



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

****ONLINE WEBEX MEETING****

Tuesday, April 13, 2021

MEETING AGENDA

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| 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 DECISION | |
| VIII. POLICY UPDATES | Michael Graham, Chair |
| IX. COMMITTEE REPORTS | |
| X. UNFINISHED BUSINESS | |
| XI. NEW BUSINESS | |
| A. SUBPOENA REQUEST | |
| XII. ADJOURNMENT | |



Tuesday, April 13, 2021

V: PRESENTATION OF INVESTIGATIONS

| COUNT | OPS# | COMPLAINANT | INVESTIGATOR | ALLEGATION | CPRB DISPOSITION |
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| 1 | 20-028 | Mason | Hammons | Improper Procedure Vehicle Pursuit: Initiation Vehicle Pursuit: Failure to Yield Vehicle Pursuit: Excessive Speed Emergency Response Driving Vehicle Pursuit: AVL Self-Dispatch Violation Vehicle Pursuit: Multiple Vehicles Failure to Terminate Pursuit Violation Failure to Monitor AVL System | Sgt. Chapman #9232 Improper Procedure Recommendation: _____ Motion: _____ Second: _____ Vehicle Pursuit: Excess Speed Recommendation: _____ Motion: _____ Second: _____ Vehicle Pursuit: AVL Recommendation: _____ Motion: _____ Second: _____ Emergency Response Driving Recommendation: _____ Motion: _____ Second: _____ Vehicle Pursuit: Multiple Cars Recommendation: _____ Motion: _____ Second: _____ |



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| 1 | 20-028 | Mason | Hammons | <p>Improper Procedure</p> <p>Vehicle Pursuit: Initiation</p> <p>Vehicle Pursuit: Failure to Yield</p> <p>Vehicle Pursuit: Excessive Speed</p> <p>Emergency Response Driving</p> <p>Vehicle Pursuit: AVL</p> <p>Self-Dispatch Violation</p> <p>Vehicle Pursuit: Multiple Vehicles</p> <p>Failure to Terminate Pursuit Violation</p> <p>Failure to Monitor AVL System</p> | <p>P.O. Stipkovich #40</p> <p>Vehicle Pursuit: Initiation Recommendation: _____ Motion: _____ Second: _____</p> <p>Vehicle Pursuit: Fail to Yield Recommendation: _____ Motion: _____ Second: _____</p> <p>Vehicle Pursuit: Excess Speed Recommendation: _____ Motion: _____ Second: _____</p> <p>Emergency Response Driving Recommendation: _____ Motion: _____ Second: _____</p> <p>P.O. Singh #1381</p> <p>Vehicle Pursuit: Initiation Recommendation: _____ Motion: _____ Second: _____</p> <p>Vehicle Pursuit: Excess Speed Recommendation: _____ Motion: _____ Second: _____</p> <p>Emergency Response Driving Recommendation: _____ Motion: _____ Second: _____</p> |
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| 1 | 20-028 | Mason | Hammons | <p>Improper Procedure</p> <p>Vehicle Pursuit: Initiation</p> <p>Vehicle Pursuit: Failure to Yield</p> <p>Vehicle Pursuit: Excessive Speed</p> <p>Emergency Response Driving</p> <p>Vehicle Pursuit: AVL</p> <p>Self-Dispatch Violation</p> <p>Vehicle Pursuit: Multiple Vehicles</p> <p>Failure to Terminate Pursuit Violation</p> <p>Failure to Monitor AVL System</p> | <p>P.O. Miller #1583</p> <p>Self-Dispatch Violation Recommendation: _____ Motion: _____ Second: _____</p> <p>Emergency Response Driving Recommendation: _____ Motion: _____ Second: _____</p> <p>P.O. Sabolik #1021</p> <p>Self-Dispatch Violation Recommendation: _____ Motion: _____ Second: _____</p> <p>Det. Warnock #1719</p> <p>Self-Dispatch Violation Recommendation: _____ Motion: _____ Second: _____</p> <p>Det. Crivel #1767</p> <p>Self-Dispatch Violation Recommendation: _____ Motion: _____ Second: _____</p> <p>P.O. Dunn #1583</p> <p>Self-Dispatch Violation Recommendation: _____ Motion: _____ Second: _____</p> |
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| 1 | 20-028 | Mason | Hammons | <p>Improper Procedure</p> <p>Vehicle Pursuit: Initiation</p> <p>Vehicle Pursuit: Failure to Yield</p> <p>Vehicle Pursuit: Excessive Speed</p> <p>Emergency Response Driving</p> <p>Vehicle Pursuit: AVL</p> <p>Self-Dispatch Violation</p> <p>Vehicle Pursuit: Multiple Vehicles</p> <p>Failure to Terminate Pursuit Violation</p> <p>Failure to Monitor AVL System</p> | <p>P.O. Staskevich #942</p> <p>Self-Dispatch Violation Recommendation: _____ Motion: _____ Second: _____</p> <p>Lt. Farmer #8487</p> <p>Vehicle Pursuit: Excess Speed Recommendation: _____ Motion: _____ Second: _____</p> <p>Emergency Response Driving Recommendation: _____ Motion: _____ Second: _____</p> |
| 2 | 20-035 | Sampson | Bowker | <p>Improper Citation</p> <p>Unprofessional Conduct</p> | <p>P.O. Crawford #439</p> <p>Improper Citation Recommendation: _____ Motion: _____ Second: _____</p> <p>Unprofessional Conduct Recommendation: _____ Motion: _____ Second: _____</p> |



