

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

September 8, 2020

MEETING MINUTES

I. CALL TO ORDER – 10:08

Ashley Mostella, Vice Chairperson

II. ROLL CALL

Vice Chairperson Mostella

CPRB MEMBERS

ATTENDANCE

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

OPS STAFF

ATTENDANCE

Roger Smith, Administrator
Vincent Funari, Investigator
David Hammons, Investigator
Art Bowker, Investigator
Keith Oliver, Investigator
Kevin Wynne, Investigator
Julie Delaney, 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 –

I have reviewed the Chief's disciplinary decisions and the Director's administrative disciplinary decisions reported in the presentation of cases documents for the February 2020 through and including this month, September 2020. During this time, the Chief concurred with the Board's decision 18 times, dismissed the Board's decision 10 times, and amended the Board's decision 4 times. During that same period upon appeal, the Director concurred with the Board's decision 4 times and dismissed the Board's appeal 1 time. Director McGrath issued 2 concurring appeals, and Director Howard issued 2 concurring appeals and dismissed 1 of the appeals.

Although these decisions have been mixed, I find it encouraging. This may reflect, apart from one's individual perspective, an attempt to make decisions on the basis of fact rather than on the basis of political expediency. Even jurists with the utmost knowledge and integrity differ in the opinions.

I am encouraged that with the arrival of Karrie Howard as the Director of Public Safety, and hope that decision regarding complaints of misconduct, both from the Chief's and Director's perspectives, will continue to be made on the basis of facts gathered during the OPS investigative process, which I have been, and continue to be, impressed with. I believe a fact based process will help to build and ensure community trust of the police oversight system.

On another but related issue, I have observed a conspicuous absence of City administrative employees in attendance at these monthly meetings. I may be in error, but Chief Williams (or his designate) and Greg White to mention a few, have not been in attendance recently. This is somewhat perplexing, since virtual attendance would be quite easy. In the distant past, I remember promises were made by City officials to attend, and specifically for the Chief to attend on a quarterly basis. I am hopeful that Director Howard will re-institute the practice of having attendance required for those under his control.

Can I make one other comment? There was an article by Cleveland Magazine about the Consent Decree and the fact that it has been six years. I will try, although I am a technological novice, to post the link to that article in the chat for those of you who wish to review it. It's a very interesting article about the six years since the Consent Decree has been in place (<https://clevelandmagazine.com/in-the-cle/articles/is-the-consent-decree-enough>)

V. PRESENTATION OF INVESTIGATIONS

a. 19-019: Rodriguez

P.O. Gallagher #422

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Improper Search – Glovebox
Recommendation: Sustained
Motion: Gatian
Second: Quarto
Motion passed

Allegation: Improper Search – Pockets
Recommendation: Sustained
Motion: Gatian
Second: Quarto
Motion passed

Allegation: WCS Violation
Recommendation: Sustained
Motion: Gatian
Second: Quarto
Motion passed

b. 19-079: Bridges

P.O. Longstreet #2061

Allegation: Harassment
Recommendation: Exonerated
Motion: Mostella
Second: Clark
Motion passed

Allegation: Improper Search
Recommendation: Exonerated
Motion: Mostella
Second: Clark
Motion passed

Allegation: Bias Policing
Recommendation: Insufficient Evidence
Motion: Mostella
Second: Mountcastle
Motion passed

P.O. Lombardi #1130

Allegation: Harassment
Recommendation: Exonerated
Motion: Mostella
Second: Turner
Motion passed

Allegation: Improper Search
Recommendation: Exonerated
Motion: Mostella
Second: Mountcastle
Motion passed

Allegation: Bias Policing
Recommendation: Insufficient Evidence
Motion: Mostella
Second: Mountcastle
Motion passed

c. 19-083: Brown

P.O. Hayes #2163

Allegation: Unprofessional Conduct

Recommendation: ****Withdrawn due to missing WCS video footage****

Allegation: Failure to Provide Name/Badge

Recommendation: ****Withdrawn due to missing WCS video footage****

d. 19-087: Winfree

P.O. Danczak #1828

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Quarto

Second: Gatian

Motion passed

e. 19-096: Griffon

Sgt. Dennis #9139

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Turner

Motion passed

f. 19-104: Ratkovich

Sgt. Murphy #9286

Allegation: Lack of Service

Recommendation: Insufficient Evidence

Motion: Gatian

Second: Quarto

Motion passed

g. 19-114: Bottiglier

P.O. Johnson #2169

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Gatian
Motion passed

h. 19-183: Garrett

P.O. Rice #1886

Allegation: Lack of Service
Recommendation: Sustained
Motion: Mostella
Second: Quarto
Motion passed

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Mostella
Second: Quarto
Motion passed

P.O. Stevens #2423

Allegation: Lack of Service
Recommendation: Sustained
Motion: Mostella
Second: Quarto
Motion passed

i. 20-015: Holbrooks

P.O. Estremera #357

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

Allegation: Improper Tow
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passed

Allegation: WCS Violation
Recommendation: Sustained
Motion: Graham
Second: Quarto
Motion passed

j. 20-052: Drew

P.O. Rusnak #849

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

k. 20-014: Matthews

P.O. Lynch #730

Allegation: Failure to Provide Name/Badge
Recommendation: Unfounded
Motion: Quarto
Second: Clark
Motion passed

VII (A). REVIEW OF CHIEF DECISIONS

17-040: CPRB accepted the Chief's decision.

19-047: CPRB accepted the Chief's decision.

19-107: CPRB accepted the Chief's decision.

VII (B). REVIEW OF DIRECTOR DECISION

19-107: CPRB voted to have a resolution written affirming their sustained rationale against Sgt. Rivera #9260, and this affirmation will be read and approved at the next meeting.

XI. NEW BUSINESS

Michael Graham was nominated without opposition to remain Chairperson, and was voted in unanimously.

Ashley Mostella was nominated without opposition to remain Vice Chairperson, and was voted in unanimously.

Mr. Graham and Ms. Mostella remain the Chairperson and Vice Chairperson for the upcoming year.

XII. ADJOURNMENT

Motion to adjourn was made by Mr. Mountcastle and seconded by Mr. Gatian, and the motion passed. Meeting adjourned at 13:11 hours.