

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

August 9th, 2022

MEETING MINUTES

I. CALL TO ORDER

Michael Hess, Chairperson

II. ROLL CALL

Chairperson Hess

CPRB MEMBERS

ATTENDANCE

Michael Hess, Chair
Dave Gatian, Vice Chair
Roz Quarto
Ken Mountcastle
Ashley Mostella
Sherall Hardy
Michael Graham (connectivity issues)
Chenoa Miller (connectivity issues)
Gerri Butler, Staff Counsel

OPS STAFF

ATTENDANCE

Henry Roney, Interim Administrator
Toni Shanks, OPS Secretary
Julie Delaney, Investigator
David Hammons, Investigator
Art Bowker, Investigator
Vincent Funari, Investigator
Hercules Harris, Investigator
Anitra Merritt, Investigator
Eric Richardson, Investigator
Kevin Wynne, Investigator

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

V. NEW BUSINESS

Administrator Roney

VI. PRESENTATION OF INVESTIGATIONS

Administrator Roney

VII. OPS REPORT

Administrator Roney

A. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS

Administrator Roney

VIII. OPS REPORT

Administrator Roney

IX. POLICY UPDATES

X. COMMITTEE REPORTS

XI. UNFINISHED BUSINESS

XII. ADJOURNMENT

Next Meeting: Tuesday, September 13, 2022, at 9:00 am

III. APPROVAL OF MINUTES

Motion to approve the minutes made by Ms. Quarto. Motion seconded by Mr. Graham, and motion passed.

IV. PUBLIC COMMENT

No Public Comment

V. NEW BUSINESS

Update by Chairman Hess:

We are now working with the City and the Law Department to interview potential candidates to be the new administrator for the Office of Professional Standards, so that process is currently happening, and once the pool of candidates is whittled down a little bit, we are going to open the process up to the Board. For right now, we are just trying to whittle it down to people who we believe to be qualified for the position. So that is in the process. It's not going to be a fast process, and I hope that everybody understands it. It is something that we need to get right and take our time on, and that is where we are with that.

VI. BOARD ELECTIONS

Michael Hess: The next thing on the agenda is the elections. So the Board as two elected positions – there is a Chairman and a Vice-Chairman, and those terms run for one year. Today is election day. Gerri, if you have anything you'd like to explain on that, you can go ahead. If not, I guess the process is going to be that we will ask for nominations, and once a nomination is seconded, we will have to do a roll-call vote. It's a state law that the vote has to be that way. Is that right Gerri?

Gerri Butler: What I would say is that under Michael Graham's tenure as Board president, the law changed that you can't hold a vote that is not public facing. So, during the term we had the Board vote, and they changed the voting for the chair and the vice-chair to be roll-call votes, so the CPRB secretary, or in this case our fill-in, the lovely Ms. Pierson-Shanks, will tally up the nominations after they've been seconded and then do a roll-call vote for however many people have been nominated for each of the positions, and the roll-call vote consists of her calling the individual board members names and then their vote as to who they vote for for Chair and Vice-Chair. That's the process that was passed, gosh I want to say two years ago, maybe a year ago, I can't remember Michael Hess how we did it for yours, but it's now a roll-call vote because the amendment was approved by the judge.

Ms. Quarto made the motion to nominate Mr. Hess as Board Chair, motion seconded by Ms. Hardy. Hearing no other nominations for the position of Board Chair, the roll-call vote commenced:

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Toni Shanks: Ms. Mostella?

Ms. Mostella: Yay

Toni Shanks: Ms. Quarto?

Ms. Quarto: Yay.

Toni Shanks: Mr. Mountcastle?

Mr. Mountcastle: Yay.

Toni Shanks: Mr. Gatian?

Mr. Gatian: Yay.

Toni Shanks: Ms. Hardy?

Ms. Hardy: Yay

Toni Shanks: Mr. Hess?

Mr. Hess: Yay.

Chair Hess: Okay. Thanks everybody for your continued support. We're going to move onto the Vice-Chair position now, and I would like to nominate Dave Gatian to be the Vice-Chair. Motion was seconded by Ms. Quarto. Hearing no other nominations for the position of Vice-Chair, the roll-call vote commenced:

Toni Shanks: Ms. Mostella?

Ms. Mostella: Yay

Toni Shanks: Ms. Quarto?

Ms. Quarto: Yay

Toni Shanks: Mr. Hess?

Mr. Hess: Yay.

Toni Shanks: Mr. Mountcastle?

Mr. Mountcastle: Yay

Toni Shanks: Mr. Gatian?

Mr. Gatian: Yay.

Toni Shanks: Ms. Hardy?

Ms. Hardy: Yay.

VII. PRESENTATION OF INVESTIGATIONS

a. 2020-0256: Davy

P.O. Cole #517

Allegation: Failure to Provide Name & Badge Number

Recommendation: Unfounded

Motion: Hess

Second: Hardy

Motion passed

Sgt. Mobley #9228

Allegation: Improper Stop

Recommendation: Exonerated

Motion: Hess

Second: Quarto

Motion passed with Mr. Mountcastle opposed.

