

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

September 14, 2021

MEETING MINUTES

I. CALL TO ORDER – 10:02

Michael Hess, Chairperson

II. ROLL CALL

Chairperson Hess

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

Roger Smith, Administrator
David Hammons, investigator
Julie Delaney, Investigator
Art Bowker, Investigator
Keith Oliver, Investigator
Kevin Wynne, Investigator
Anitra Merritt, Investigator
Eric Richardson, Investigator
Maryum Ali, Investigator
Hercules Harris, 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

B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS

VIII. POLICY UPDATES

IX. COMMITTEE REPORTS

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ADJOURNMENT

Next Meeting Date: Tuesday, October 12, 2021, 10:00 am

II. ROLL CALL

Michael Hess
Chenoa Miller (needs to leave at 12:30)
Ken Mountcastle
Mary Clark
Roslyn Quarto
Ashley Mostella (running late)

Michael Graham and Dave Gatian have excused absences

III. APPROVAL OF MINUTES

Ms. Quarto 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 –

There is much discussion in the community concerning the pros and cons of the proposed Charter amendment. Whether the amendment passes or fails in November is an open question but some issues related to police accountability persists and will impact police review boards, like ours, despite the outcome in November. These issues need serious consideration if we are to realize police accountability, with or without the changes proposed in the Charter Amendment.

Polling over the last decade indicates a favorable view of police but an unfavorable view of holding officers accountable. Three factors account for this discrepancy: failure to hold officers accountable in incidents where deadly force occurs, in day-to-day transgressions, and the failure to establish adequate accountability mechanisms within most police departments and within the jurisdictions they serve.

Eight key features are typically found in effective oversight systems. These systems are known by different names in different jurisdictions – police commissions, review boards, advisory commissions, offices of police compliance, civilian investigative panels and office of citizens' complaints. Here are the key features.

1. The majority of the Board majority should be nominated by community organizations that have an interest in the safety of the city and the civil rights of community members. The minority of board membership should be nominated by the Mayor and City Council.
2. The scope of complaints that a board reviews and adjudicates must be broad, ranging from excessive use of force to discourtesy or disrespectful behavior.
3. Independent investigative authority will determine the strength of review boards. This not only includes investigative and adjudicative authority regarding citizens' complaints submitted to the board but the ability to conduct its own investigations into matters not brought to the attention of the board by the citizenry. Subpoena power is a necessary component ensuring independence.

4. Ensuring that discipline decisions made by the Board stick, the Board's findings of fact should be binding on the head of the police department or other recognized authority with discretion permitted within the established matrices of discipline. Narrow exceptions can be made where an obvious error was made in the Board's findings of fact.
5. The authority of an oversight board should include the ability to review the underlying policies that may lead to individual rights violations. This goes beyond investigation of individual complaints and ensures the exposure of potential problems that are bigger than any one individual act of misconduct.
6. To be free from political manipulation, the Board's funding must be both secure and sufficiently robust. Fixing the Board's funding to a percentage of the police department's non-capital budget would insulate it from cuts in funding.
7. Police officers who are accused of wrongdoing must be fully protected from false accusations and must enjoy the full range of due process protections in all stages of the investigatory and disciplinary process, including the right to counsel and a hearing.
8. Public access to the complaint process, regular public meetings and quarterly and annual reporting summarizing its activities are all necessary to adequately serve the community. This will further transparency, accountability and trust in the oversight system.

