

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

July 14, 2020

**MEETING MINUTES**

**I. CALL TO ORDER – 10:05**

**Michael Graham, Chairperson**

**II. ROLL CALL**

Chairperson Graham

**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*

**c. 19-076: Abkemeier-Buehner**

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*

Allegation: Use of Force  
Recommendation: Insufficient Evidence  
Motion: Graham  
Second: Mountcastle  
*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.