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| 3 | 20-109 | Johnson | Williams-Bennett | Lack of Service | <p>P.O. Lehman #815</p> <p>Lack of Service Recommendation: _____ Motion: _____ Second: _____</p> <p>P.O. Wagner #1260</p> <p>Lack of Service Recommendation: _____ Motion: _____ Second: _____</p> <p>Sgt. Harhay #9136</p> <p>Lack of Service Recommendation: _____ Motion: _____ Second: _____</p> |
| 4 | 20-133 | Cheng | Williams-Bennett | <p>Unprofessional Conduct – No Face Mask</p> <p>Unprofessional Conduct – Statements</p> | <p>P.O. Fronckwiak #401</p> <p>Unprofessional – Face Mask Recommendation: _____ Motion: _____ Second: _____</p> <p>Unprofessional – Statements Recommendation: _____ Motion: _____ Second: _____</p> |



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| 5 | 20-180 | Gibson / Warner / Akers | Delaney | Improper Search Damaged Property Lack of Service | <p>Det. Smith #882</p> <p>Improper Search Recommendation: _____ Motion: _____ Second: _____</p> <p>Damaged Property Recommendation: _____ Motion: _____ Second: _____</p> <p>Det. Johnson #802</p> <p>Lack of Service Recommendation: _____ Motion: _____ Second: _____</p> <p>P.O. Soros #1852</p> <p>Lack of Service Recommendation: _____ Motion: _____ Second: _____</p> |
| 6 | 20-266 | Anonymous | Wynne | Social Media Policy Violation | <p>Dispatcher Walker #30</p> <p>Social Media Policy Violation Recommendation: _____ Motion: _____ Second: _____</p> |
| 7 | 21-008 | Hugo | Merritt | Lack of Service | <p>Det. Fischbach #450</p> <p>Lack of Service Recommendation: _____ Motion: _____ Second: _____</p> |



VII (A). REVIEW OF CHIEF'S DISCIPLINARY DECISIONS

| COUNT | OPS# | COMPLAINANT | INVESTIGATOR | RECOMMENDATION | CHIEF DECISION |
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| 1 | 20-016 | Gubanich | Williams-Bennett | Improper Tow – P.O. Holcomb #877 – the CPRB recommended a Group I discipline level for P.O. Holcomb's failure to observe the contradictory temporary parking signage, resulting in the Complainant's vehicle being towed after P.O. Holcomb issued the citation. | Chief Williams dismissed the allegation of Improper Tow against P.O. Holcomb, citing that P.O. Holcomb was obeying the parking ban in the area when he ticketed the vehicle, and that the single sign noted by the Complainant was for a past date and was contradicted by several signs banning parking in the area. |
| 2 | 20-111 | Farmer | Delaney | Lack of Service – P.O. Sheets #1276 and P.O. Fitchwell #134 – the CPRB recommended a Group I discipline level for the officers' failure to cite the person who struck the Complainant with citations for leaving the scene of an accident and OVI. | Chief Williams dismissed the allegation of Lack of Service against P.O. Sheets and P.O. Fitchwell, citing that because over 2 hours had passed from the time of the accident to the time the Cleveland Division of Police was notified, and the officers were made aware of this time lapse, the officers lacked probable cause to cite the other party for OVI. Chief Williams further stated that OPS presented no evidence regarding P.O. Sheets and P.O. Fitchwell's failure to cite for leaving the scene of an accident. |



