



# **CITY OF CLEVELAND**

Mayor Justin M. Bibb

## **Civilian Review Board Agenda**

Tuesday April 9, 2024

**Billy Sharp, Chairman**

**Marcus Perez, Administrator**

**Civilian Police Review Board &  
Office of Professional Standards**

205 West St. Clair, 3rd Floor

Cleveland, Ohio 44113

[www.clevelandohio.gov/ops](http://www.clevelandohio.gov/ops)

**CIVILIAN POLICE REVIEW BOARD**  
**MEMBERS OF THE BOARD**

Billy Sharp, Chairman

Michael Hess, Vice Chairman

Dave Gatian, Board Member

Sherall E. Hardy, Board Member

Kenneth Mountcastle, Board Member

Chenoa C. Miller, Board Member

Michael Graham, Board Member

Brandon Brown, Board Member

Diana Cyganovich, Board Member

**MEETING NOTICE & AGENDA**

The Civilian Police Review Board will hold a public meeting at the following date and time:

**Tuesday April 9, 2024 at 0900 am**

**THE MEETING WILL BE HELD IN PERSON AT CLEVELAND CITY HALL  
601 Lakeside Avenue, Room 514**

**You can view the meeting via YouTube:**

<https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg>

# Tuesday April 9, 2024

## MEETING AGENDA

- I. CALL TO ORDER Billy Sharp, Chairman
- II. APPROVAL OF MINUTES CPRB
- III. PUBLIC COMMENT Billy Sharp, Chairman
- IV. PRESENTATION OF INVESTIGATIONS WITH CITIZENS PRESENT Marcus Perez, Administrator
- V. PRESENTATION OF INVESTIGATIONS Marcus Perez, Administrator
- VI. EXECUTIVE SESSION CPRB
  - A. Motion for executive session for personnel, employment and discipline matters will be considered.
  - B. ROLL CALL vote to adjourn into the executive session.
  - C. Invite legal personnel and OPS Administrator to attend.
- VII. OPS STATUS REPORT Marcus Perez, Administrator
  - A. REVIEW OF CHIEF DISCIPLINARY DECISIONS
  - B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS
  - C. UPDATES ON POLICY RECOMMENDATIONS
- VIII. NEW BUSINESS Billy Sharp, Chairman
- IX. OLD BUSINESS Billy Sharp, Chairman
- X. ADJOURNMENT

### Presentation of Investigations

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	23-060	Castlow	Traxler	Unprofessional Behavior	<p><b>P.O. Kyle Paridon #938</b>  <b>Allegation: Unprofessional Behavior</b>  Recommendation:  Motion:  Second:</p> <p><b>P.O. Joseph Russo #231</b>  <b>Allegation: Unprofessional Behavior</b>  Recommendation:  Motion:  Second:</p>
2	23-168	DeFreeze	Traxler	<p>Lack of Service</p> <p>Unprofessional Behavior</p> <p>Lack of Service</p> <p>Unprofessional Behavior</p> <p>Lack of Service</p>	<p><b>P.O. David Polocy #1031</b>  <b>Allegation: Lack of Service</b>  Recommendation:  Motion:  Second:</p> <p><b>Allegation: Unprofessional Behavior/Conduct</b>  Recommendation:  Motion:  Second:</p> <p><b>P.O. Rashaun Searles-Fowler #2157</b>  <b>Allegation: Lack of Service</b>  Recommendation:  Motion:  Second:</p> <p><b>Allegation: Unprofessional Behavior/Conduct</b>  Recommendation:  Motion:  Second:</p> <p><b>P.O. Soladeen Taylor #2388</b>  <b>Allegation: Lack of Service</b></p>

					<p>Recommendation: Motion: Second:</p>
				Unprofessional Behavior	<p><b>Allegation: Unprofessional Behavior/Conduct</b> Recommendation: Motion: Second:</p>
				Lack of Service	<p><b>P.O. Mark Thomas #2208</b> <b>Allegation: Lack of Service</b> Recommendation: Motion: Second:</p>
				Unprofessional Behavior	<p><b>Allegation: Unprofessional Behavior/Conduct</b> Recommendation: Motion: Second:</p>
				Lack of Service	<p><b>P.O. Evan Tremaglio #2510</b> <b>Allegation: Lack of Service</b> Recommendation: Motion: Second:</p>
				Unprofessional Behavior	<p><b>Allegation: Unprofessional Behavior/Conduct</b> Recommendation: Motion: Second:</p>
				Lack of Service	<p><b>Sgt, Alexander Sinclair #9313</b> <b>Allegation: Lack of Service</b> Recommendation: Motion: Second:</p>
				Unprofessional Behavior	<p><b>Allegation: Unprofessional Behavior/Conduct</b> Recommendation: Motion: Second:</p>