Allegation: Improper Arrest

Recommendation: Sustained

Motion: Hess

Second: Hardy

Motion passed

Allegation: Improper Search

Recommendation: Sustained

Motion: Hess

Second: Hardy

Motion passed

Allegation: Improper Seizure of Currency

Recommendation: Unfounded

Motion: Hess

Second: Hardy

Motion passed

Allegation: Improper Cell Phone Seizure

Recommendation: Sustained

Motion: Hess

Second: Hardy

Motion passed

Allegation: Failure to Provide Name & Badge Number

Recommendation: Insufficient Evidence

Motion: Hess

Second: Hardy

Motion passed

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Det. Harrington #1519

Allegation: Failure to Provide Name & Badge Number

Recommendation: Insufficient Evidence

Motion: Hess

Second: Hardy

Motion passed

Det. Shelton #2015

Allegation: Failure to Provide Name & Badge Number

Recommendation: Insufficient Evidence

Motion: Hess

Second: Hardy

Motion passed

P.O. Thomas #1822

Allegation: Failure to Provide Name & Badge Number

Recommendation: Unfounded

Motion: Hess

Second: Hardy

Motion passed

Det. Thomas #1744

Allegation: Failure to Provide Name & Badge Number

Recommendation: Insufficient Evidence

Motion: Hess

Second: Hardy

Motion passed

Det. Zone #1285

Allegation: Improper Search

Recommendation: Sustained

Motion: Hess

Second: Hardy

Motion passed

Allegation: Improper Seizure of Currency

Recommendation: Unfounded

Motion: Hess

Second: Hardy

Motion passed

b. 2020-0264: Moncrief

P.O. Callahan #133

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

P.O. Bellanca #1858

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

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

c. 2021-0219: Gleason

P.O. Evans #1672

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed

Det. Johnson #802

Allegation: Harassment
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed

P.O. Kelly #1057

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Harassment
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed

Sgt. Ross #9024

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed

Allegation: Unprofessional Conduct
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed

d. 2022-0042: Stigall

P.O. McCandless #644

Allegation: Harassment
Recommendation: Exonerated
Motion: Gatian
Second: Hardy
Motion passed

- e. **2022-0034: Anderson. Complainant was present. Good morning everyone, I appreciate everybody waking up to help me resolve this matter. It's being going on for a while, since 2016. The first initial case that he put on, he falsely accused me for a triple shooting. He never checked my alibi, he never came to my home, he never searched none of my alibis or anything. He just assumed that I did it. That's all in the transcripts. He got on the stand and he stated that he never searched my alibi, he had no reason to search my alibi, and 12 jurors found me not guilty. Even how he handled the case, during the case of the triple shooting, when I was facing 56 years, he went to the same apartment to get the same statements from the same people. He never invited them down. He mishandled the**

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whole case. I was convicted before I actually went to trial. I turned myself in after he put me on the news. There was a warrant out for my arrest way before it was signed. If y'all have the documents, y'all can see that the dates don't match up. He put my face on the news; I turned myself in with my mother. My mother was murdered during the time of the trial. I was unable to go to her funeral or anything. I suffered a lot of pain and suffering. I'm a motivational speaker at the juvenile center in Cleveland, Ohio. I'm a motivational speaker in every prison system. The second case, for me to get found not guilty by 12 jurors and for him to come to my community and tell me to my face that he still thinks that I did it, is a personal issue. That's a personal thing. So the second case that I just got found not guilty on I took a bench trial. I have the transcripts to that. He got on the stand and still said he believed I did it, without no evidence or nothing. It's s personal vendetta – I don't see how to keep him unfounded when y'all have all the paperwork that he doctored up paperwork to get me arrested. He held me against my will. My due process was violated. I didn't get a preliminary hearing; I just got booked straight into the County; I didn't hear anything. I believe he can do all this because he's an officer. A regular civilian could not take me through these types of things. My name is Carlos Anderson, you can google my name, I have a segment that Harry Boomer gave me upon my release of clearing my name. Now if this officer didn't do anything wrong, why was I granted this segment on 19 Action News, stating that I was done wrong by the system? But I keep bringing the findings here and you keep saying unfounded. But the public – I'm on the news for it, everybody's acknowledging it except for the City, and it hurts me. I'm in California right now, it's 6:37 in the morning here. I had to leave the City because I'm getting harassed by this officer. I don't know what type of case he would put on me next. I'm a motivational speaker; you can look at my Instagram and Facebook – none of those were allowed in court because it's "too positive." He's trying to destroy me for I don't know what reason. I can't get nobody to sue him, I can't get a civil case, I can't get this guy to get any type of disciplinary action towards this guy. Y'all have the paperwork, you can look at the days I turned myself in and the time that the warrant was signed, everything was doctored up. I never had dreads; he was looking for a suspect with dreads. I've never had dreads in my life. I wasn't even supposed to be there. Then, the same person, he coerced to another case that I took the trial and also won. I don't understand how y'all keep finding it unfounded, and it's right there in black and white. You can look at the dates of me turning myself in on the 14th of July and the warrant was didn't get signed til the 21st. It's right there in front of you guys; that's why I gave you paperwork. I can do a lot of other things; I can be in the streets spazzing out and doing all type of stuff. I lost my mother, I lost my son, and I lost my career of speaking in schools. So this has took a heavy toll on me. And I was on the news for it. So I just...at least you all heard the case. I guess I would just let it go and continue with my life. I appreciate everybody in this room that actually heard the case, and I understand that there's nothing that's going to happen, and I will just have to take this on the chin – the loss of my mother, the loss of my time, and the stress that I've been put through. I'll just take it on the chin, and I'll digress with that. Thank you.

