

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

August 10, 2021

**MEETING MINUTES**

**I. CALL TO ORDER – 10:04**

**Michael Graham, Chairperson**

**II. ROLL CALL**

Chairperson Graham

**CPRB MEMBERS**

**ATTENDANCE**

Michael Graham, Former Chair  
Michael Hess, New Chair  
Ashley Mostella, Former Vice-Chair  
David Gatian, New Vice-Chair  
Mary Clark  
Ken Mountcastle  
Chenoa Miller  
Gerri Butler, Staff Counsel  
LeeAnn Hanlon, Secretary

**OPS STAFF**

**ATTENDANCE**

Spyridon Kodellas, Research Analyst  
David Hammons, investigator  
Julie Delaney, Investigator  
Art Bowker, Investigator  
Keith Oliver, Investigator  
Kevin Wynne, Investigator  
Art Bowker, Investigator  
Anitra Merritt, Investigator  
Eric Richardson, 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**

**VIII. POLICY UPDATES**

**IX. COMMITTEE REPORTS**

**X. UNFINISHED BUSINESS**

**XI. NEW BUSINESS**

**A. CPRB CHARTER AMENDMENT**

**B. OFFICER ELECTIONS**

**XII. ADJOURNMENT**

Next Meeting Date: Tuesday, September 14, 2021, 10:00 am

**III. APPROVAL OF MINUTES**

Mr. Graham 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 –

Congratulations to Mr. Hess and Mr. Gatian. Thanks a lot to Mr. Graham and Ms. Mostella for your work for the past couple of years. I am actually on vacation currently and have not prepared any written comments, and I did not prepare a proper congratulations to the change in leadership. But I am at this juncture really quite impressed with the work of the Board, and I have a great deal of confidence and trust in the past years that I have been attending Board meetings that we will move forward, continue to have some challenges, and approach these challenges in a reasonable, rational, and with a preponderance of evidence of perspective.

I did want to say that the Citizens for a Safer Cleveland are beginning their campaign effort. As most of you are aware, the charter amendment has achieved enough signatures to put it on the ballot this fall, and should this issue pass, it will provide expanded authority and independence to the Civilian Police Review Board and provide overall police oversight to the Cleveland Community Police Commission, as well as other elements of this charter amendment. So, we are looking forward to a successful campaign and are looking forward to having this issue passed, and then getting to work on getting it implemented once that happens. Thank you for having me.

## V. PRESENTATION OF INVESTIGATIONS

- a. **20-021: Wang.** Complainant was present. Complainant stated that she called the police that night for help but Officers Mitchell and Flannery did everything possible to avoid taking a report. Complainant worries that other women and minorities will face similar barriers getting their stories recorded by members of the Cleveland Police. After a year in which we have witnessed rampant anti-Asian hate throughout the country, the Complainant does not feel equally protected by the Cleveland Police. Indeed, how could she, when a member of the once referred to the Complainant with the derogatory term “oriental” on a traffic ticket? When the Complainant publicly commented on this to union president Steve Loomis, he did nothing. After explaining her history with her landlord, the officers, instead of a making a report as the Complainant requested, spent nearly an hour trying to minimize and explain away every harassing action taken by her landlord. The officers told the Complainant that sexual harassment really only applies to the workplace, and that it did not apply to her situation. It was only when a sergeant was called out that the officers finally generated a report. This ordeal took nearly an hour and was witnessed by her boyfriend, a union firefighter. Sometime later, the Complainant followed up to get the body camera footage and ended up speaking with Sgt. Ross. Instead of helping her, Sgt. Ross sarcastically stated to her that “you think everyone has wronged you; you think there is a conspiracy against you.” Sgt. Ross then claimed that the DoJ Consent Decree was unfair to him and the police, because no police department is perfect. Sgt. Ross did to the Complainant what Officers Mitchell and Flannery did to the Complainant. There appears to be culture of not listening to the public, especially women and minorities, and not taking their suffering and fear seriously. This type of culture needs to change for the people of Cleveland to feel safe.