3	23-0197	Harvey	Lanman	Improper Tow	<b>P.O. Migdelio Carmargo #72</b> <b>Allegation: Improper Tow</b> Recommendation: Motion: Second:
4	23-224	Moodie	Smith	Unprofessional Behavior	<b>P.O. Samuel Ortiz #102</b> <b>Allegation: Unprofessional Behavior/Conduct</b> Recommendation: Motion: Second:
5	23-240	Linder, McMillan, Palmer	Traxler	Lack of Service	<b>P.O. James T Brooks #1014</b> <b>Allegation: Lack of Service</b> Recommendation: Motion: Second:
				Lack of Service	<b>P.O. Antonio Muniz #440</b> <b>Allegation: Lack of Service</b> Recommendation: Motion: Second:
				Lack of Service	<b>Sgt. Dustin Vowell #9323</b> <b>Allegation: Lack of Service</b> Recommendation: Motion: Second:
6	21-234	Gonzales	Traxler	Unprofessional Behavior	<b>P.O. Farid Alim #634</b> <b>Allegation: Unprofessional Behavior</b> Recommendation: Motion: Second:
7	23-283	Thomas	Harris	Lack of Service	<b>P.O. James Kertcher #564</b> <b>Allegation: Lack of Service</b> Recommendation: Motion: Second:
				Lack of Service	<b>P.O. Joshua Doerner #2181</b> <b>Allegation: Lack of Service</b> Recommendation: Motion:

					Second:
<b>8</b>	23-295	Anonymous	Harris	Unprofessional Behavior	<b>P.O. Brizilio Hall #476</b> <b>Allegation: Unprofessional Behavior</b> Recommendation: Motion: Second:
				Unprofessional Behavior	<b>Detective Michael William #989</b> <b>Allegation: Unprofessional Behavior</b> Recommendation: Motion: Second:
				Unprofessional Behavior	<b>P.O. Shawn Wohl #396</b> <b>Allegation: Unprofessional Behavior</b> Recommendation: Motion: Second:
				Unprofessional Behavior	<b>P.O. Robert Langley #1930</b> <b>Allegation: Unprofessional Behavior</b> Recommendation: Motion: Second:
				Unprofessional Behavior	<b>P.O. Michael Viancourt #1063</b> <b>Allegation: Unprofessional Behavior</b> Recommendation: Motion: Second:
				Unprofessional Behavior	<b>P.O. Ashley Santa #1358 (Resigned)</b>

				Unprofessional Behavior	<b>P.O. Brooklyn Barnes #383 (Resigned)</b>
				Unprofessional Behavior	<b>Lt. Timothy Gaertner #8409 (Retired)</b>
<b>9</b>	22-314	Dates	Traxler	Lack of Service	<b>Detective Tatiana Bartell #584 Allegation: Lack of Service</b> Recommendation: Motion: Second:
				Lack of Service	<b>P.O. Megan Hollenbeck #187 Allegation: Lack of Service</b> Recommendation: Motion: Second:
<b>10</b>	21-114	Rothschild	Szymanski	Lack of Service	<b>P.O. Matthew MacLauren #931 Allegation: Lack of Service</b> Recommendation: Motion: Second:
				Unprofessional Behavior	<b>Allegation: Unprofessional Behavior/Conduct</b> Recommendation: Motion: Second:  <b>P.O. Brent Hathaway #776 (Resigned)</b>

### Departure(s) from the Chief or Director

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	RECOMMENDATION	DIRECTOR'S DECISION
1					
2					

### Statics on Cases for April Meeting

<b>INVESTIGATION STATUS:</b>	
Abridged:	3
Standard:	7
Complex:	0
Harassment:	<b>0</b>
Excessive Force:	0
Lack of Service:	14
Unprofessional Behavior/Conduct	<b>16</b>
Bias Policing	0
WCS Violation	0
<b>IMPROPER PROCEDURE:</b>	1
Improper Citations	0
Improper Search	0
Improper Stop	0
Improper Tow	1
Improper Arrest	<b>0</b>
Improper Warrant	0
Improper Collection of Evidence	0
<b>PROPERTY:</b>	0
Missing Property	0
Damage to Property	0



**Investigator – Kristen Traxler**  
**Case # OPS 2023-0060**

**Complainant Terri Castlow**  
**Subject Patrol Officer Kyle Paridon Badge #938**  
**Subject Patrol Officer Joseph Russo Badge #231**

### Administrative/Case Information

**Status: Open 3/26/2023 / Closed 3/13/2024 (354 Days)**

#### Investigative Report

**Initial Allegation #1: Unprofessional Behavior/Conduct**

**Other Matters: N/A**

#### References:

#### **Cleveland Division of Police Manual of Rules**

5.01 Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.

5.09 Personnel shall be courteous and respectful in their speech, conduct and contact with others.

#### Evidence Collected:

WCS P.O. Kyle Paridon  
WCS P.O. Joseph Russo

DURATION: 00:15:40  
DURATION: 00:14:52

#### Case Summary:

On 3/24/2023, Ms. Terri Castlow filed a complaint with OPS alleging unprofessional behavior/conduct on the part of Patrol Officer Kyle Paridon, #938 and Patrol Officer Joseph Russo, #231. Ms. Castlow stated that while Officers were at her home on 3/23/2023, they ignored her concerns for her safety while also yelling and acting aggressive towards her. After feeling uncomfortable, Ms. Castlow claims that she went inside her home during which time, Officers were banging on her doors and windows, ordering her to come out.

