



**OFFICE OF PROFESSIONAL STANDARDS**  
205 West St. Clair Avenue, Suite 301, Cleveland, Ohio 44113  
**CIVILIAN POLICE REVIEW BOARD**

**\*\*ONLINE WEBEX MEETING\*\***

Tuesday, November 10, 2020

**MEETING AGENDA**

- I. CALL TO ORDER** Michael Graham, Chair
- II. ROLL CALL & INTRODUCTIONS**
- III. APPROVAL OF MINUTES** CPRB
- IV. PUBLIC COMMENT**
- V. PRESENTATION OF INVESTIGATIONS** Roger Smith, Administrator  
OPS Investigative Staff
- VI. ANNOUNCEMENTS AND COMMUNICATIONS**
- VII. OPS REPORT** Roger Smith, Administrator
- A. REVIEW OF CHIEF DISCIPLINARY DECISIONS**  
**B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS**
- VIII. POLICY UPDATES** Michael Graham, Chair
- IX. COMMITTEE REPORTS**
- X. UNFINISHED BUSINESS** Roger Smith, Administrator
- A. RESOLUTION OF OPS2019-0107**
- XI. NEW BUSINESS**
- XII. ADJOURNMENT**



**Tuesday, November 10, 2020**

**V: PRESENTATION OF INVESTIGATIONS**

| COUNT | OPS#   | COMPLAINANT | INVESTIGATOR | ALLEGATION                                    | CPRB DISPOSITION   |
|-------|--------|-------------|--------------|---|--|
| 1     | 18-217 | Campbell    | Oliver       | Improper Search<br><br>Unprofessional Conduct | Det. Klamert #1690<br><br>Improper Search<br>Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Det. Graves #2225<br><br>Unprofessional Conduct<br>Recommendation: _____<br>Motion: _____<br>Second: _____ |



|   |        |              |        |  |   |
|---|--------|--------------|--------|--|---|
|   | 19-093 | Perez-Gordon | Funari | Excessive Force<br>Improper Search<br>Unprofessional Conduct | P.O. Matis #2022<br>Excessive Force Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>P.O. Gelske #1943<br>Excessive Force Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Det. Smith #882<br>Improper Search Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Sgt. Woyma #9157<br>Improper Search Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Det. Santiago #1904<br>Unprofessional Conduct Recommendation: _____<br>Motion: _____<br>Second: _____ |
| 3 | 19-112 | Patterson    | Funari | Unprofessional Conduct                                       | P.O. Little #2177<br>Unprofessional Recommendation: _____<br>Motion: _____<br>Second: _____   |

Next Meeting Date: Tuesday, December 8, 2020, 10:00am



|   |        |        |        |  |   |
|---|--------|--------|--------|--|---|
| 4 | 19-121 | Church | Oliver | Unprofessional Conduct                                       | P.O. Pendleton #37<br>Unprofessional Conduct Recommendation: _____<br>Motion: _____<br>Second: _____  |
| 5 | 19-123 | Harris | Bowker | Unprofessional Conduct<br>Improper Citation<br>Bias Policing | Sgt. O'Neill #9041<br>Unprofessional – driving Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Unprofessional – citation Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Bias Policing Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>P.O. Fixler #1360<br>Improper Citation Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Bias Policing Recommendation: _____<br>Motion: _____<br>Second: _____ |



|   |        |               |         |  |  |
|---|--------|---------------|---------|--|--|
| 6 | 19-130 | Padgett       | Oliver  | Improper Procedure<br><br>Unprofessional Conduct                       | Det. Schade #290<br><br>Improper Procedure<br>Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Det. Horvat #2491<br><br>Unprofessional Conduct<br>Recommendation: _____<br>Motion: _____<br>Second: _____          |
| 7 | 19-173 | Miller        | Hammons | Unprofessional Conduct<br><br>Failure to Provide<br>OPS Complaint Form | Det. Smith #816<br><br>Unprofessional Conduct<br>Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Sgt. Newton #9252<br><br>Failure to Provide Complaint<br>Recommendation: _____<br>Motion: _____<br>Second: _____ |
| 8 | 19-189 | Pitts/Ridgell | Merritt | Improper Search<br><br>Unprofessional Conduct                          | Sgt. Hodous #9228<br><br>Improper Search<br>Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Unprofessional Conduct<br>Recommendation: _____<br>Motion: _____<br>Second: _____                                     |



