opposed

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

Allegation: Failure to Generate Crisis Intervention Stat Sheet
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passes
Allegation: Failure to Generate a Use of Force Report  
Recommendation: Sustained  
Motion: Graham  
Second: Quarto  
*Motion passes with one abstention*

P.O. Pierse #191

Allegation: Excessive Force  
Recommendation: Exonerated  
Motion: Graham  
Second: Quarto  
*Motion passes with one opposed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Graham  
Second: Mostella  
*Motion passes*

Allegation: Failure to Generate Crisis Intervention Stat Sheet  
Recommendation: Sustained  
Motion: Graham  
Second: Quarto  
*Motion passes*

Allegation: Failure to Generate a Use of Force Report  
Recommendation: Sustained  
Motion: Graham  
Second: Quarto  
*Motion passes with one abstention*

d. **19-128: Hasan**

P.O. Brody #153

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Graham  
Second: Mostella  
*Motion passes*
e. 19-163: Brown

Dispatcher Rice #89

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Graham  
Second: Gatian  
*Motion passes*

f. 19-210: Thomas

Sgt. Koney #9231

Allegation: Unprofessional Conduct  
Recommendation: Insufficient Evidence  
Motion: Graham  
Second: Quarto  
*Motion passes with one opposed*

P.O. Munson #1297

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

Allegation: Improper Stop  
Recommendation: Exonerated  
Motion: Graham  
Second: Quarto  
*Motion passes*

P.O. Nezbeth #1850

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Graham  
Second: Mountcastle  
*Motion passes*

Allegation: Improper Stop  
Recommendation: Exonerated  
Motion: Graham  
Second: Quarto  
*Motion passes*
g. 19-213: Riley

P.O. Velazquez #307

Allegation: Unprofessional Conduct
Recommendation: **Case returned to OPS for review for an Administrative Dismissal**

h. 20-016: Gubanich. Complainant was present. Complainant stated that there was incorrect signage where he parked his vehicle, which subsequently caused his vehicle to be towed. Complainant stated that the officer issuing the parking citations did not read the signs stating that vehicles should not be towed, because per the sign, vehicles were allowed to park there. Complainant also stated that he was informed that temporary signs override permanent signs, and that in the City of Cleveland, parking is free is weeknights after 6 and free on the weekends.

P.O. Pesta #576

Allegation: Improper Tow
Recommendation: **Case returned to OPS for further investigation**

i. 20-049: McIntyre

P.O. Woods #1989

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Graham
Second: Gatian
Motion passes

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

Allegation: WCS Violation
Recommendation: Sustained
Motion: Graham
Second: Mountcastle
Motion passes
VII (A). REVIEW OF CHIEF DECISIONS

16-008: CPRB accepted the Chief’s decision.
16-127: CPRB accepted the Chief’s decision.
18-205: CPRB accepted the Chief’s decision.
19-070: CPRB accepted the Chief’s decision.
19-151: CPRB accepted the Chief’s decision.

XII. ADJOURNMENT
Meeting adjourned at 14:45 hours.