



CIVILIAN POLICE REVIEW BOARD OFFICE OF PROFESSIONAL STANDARDS

August 13, 2019
MEETING MINUTES

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|---|---|
| I. CALL TO ORDER – 10:15 | Roslyn Quarto, Chairperson |
| II. ROLL CALL | Chairperson Quarto |
| <u>CPRB MEMBERS</u> | <u>OPS STAFF</u> |
| ATTENDANCE
Roz Quarto, Chair
Stephanie Scalise, Vice Chair
Michael Graham
Ken Mountcastle
Mary Clark
Michael Hess
Ashley Mostella
Ernest Turner
David Gatian
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary | ATTENDANCE
Roger Smith, Administrator
George Coulter, General Manager
Henry Roney, Senior Investigator
Spyridon Kodellas, Research Analyst
Kevin Wynne, Investigator
Anitra Merritt, Investigator
Art Bowker, Investigator
Vincent Funari, Investigator
David Hammons, Investigator
Julie Delaney, Investigator
Eric Richardson, Investigator
Barbara Williams-Bennett, Investigator |
| III. APPROVAL OF MINUTES | |
| IV. PUBLIC COMMENT | |
| V. PRESENTATION OF INVESTIGATIONS | |
| VI. HILLARD HEINTZE CASES | Roger Smith |
| VII. ANNOUNCEMENTS AND COMMUNICATIONS | |
| VIII. OPS REPORT
A. REVIEW OF CDP DISCIPLINARY DECISIONS
B. REVIEW OF DIRECTOR DECISIONS | |
| X. POLICY UPDATES | |
| XI. COMMITTEE REPORTS | |
| XIII. NEW BUSINESS | |
| XIV. ADJOURNMENT | |



III. APPROVAL OF MINUTES

Ms. Quarto made a motion to approve the minutes. Motion was seconded by Ms. Clark. Motion passes.

IV. PUBLIC COMMENT – Ms. Quarto reminds every one of the three (3) minute time limit

Dave Lima, SURJ

Building and sustaining an effective civilian police review board to oversee police officer conduct concerns us all. A recent review conducted by Udi Ofer, Executive Director of the ACLU of New Jersey, found that of the 50 largest police departments, only 6 civilian review boards have some form of disciplinary authority, and only 9 are led by a majority of non-mayoral, non-council nominees. This may account for why, according to a USA Today and Pew Research Center poll conducted in 2014, only 46% of Americans believe that police officers are held accountable for wrongdoing. Most civilian review boards serve only in an advisory role. Because of the lack of authority and resources, most civilian review boards are still seen as ineffective and possibly even rigged to fail in their mission.

One suggestion offered in the review would be to have the Chief bound by the Board's findings and adjudication decisions, including the Board's disciplinary matrix group level designation, but have discretion within the group level designated. There would be a right to appeal the decision of the Board, should the Chief believe that a clear error was made during the investigation. Having this degree of independence from the Cleveland Division of Police would enhance authority and impact the community's view that police officers are held accountable for their wrongdoing. A fixed budget for OPS and the CPRB tied to a percentage of the non-capital budget of the police department would also have a positive effect on sustainability.

Additionally, Board independence, separating it from the police department along with the authority to monitor systemic problems within the department, would enhance effectiveness and impact the community's view that police officers can and will be held accountable for misconduct. And finally, Board membership that is led by a majority of non-mayoral, non-council nominees, selected from well-established community groups, would improve the community's view of the oversight process. These changes could be incorporated in existing ordinances that provide for Cleveland's oversight system.

I would like to comment on the upcoming selection of Board members and the change in Board leadership. I have been impressed with the way hearings are conducted and the sensitivity that is afforded to complainants who are present for their hearing. The courtesy extended to the complainants is most obvious when I see patience,

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understanding and compassion demonstrated consistently throughout the hearing process. Of course, this is and must be balanced by Board decisions based on common sense and a firm resolve to follow the facts. In my opinion, an effective Board member must maintain an open mind in each and every case and exercise tactfulness throughout the hearing, especially in the presence of a complainant. How hearings are conducted play an important role in how the community views the oversight process.

V. PRESENTATION OF INVESTIGATIONS

a. 18-037: Edwards

P.O. Lieb #1286

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Clark

Motion passes with one abstention

Det. White #1830

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes with one abstention

Sgt. Gomez #9135

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Gatian

Motion passes with one abstention



- b. **18-067: Josso. Complainant is present. Complainant stated that officers take an oath to protect and serve, but that night, in the pizza shop, the Complainant actually protected and the Complainant had to call 911 to attempt to help the officer. The officer also used a racial slur when speaking with the Complainant's son-in-law, and acted inappropriately while in the pizza shop.**

P.O. Ortiz #2178

Allegation: Harassment
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Quarto
Second: Gatian
Motion passes

Allegation: Biased Policing
Recommendation: Sustained
Motion: Quarto
Second: Clark
Motion passes

- c. **18-111: Collier. Complainant is present. Complainant stated that she has had to fight to get her daughter's sexual assault case re-opened, and that the officers have not provided her with the information she requested. Complainant also stated that she is being harassed by the officer, who is the cousin of the alleged suspect in her daughter's case.**

Det. Graves #2225

Allegation: Harassment
Recommendation: Insufficient Evidence
Motion: Graham
Second: Clark
Motion passes



Det. Tusing #2307

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Turner

Sgt. Ciritovic #9107

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Graham
Second: Gatian

d. 18-126: Rhoades

P.O. Troutman #676

Allegation: Improper Arrest/Citation
Recommendation: Exonerated
Motion: Scalise
Second: Mostella
Motion passes