|    |        |         |         |                        |   |
|----|--------|---------|---------|------------------------|---|
| 9  | 20-070 | Johnson | Delaney | Lack of Service        | <p>P.O. Guerra #569</p> <p>Lack of Service<br/>Recommendation: _____<br/>Motion: _____<br/>Second: _____</p> <p>P.O. White #1914</p> <p>Lack of Service<br/>Recommendation: _____<br/>Motion: _____<br/>Second: _____</p> <p>Sgt. Harper #9230</p> <p>Lack of Service<br/>Recommendation: _____<br/>Motion: _____<br/>Second: _____</p> |
| 10 | 20-072 | Joiner  | Merritt | Unprofessional Conduct | <p>Sgt. Guerra #9144</p> <p>Unprofessional Conduct<br/>Recommendation: _____<br/>Motion: _____<br/>Second: _____</p>  |
| 11 | 20-089 | Brown   | Merritt | Lack of Service        | <p>P.O. Helmuth #2215</p> <p>Lack of Service<br/>Recommendation: _____<br/>Motion: _____<br/>Second: _____</p>  |

Next Meeting Date: Tuesday, December 8, 2020, 10:00am



|    |        |          |            |                                     |   |
|----|--------|----------|------------|-------------------------------------|---|
| 12 | 20-090 | Roberts  | Richardson | Missing Property<br>Improper Arrest | P.O. Thomas #1744<br><br>Missing Property<br>Recommendation: _____<br>Motion: _____<br>Second: _____<br><br>Sgt. Harhay #9136<br><br>Improper Arrest<br>Recommendation: _____<br>Motion: _____<br>Second: _____ |
| 13 | 20-121 | Anderson | Merritt    | Lack of Service                     | Det. Borgione #1650<br><br>Lack of Service<br>Recommendation: _____<br>Motion: _____<br>Second: _____   |
| 14 | 20-164 | McCombs  | Richardson | Unprofessional<br>Conduct           | P.O. Sheets #1276<br><br>Unprofessional Conduct<br>Recommendation: _____<br>Motion: _____<br>Second: _____  |

7

Next Meeting Date: Tuesday, December 8, 2020, 10:00am



### VIII (A). REVIEW OF CHIEF DISCIPLINARY DECISIONS

| COUNT | OPS#   | COMPLAINANT | INVESTIGATOR | RECOMMENDATION   | CHIEF DECISION   |
|-------|--------|-------------|--------------|--|--|
| 1     | 17-128 | Brevidigan  | HH           | The CPRB recommended a <b>Group I</b> discipline level for P.O. Webb #2064 for his failure to follow up with the owner of a license plate and gather additional information for the Complainant's report.                              | Chief Williams, after reviewing all the evidence, <b>concurred</b> with the CPRB recommendation and issued a <b>letter of reinstruction</b> to P.O. Webb, citing that further investigation and additional information was needed for the Complainant's report.      |
| 2     | 17-194 | Pursel      | HH           | The CPRB recommended a <b>Group I</b> discipline level for P.O. Rodes #2126 for his unprofessional conduct when he referred to the Complainant as a "convict" and told him to get his "jailhouse attorney."                            | Chief Williams, after reviewing all the evidence, <b>concurred</b> with the CPRB recommendation and issued a <b>letter of reinstruction</b> to P.O. Rodes for his unprofessional conduct.  |
| 3     | 19-039 | Blair       | Bowker       | The CPRB recommended a <b>Group I</b> discipline level for P.O. Lombardi #1130 for his failure to properly train P.O. Latson #2309, and for P.O. Latson for her failure to accurately complete an OH-1 report and supplemental report. | Chief Williams, after reviewing all the evidence, <b>concurred</b> with the CPRB recommendation and issued a <b>letter of reinstruction</b> to both P.O. Lombardi and P.O. Latson for their failure to accurately complete an OH-1 report and a supplemental report. |