### **P.O. Flannery #1296**

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Hess  
Second: Clark  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Gatian  
Second: Hess  
*Motion passed with Ms. Clark opposed*

Allegation: Biased Policing  
Recommendation: Unfounded  
Motion: Clark  
Second: Gatian  
*Motion passed with Mr. Graham, Ms. Mostella, and Mr. Mountcastle opposed*

**P.O. Mitchell #724**

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Hess  
Second: Clark  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Gatian  
Second: Hess  
*Motion passed with Ms. Clark opposed*

Allegation: Biased Policing  
Recommendation: Unfounded  
Motion: Clark  
Second: Gatian  
*Motion passed with Mr. Graham, Ms. Mostella, and Mr. Mountcastle opposed.*

**Sgt. Ross #9024**

Allegation: Unprofessional Conduct  
Recommendation: Insufficient Evidence  
Motion: Graham  
Second: Gatian  
*Motion passed*

Allegation: Biased Policing  
Recommendation: Insufficient Evidence  
Motion: Graham  
Second: Mountcastle  
*Motion passed*

**b. 20-087: Mustafa**

**P.O. McCoy #531**

Allegation: Improper Stop/Detention  
Recommendation: Exonerated  
Motion: Graham  
Second: Clark  
*Motion passed*

**Sgt. Katynski #932**

Allegation: Improper Stop/Detention  
Recommendation: Exonerated  
Motion: Graham  
Second: Clark  
*Motion passed*

**c. 20-099: Sheets**

**P.O. Johnson #305**

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Graham  
Second: Mostella  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Hess  
Second: Miller  
*Motion passed with Mr. Gatian abstaining*

**Sgt. Walker #9234**

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Graham  
Second: Mountcastle  
*Motion passed*

**d. 20-207: White**

**P.O. Sherlock #1569**

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Hess  
Second: Gatian  
*Motion passed with Ms. Mostella opposing*

**P.O. Januszewski #807**

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Hess  
Second: Gatian  
*Motion passed with Ms. Mostella opposing*

**e. 20-236: Perkins**

**P.O. Crane #2108**

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Hess  
Second: Miller  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Hess  
Second: Miller  
*Motion passed*

**P.O. Johnson #595**

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Hess  
Second: Graham  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Hess  
Second: Graham  
*Motion passed*

**f. 20-268: Brown**

**P.O. Rees #193**

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Graham  
Second: Clark  
*Motion passed with Mr. Hess abstaining*

**P.O. Andrekovic #1929**

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Graham  
Second: Clark  
*Motion passed with Mr. Hess abstaining*

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Graham  
Second: Mountcastle  
*Motion passed with Mr. Hess abstaining*

**g. 21-026: Anonymous**

**P.O. Dunn #2563**

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Hess  
Second: Graham  
*Motion passed*

**h. 21-056: Savacool**

**Det. Randolph #2372**

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Hess  
Second: Graham  
*Motion passed*

**i. 21-060: Klein**

**P.O. Romain #2409**

Allegation: Unprofessional Conduct  
Recommendation: Insufficient Evidence  
Motion: Hess  
Second: Mostella  
*Motion passed*

Allegation: Damaged Property  
Recommendation: Insufficient Evidence  
Motion: Hess  
Second: Gatian  
*Motion passed*

Allegation: Unauthorized Secondary Employment  
Recommendation: Sustained  
Motion: Hess  
Second: Graham  
*Motion passed*

- j. **21-065: Jones. Complainant was present. Complainant is an officer with the City of Cleveland. Complainant was on his way to Gateway Animal Clinic – his dog was having a medical emergency. Complainant was coming down West 19<sup>th</sup> Street along Abbey Avenue when – the officer said he didn't stop, but the Complainant did stop at the stop sign – the officer was facing in a different direction than the Complainant at the time. Complainant stated the officer decided to turn around, walk to his vehicle, block him in – the Complainant wasn't free to leave and wasn't free to get out of his car – while his dog was in the back and he was trying to get his dog to the clinic. At this time, the officer approached the Complainant's vehicle and was very unprofessional – he never introduced who he was, and never even told him what the violation was. Upon being there, the Complainant observed that the officer did not have a WCS – that's one of the policy violations of the Cleveland Division of Police – Complainant personally knows that you are to wear your body camera, and the officer failed to do that. While the on the stop, the officer asked him for his driver's license, and the Complainant presented his license to him. The officer asked the Complainant why he was doing this and asking questions that did not pertain to the traffic stop. The Complainant advised the officer that he was a Cleveland police officer as well, this officer told him that he had 27 years of experience and his years of experience didn't mean anything. The Complainant's spouse was also in the vehicle and very irate as to what was going on and by how the officer was treating them. Complainant explained to the officer that this was an improper stop, and the officer proceeded to ask the Complainant what district he was in, and the Complainant asked him why it mattered what district he was in. Complainant stated that the officer threw his driver's license into the vehicle, and he looked in his rearview mirror and noticed that the officer had not activated his emergency beacons. The officer did not call radio. Once the encounter was over, the Complainant immediately went to the Second District and spoke with the OIC there, and the OIC called Lt. Mike Bentley downstairs for him to speak with him. Complainant met with Lt. Bentley, and he wasn't wearing his WCS. There was no letting the Complainant know what to do in this case, it was more kind of trying to talk him out of it, but the Complainant told him that officers needed more accountability and that the behavior was completely unacceptable for members of the department.**