V. PRESENTATION OF INVESTIGATIONS

a. 19-095: Maxwell

P.O. Sabolik #1021

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Quarto
Second: Hess
Motion passed

Allegation: Improper Search
Recommendation: Exonerated
Motion: Quarto
Second: Miller
Motion passed

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Hess
Second: Mountcastle
Motion passed

Allegation: Improper Tow
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

Allegation: Missing Property
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed with Ms. Miller opposed

P.O. Angelo #2505

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

Allegation: Improper Search
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

Allegation: Improper Tow
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

Allegation: Missing Property
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed with Ms. Miller opposed

b. 19-166: Kosarik

P.O. Strehle #658

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Graham
Second: Clark
Motion passed

c. 19-217: Ruiz-Velez

P.O. Leonardi #1965

Allegation: Improper Search
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed with Ms. Miller opposed

Allegation: Improper Stop/Detention
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed with Ms. Miller opposed

P.O. Smiley #1138

Allegation: Improper Search
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

Allegation: Improper Stop/Detention
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

P.O. Gonzalez #2001

Allegation: Improper Search
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed

Allegation: Improper Stop/Detention
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed

Allegation: Excessive Force
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed

P.O. Soros #1852

Allegation: Excessive Force
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed

d. 20-069: Nader

P.O. Sowders #1103

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Quarto
Second: Clark
Motion passed with Mr. Hess abstaining

P.O. Estergall #1986

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Mountcastle
Motion passed with Ms. Mostella and Ms. Miller opposing and Mr. Hess abstaining

e. 20-159: Denson

Det. Smith #1622

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

f. 20-191: McLoyd

Det. Cunningham #1724

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed with Ms. Clark abstaining

g. 21-005: Pendergrass

P.O. McCandless #644

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Hess
Second: Mostella
Motion passed

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

P.O. Jackson #824

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Hess
Second: Mountcastle
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Hess
Second: Clark
Motion passes

P.O. Lynch #730

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

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

Allegation: WCS Violation
Recommendation: Sustained
Motion: Hess
Second: Mostella
Motion passed

Sgt. Reilly #9145

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

h. 21-017: Bridges

P.O. Corrigan #840

Allegation: Harassment
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed

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

P.O. Schmitz #1875

Allegation: Harassment
Recommendation: Unfounded
Motion: Hess
Second: Clark
Motion passed

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

P.O. Trinh #505

Allegation: Harassment
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed

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

i. 21-027: Clark

P.O. Corrigan #840

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

j. 21-120: Barnes

P.O. Hammond #1665

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

P.O. Romain #2409

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

k. 21-139: Robertson

P.O. Brogan #491

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

l. 21-143: Hayes

P.O. McNatt #1551

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

Allegation: Missing Property
Recommendation: Sustained
Motion: Hess
Second: Mostella
Motion passed

P.O. Nagy #1252

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

Allegation: Missing Property
Recommendation: Sustained
Motion: Hess
Second: Mostella
Motion passed

m. 21-152: Fisher

Sgt. Beitel #9014

Allegation: Improper Search
Recommendation: Sustained
Motion: Hess
Second: Quarto
Motion passed

Sgt. Urbania #9207

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Hess
Second: Quarto
Motion passed

n. 21-159: Whitney

P.O. Duplaga #1288

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

o. 21-170: Link

P.O. Bellomy #2251

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Hess
Second: Quarto
Motion passed with Ms. Mostella abstaining

P.O. Blasco #755

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

P.O. Maletic #270

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

Sgt. Posante #9295

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

Lt. Tucker #8548

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

VII (A). REVIEW OF CHIEF DECISIONS

19-212: CPRB accepted the Chief's decision.

20-094: CPRB moved to appeal the Chief's departure to Safety Director Howard.

20-202: CPRB accepted the Chief's decision.

20-244: CPRB accepted the Chief's decision and declined to appeal the departure.

21-028: CPRB accepted the Chief's decision.

21-045: CPRB accepted the Chief's decision and declined to appeal the departure.

VII (B). REVIEW OF DIRECTOR DECISIONS

19-147: The CPRB disagreed with Director Howard's rationale and moved for a resolution to be written for this case.

20-135: The CPRB disagreed with Director's Howard rationale and moved for a resolution to be written for this case.

XII. ADJOURNMENT

Motion to adjourn the meeting was made by Ms. Clark. Motion was seconded by Mr. Hess, and the meeting adjourned at 2:11 pm.