Det. Hayduk #349

Allegation: Harassment

Recommendation: Unfounded

Motion: Hess

Second: Mountcastle

Motion passed

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f. 2022-0035: Barrett

P.O. Torres #2493

Allegation: Harassment
Recommendation: Unfounded
Motion: Gatian
Second: Mountcastle
Motion passed

g. 2022-0040: Martin

P.O. Jarrell #2076

Allegation: Improper Search
Recommendation: Exonerated
Motion: Quarto
Second: Hardy
Motion passed with an abstention by Mr. Gatian

P.O. Mazanec #2011

Allegation: Improper Search
Recommendation: Exonerated
Motion: Quarto
Second: Hardy
Motion passed with an abstention by Mr. Gatian

h. 2022-0006: Hite

P.O. Payne #900

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

P.O. Sains #497

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

Allegation: Theft
Recommendation: Unfounded
Motion: Quarto
Second: Mostella
Motion passed

i. 2021-0123: Powell

Sgt. Gomez #9135

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

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Gatian
Motion passed

Det. Gonzales #1011

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

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Gatian
Motion passed

j. 2022-0008: Jones

Det. Jackson #2427

Allegation: Improper Procedure/Improper Seizure of Cell Phones

Recommendation: Exonerated

Motion: Gatian

Second: Mountcastle

Motion passed

k. 2022-0055: Wheeler

Det. Shelton #2015

Allegation: Improper Tow

Recommendation: Exonerated

Motion: Gatian

Second: Mountcastle

Motion passed

l. 2021-0284: Smith/Norman

P.O. Santell #1365

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Mountcastle

Motion passed

P.O. Lyons #1022

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Mountcastle

Motion passed

m. 2022-0043: Evans

P.O. Ayers #635

Allegation: Excessive Force

Recommendation: Unfounded

Motion: Hess

Second: Mostella

Motion passed with an abstention from Ms. Quarto

Allegation: Improper Procedure/Improper Medical Treatment

Recommendation: Sustained

Motion: Hess

Second: Mostella

Motion passed with an abstention from Ms. Quarto

P.O. Shumpert #1773

Allegation: Excessive Force

Recommendation: Unfounded

Motion: Hess

Second: Mostella

Motion passed with an abstention from Ms. Quarto

Allegation: Improper Procedure/Improper Medical Treatment

Recommendation: Sustained

Motion: Hess

Second: Mostella

Motion passed with an abstention from Ms. Quarto

Allegation: Failure to Provide Name & Badge Number

Recommendation: Sustained

Motion: Hess

Second: Mostella

Motion passed with an abstention from Ms. Quarto

Sgt. Moore #9104

Allegation: Improper Procedure/Improper Medical Treatment

Recommendation: Sustained

Motion: Hess

Second: Mostella

Motion passed with an abstention from Ms. Quarto

n. 2021-0007: Ballentine

P.O. Berigan #1327

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

P.O. Rodriguez #1353

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

o. 2021-0222: Banks

Det. Coleman #1501

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

p. 2020-0098: Dowdley

Sgt. Maye #9272

Allegation: Lack of Service
Recommendation: Reaffirmed the original sustained allegation
Motion: Hardy
Second: Mountcastle
Motion passed with an abstention from Ms. Mostella

q. 2022-0046: Charnigo

Det. Appling #1913

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

r. 2020-0070: Brown

P.O. Benedictis #303

Allegation: Improper Procedure

Recommendation: Sustained

Motion: Hess

Second: Quarto

Motion passed

P.O. Kraynik #1517

Allegation: Improper Procedure

Recommendation: Sustained

Motion: Hess

Second: Hardy

Motion passed

VIII. ANNOUNCEMENTS AND COMMUNICATIONS

Interim Administrator Roney announced the following:

- Investigator Williams-Bennett has retired.
- Investigator Wynne has placed his resignation with OPS.
- Investigator Merritt has placed her resignation with OPS.
- This is the last meeting that Interim Administrator Roney will preside, as he is also retiring.

IX: REVIEW OF DIRECTOR DECISIONS

2020-0275: Stewart

Ms. Quarto moves to send a strong letter to Director Howard along with the previous policy recommendations as a reminder as to how important policy recommendations are and how the Board disagrees with his dismissal of the Board recommendation. Mr. Hess seconded the motion, and the motion passed.

XII. ADJOURNMENT

Motion to adjourn the meeting made by Ms. Quarto. The motion was seconded by Mr. Hess, and the motion passed. Meeting adjourned.

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