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| 3 | 20-162 | Childress | Delaney | <p>Lack of Service – P.O. Crane #2108 and P.O. Orozco #1601 – the CPRB recommended a Group II discipline level for P.O. Crane and P.O. Orozco’s failure to investigate the Complainant’s concern that an illegal party was happening on the vacant lot across from his house.</p> <p>Unprofessional Conduct – P.O. Orozco #1601 – the CPRB recommended a Group I discipline level for P.O. Orozco’s display of discourteous behavior by telling the Complainant that he was “nothing special” in front of everyone and ended his interaction with the Complainant by flipping his hand in the air and walking away.</p> | <p>Chief Williams dismissed the allegation of Lack of Service against P.O. Crane and P.O. Orozco citing that the officers left for a higher priority assignment, and when they returned they observed the party to be contained to the property, with children and parents in attendance, to be within the law.</p> <p>Chief Williams concurred with the CPRB recommendation for the allegation of Unprofessional Conduct and issued P.O. Orozco a one-day suspension.</p> |
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| 4 | 20-168 | Brown | Hammons | <p>Lack of Service – P.O. Kelley #1242 – the CPRB recommended a Group II discipline level for P.O. Kelley’s failure to generate a theft report for the Complainant, making the determination that no crime had been committed.</p> <p>WCS Violation – P.O. Kelley #1242 – the CPRB recommended a Group I discipline level for P.O. Kelley’s failure to activate her encounter with the Complainant in the lobby.</p> | <p>Chief Williams departed from the CPRB recommendation for Lack of Service and amended it to a Group I violation and issued P.O. Kelley a letter of reinstruction.</p> <p>Chief Williams concurred with the CPRB recommendation for WCS Violation and issued P.O. Kelley a one-day suspension.</p> |
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VII (B). REVIEW OF DIRECTOR'S DISCIPLINARY DECISIONS

| COUNT | OPS# | COMPLAINANT | INVESTIGATOR | RECOMMENDATION | DIRECTOR DECISION |
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| 1 | 19-142 | Workman | Richardson | <p>Excessive Force – Captain Dziuba #6572 - The CPRB recommended a Group III level discipline level for Capt. Dziuba’s physical altercation with the Complainant that was unnecessary and in violation of training.</p> <p>Improper Citation – Captain Dziuba #6572 – The CPRB recommended a Group II discipline level for Capt. Dziuba’s order to subordinate officers to issue citations to the Complainants.</p> <p>Improper Arrest –Captain Dziuba #6572 – The CPRB recommended a Group II discipline level for Capt. Dziuba’s order to subordinate officers to arrest the Complainants’ without having probable cause.</p> <p>Missing Property – Captain Dziuba #6572 – The CPRB recommended a Group I discipline level for Capt. Dziuba’s failure to properly secure the Complainant’s cell phone after taking it from him.</p> <p>WCS Violation – Captain Dziuba #6572 – the CPRB recommended a Group I discipline level for Capt. Dziuba’s failure to activate his WCS and his instruction to subordinate officers not to turn on their WCS.</p> | <p>Safety Director Howard dismissed the allegation of Excessive Force, citing that the record does not support a finding of guilt.</p> <p>Safety Director Howard dismissed the allegation of Improper Citation, citing that all officers involved acted in a reasonable manner based on the totality of the circumstances.</p> <p>Safety Director Howard dismissed the allegation of Improper Arrest, citing that all officers involved acted in a reasonable manner based on the totality of the circumstances.</p> <p>Safety Director Howard concurred with the CPRB recommendation for the allegations of Missing Property and WCS Violation, and issued Captain Dziuba a two-day suspension.</p> |



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| 2 | 20-015 | Holbrook | Wynne | <p>Improper Tow – P.O. Estremera #357 – The CPRB recommended a Group I discipline level for his failure to release the Complainant’s vehicle when she arrived on scene before her vehicle was towed.</p> <p>WCS Violation – P.O. Estremera #357 – the CPRB recommended a Group I discipline level for his failure to have his WCS activated for his encounter with the Complainant.</p> | <p>Director Howard reversed the Chief’s dismissal for the allegation of Improper Tow, and upheld the Chief’s discipline for the allegation of WCS Violation. P.O. Estremera was issued a two-day suspension.</p> |
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