**P.O. Burkhardt #69**

Allegation: Improper Stop  
Recommendation: **\*\*Case tabled due to jurisdiction concerns\*\***



Allegation: WCS Violation  
Recommendation: **\*\*Case tabled due to jurisdiction concerns\*\***

Allegation: Unprofessional Conduct  
Recommendation: **\*\*Case tabled due to jurisdiction concerns\*\***

**Lt. Betley #8513**

Allegation: WCS Violation  
Recommendation: **\*\*Case tabled due to jurisdiction concerns\*\***

**k. 21-068: Reynolds**

**P.O. Wells #556**

Allegation: Improper Procedure  
Recommendation: Sustained  
Motion: Graham  
Second: Miller  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Graham  
Second: Miller  
*Motion passed*

**l. 21-069: Clements**

**P.O. Walter #1683**

Allegation: Lack of Service  
Recommendation: Unfounded  
Motion: Hess  
Second: Graham  
*Motion passed*

**m. 21-075: Dix**

**P.O. Doerner #2181**

Allegation: Lack of Service  
Recommendation: Sustained  
Motion: Hess  
Second: Miller  
*Motion passed*

**n. 21-084: Strickland**

**P.O. Kozma #566**

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Hess  
Second: Graham  
*Motion passed*

**P.O. Simmerly #1062**

Allegation: Lack of Service  
Recommendation: Exonerated  
Motion: Hess  
Second: Graham  
*Motion passed*

**o. 21-124: Harris**

**P.O. Smith #1615**

Allegation: Unprofessional Conduct  
Recommendation: Sustained  
Motion: Hess  
Second: Mountcastle  
*Motion passed with Mr. Graham abstaining*

Allegation: Improper Stop  
Recommendation: Sustained  
Motion: Hess  
Second: Miller  
*Motion passed with Mr. Graham abstaining*

Allegation: Improper Citation  
Recommendation: Sustained  
Motion: Hess  
Second: Miller  
*Motion passed with Mr. Graham abstaining*

**p. 21-134: Bright**

**P.O. Pettry #353**

Allegation: Improper Arrest  
Recommendation: Exonerated  
Motion: Hess  
Second: Graham  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Hess  
Second: Graham  
*Motion passed*

**P.O. Castiglione #261**

Allegation: Improper Arrest  
Recommendation: Exonerated  
Motion: Hess  
Second: Graham  
*Motion passed*

Allegation: Unprofessional Conduct  
Recommendation: Unfounded  
Motion: Hess  
Second: Graham  
*Motion passed*

**VII (A). REVIEW OF CHIEF DECISIONS**

**20-028:** CPRB moved to appeal the Chief's departure to Safety Director Howard.

**20-073:** CPRB moved to appeal the Chief's departure to Safety Director Howard.

**XI. NEW BUSINESS**

(A) Mr. Graham made a motion to approve the Charter amendment. Motion seconded by Mr. Gatian. Motion passes and the amendment was adopted.

(B) Mr. Graham moved to entertain motions for nominations for a member to serve as Chair. Mr. Gatian moved to nominate Mr. Hess as the new Chair, Mr. Graham seconded the motion, and Mr. Hess accepted the nomination. All members unanimously voted for Mr. Hess as the new Chair.

**(C)** Mr. Graham entertained the motion for a nomination for a member to serve as Vice-Chair. Mr. Graham moved to nominate Mr. Gatian as the new Vice-Chair, Mr. Mountcastle seconded, and Mr. Gatian accepted the nomination. All members unanimously voted for Mr. Gatian as the new Vice-Chair.

**XII. ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Gatian. Motion was seconded by Mr. Hess, and the meeting adjourned at 2:15 pm.