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Scalise
Second: Clark
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Scalise
Second: Turner
Motion passes

Allegation: GPO Violation
Recommendation: Sustained
Motion: Scalise
Second: Quarto
Motion passes



e. 18-151: Payton

P.O. Sheppard #7065

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Gatian

Second: Quarto

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Gatian

Second: Quarto

Motion passes

- f. 18-181: Jones. Complainant is present. Complainant stated that she and her husband have been neighbors with P.O. Levert for over 10 years, which is how long they have had their dog. The Complainant also stated that their dog is an indoor dog. The Complainant stated that their dog is inside the house when they are at work. The Complainant stated neither she nor her husband were home when P.O. Levert issued them citations for their dog being outside and being a nuisance, which the Complainant feels is an abuse of power.**

P.O. Levert #2255

Allegation: Improper Citation

Recommendation: Sustained

Motion: Scalise

Second: Quarto

Motion passes

Allegation: Duty Report Violation

Recommendation: Sustained

Motion: Scalise

Second: Clark

Motion passes



g. 18-222: Goldston

P.O. Harper #2547

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Quarto

Second: Scalise

Motion passes

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Hess

Motion passes with one opposed

P.O. Dzuiba #785

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Quarto

Second: Scalise

Motion passes

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Clark

Motion passes with one opposed

h. 19-015: Shelton

P.O. Floyd #514

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes



i. 19-020: Pierce

Sgt. Schneider #9237

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes

Allegation: Improper Detainment
Recommendation: Exonerated
Motion: Quarto
Second: Mostella
Motion passes

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

P.O. Simmerly #1062

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Scalise
Motion passes

P.O. Stevens #2423

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes



P.O. Perkarski #512

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Mountcastle
Motion passes

P.O. Doctor #2257

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Hess
Motion passes

P.O. Jones #1334

Allegation: Excessive Force
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes

P.O. Blade #1129

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



j. 19-022: Johnson

P.O. Schinke #2448

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Damaged Property
Recommendation: Unfounded
Motion: Quarto
Second: Mountcastle
Motion passes

Allegation: Improper Procedure (Cell)
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Turner
Motion passes

Allegation: Improper Procedure (Rights)
Recommendation: Exonerated
Motion: Quarto
Second: Turner
Motion passes

P.O. Lewis #2054

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Damaged Property
Recommendation: Unfounded
Motion: Quarto
Second: Scalise
Motion passes



Allegation: Improper Procedure (Cell)
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes

Allegation: Improper Procedure
Recommendation: Exonerated
Motion: Quarto
Second: Clark
Motion passes

- k. 19-031: Krasnow. Complainant is present. Complainant stated that the detective did not keep him apprised of all of the steps he took in his investigation, and that he wasn't even aware that the detective got a subpoena for the bank.**

Det. Daugenti #1933

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Scalise
Second: Mostella
Motion passes with one opposed

- I. 19-071: Strickland**

P.O. Jarrell #2076

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

P.O. Meadows #2486

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



Dispatcher Kelley #112

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Scalise

Motion passes

m. 19-073: Binion

P.O. Torres #2493

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Graham

Second: Scalise

Motion passes

n. 19-075: Ayres

P.O. Dunn #2563

Allegation: Improper Citation

Recommendation: Exonerated

Motion: Graham

Second: Clark

Motion passes

Allegation: Harassment

Recommendation: Unfounded

Motion: Graham

Second: Turner

Motion passes

o. 19-086: Schauer

Det. McNeeley #2217

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Graham

Second: Hess

Motion passes

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p. 19-089: Eggleston

P.O. Hayden #600

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Scalise
Motion passes

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

VI. HILLARD HEINTZE CASES – Ms. Quarto makes a motion that the recommendations of the HH Cases be accepted by the Board. Motion seconded by Ms. Scalise, motion passes. The Board accepted the HH recommendations for the following cases:

- 15-028
- 15-118
- 15-177
- 16-206
- 17-065
- 17-070
- 17-083

17-108: Johnston. Complainant was present. Complainant stated that he was never interviewed by HH . Complainant stated that he was arrested in his underwear, and he told the officers that the cuffs were too tight on his wrists and he needed them loosened. The Complainant also stated that he was never read his Rights, and that he was falsely arrested because when he appeared in court the next day, the judge signed his arrest warrant in front of him. The Complainant further stated that he had to have surgery on his shoulder from the injuries that he sustained from being arrested. The Complainant stated that he disagreed with the recommendations of HH.

The Board voted to send this case back to Hillard Heintze so that Hillard Heintze could interview the Complainant. The Board also wants Hillard Heintze to review the Complainant's medical records to see if the Complainant did require surgery after being arrested.



IX(A). REIVEW OF CHIEF DECISIONS

- 18-102: Williams. The Board voted to appeal the Chief's decision of this case to the Safety Director.
- 18-150: Williams. The Board declined to appeal this case, and were pleased with the Chief's decision.
- 18-166: Radwan. The Board vote to appeal the Chief's decision of this case to the Safety Director.

IX(B). REVIEW OF DIRECTOR DECISION

- 18-167: Gay. The Board disagreed with Director's McGrath's final decision of the case, and voted to send a resolution that the Board stood firm by their original finding.

XII(A). CPRB VOTE

- The positions of Chair and Vice-Chair were up for election. All 9 Board members were present and participated in the vote. The Board voted:
 - o Michael Graham is the new Chair
 - o Ashley Mostella is the new Vice Chair

XIII. ADJOURNMENT

Meeting adjourned at 15:35 hours.