|   |        |        |         |   |   |
|---|--------|--------|---------|---|---|
| 4 | 19-085 | Rainey | Hammons | The CPRB recommended a <b>Group II</b> discipline level for Sgt. Moran #9072's unprofessional conduct when he said, "I'm tired of your bullshit" to the Complainant and referred to the Complainant as an "idiot."  | Chief Williams, after reviewing all the evidence, <b>departed</b> from the CPRB recommendation and <b>amended the Group II recommendation to a Group I</b> , citing that Sgt. Moran's conduct did not involve risk to the Complainant and did not interfere with the mission of the Division.   |
| 5 | 19-128 | Hasan  | Wynne   | The CPRB recommended a <b>Group I</b> discipline level for P.O. Brody #153 for his unprofessional conduct when he referred to the Complainant as "honey" and asked her why she needed a report if she was not injured after being struck by a vehicle in a parking lot. | Chief Williams, after reviewing all the evidence, <b>departed</b> from the CPRB recommendation and <b>dismissed</b> the allegation, citing that P.O. Brody's use of the term "honey" was deemed by the Complainant not to be discourteous or rude, and P.O. Brody completed an OH-1 report even though OH01 reports are not required by state law when there are no injuries or damage. |
| 6 | 19-193 | Walker | Delaney | The CPRB recommended a <b>Group I</b> discipline level for Dispatcher Wells #114 for her unprofessional conduct when she attempted to solve the caller's problems, gave unsolicited advice, and made unprofessional comments.   | Chief Williams, after reviewing all the evidence, <b>concurred</b> with the CPRB recommendation and issued Dispatcher Wells a <b>written reprimand</b> for her unprofessional conduct.  |



|   |        |      |            |  |   |
|---|--------|------|------------|--|---|
| 7 | 20-017 | Moss | Richardson | The CPRB recommended a <b>Group I</b> discipline level for P.O. Kirchner #473 for his unprofessional conduct when he sent a sexually suggestive comment to the Complainant via Facebook. | Chief Williams, after reviewing all the evidence, <b>departed</b> from the CPRB recommendation and <b>dismissed</b> the allegation, citing that the content of the message was private, off-duty, and not job related – with no reference in the post that he was a CDP officer or his profession in law enforcement. Further, legal analysis of this case revealed that discipline would be a violation of P.O. Kirchner’s First Amendment Rights. |
|---|--------|------|------------|--|---|



### VIII (B). REVIEW OF DIRECTOR DISCIPLINARY DECISIONS

| COUNT | OPS#   | COMPLAINANT | INVESTIGATOR | RECOMMENDATION   | DIRECTOR DECISION   |
|-------|--------|-------------|--------------|--|---|
| 1     | 15-029 | Rice        | Hammons      | <p>The CPRB recommended a <b>Group II</b> discipline level for Sgt. Rutherford #9017's improper detainment of Tajai Rice in the back of a zone car after her brother was shot.</p> <p>Chief Williams <b>dismissed</b> the allegation of improper detainment, citing that the detainment was a result of an unfortunate, rapidly evolving situation that demanded immediate decisions and actions based upon very limited information.</p> <p>The CPRB voted to appeal the Chief's decision to the Safety Director.</p> | <p>Director Howard, after reviewing all evidence, <b>reversed the Chief's dismissal</b>, citing that while Sgt. Rutherford was not solely responsible, she did contribute in the improper detention of Tajai Rice. Director Howard <b>amended the Group II recommendation to a Group I</b>, and issued Sgt. Rutherford a <b>two-day suspension</b>.</p> |