### Key Findings:

#### **Narrative:**

On 3/23/2023, Patrol Officer Kyle Paridon and Patrol Officer Joseph Russo responded to a call at the residence of Ms. Terri Castlow. During the call, Officers were attempting to assist Ms. Castlow's former tenant, Ms. Tyler Roseberry with retrieving personal belongings from the home. Ms. Castlow did not want police or Ms. Roseberry in her home at that time. When speaking to P.O. Paridon, Ms. Castlow repeatedly tried to share information. P.O. Paridon told Ms. Castlow to stop cutting him off several times, and yelled at her the last time, which made her feel scared and uncomfortable. P.O. Russo remained professional throughout the entire call for service.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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**Investigator – Kristen Traxler**  
**Case # OPS 2023-0168 - Complainant Damon DeFreeze**  
**Subject Patrol Officer David Polocy Badge #1031**  
**Subject Patrol Officer Rashaun Searles-Fowler Badge #2157**  
**Subject Patrol Officer Soladeen Taylor Badge #2388**

## Summary Investigation Out-Brief

**Subject Patrol Officer Mark Thomas Badge #2208**  
**Subject Patrol Officer Evan Tremaglio Badge #2**  
**Subject Sgt. Alexander Sinclair Badge #9313**

### Administrative/Case Information

**Status: Open 7/11/2023 / Closed 3/20/2024 (264 Days)**

**Abridge Investigative Report**

**Initial Allegation #1: Unprofessional Behavior/Conduct**

**Allegation #2: Lack of Service**

**Other Matters: N/A**

**References:**

**Cleveland Division of Police Manual of Rules**

5.01 Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.

5.09 Personnel shall be courteous and respectful in their speech, conduct and contact with others.

**Evidence Collected:**

WCS P.O. Rashaun Searles-Fowler	DURATION: 00:18:26
WCS P.O. Evan Tremaglio	DURATION: 00:18:26
WCS P.O. Soladeen Taylor	DURATION: 00:12:59
WCS P.O. Soladeen Taylor #2	DURATION: 00:19:03
WCS P.O. Mark Thomas	DURATION: 00:12:58
WCS P.O. David Polocy	DURATION: 00:19:05
WCS Sgt. Alexander Sinclair	DURATION: 00:06:38

**Case Summary:**

On 7/11/2023, Mr. Damon DeFreeze filed a complaint with OPS alleging unprofessional behavior/conduct on the part of the Officers who responded to his home on 6/29/23, 6/30/23 and 7/2/23. Mr. DeFreeze was having marital issues and stated his wife was leaving the house in disarray. Mr. DeFreeze wanted his wife out of the house.

**Key Findings:**

**Narrative:**

Mr. DeFreeze filed a complaint alleging unprofessional behavior/conduct and lack of service on the part of the Officers that responded to his calls for service on 6/29/23, 6/30/23 and 7/2/23. On each occasion, Mr. DeFreeze called over a civil matter with his wife. When Officers attempted to explain that Mrs. DeFreeze still legally resided in the home, Mr. DeFreeze became angry and no longer wanted to engage with the Officers. During each call for service, Officers consistently tried to explain the residency laws to Mr. DeFreeze, but he was unwilling to listen and repeatedly threatened to sue. Based on the observed WCS of the Officers who responded to Mr. DeFreeze's calls, it is clear that they were professional and made several attempts to explain things to Mr. DeFreeze. In turn, Mr. DeFreeze was opposed to listening or working with the Officers.

Multiple attempts were made to interview Mr. DeFreeze regarding his complaint with no success. After visiting a home listed as his address, it was learned that he no longer resided there.

- Briefed to Complainant: N/A**
- Did Complainant Request Additional Support: N/A**
- Briefed to CDP Officer or Employee: N/A**
- Policy or Training Recommendation: N/A**

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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# Summary Investigation Out-Brief

Investigator – Susan Lanman

OPS Case # 2023-0197 – Complainant: Renee Eddy Harvey

Subject Migdelio Camargo, Jr. Badge # 72

### Administrative/Case Information

Status: Open August 10, 2023 / Closed January 24, 2023 (155 Days)

(Type of Report) Standard

Initial Allegation #1: Improper Tow

Other Matters: N/A

References: CDP General Order 6.01.03(ii)(A)(1-5)(B) Effective March 28, 2022 Releasing a Vehicle and Cancelling a Tow,

A. if the owner or person claiming possession of the vehicle arrives prior to the tow truck, officers shall release a vehicle and cancel the tow when all of the following conditions exist: 1. The owner or person claiming possession produces proper identification, and ownership can be verified; for leased, 2. the owner or person claiming possession is capable of safely taking possession of the vehicle and has a valid driver license or has a valid driver respond. 3. The flow of traffic will not be unreasonably impeded. 4. the health, safety or welfare of the public will not be adversely affected, 5. There are less than four outstanding parking infractions judgments, previously issued outstanding criminal citations or notices, B. If all of the above conditions exist and the owner of person claiming possession of the vehicle arrives after the tow truck has arrived and activity to tow the vehicle has commenced but prior to the actual conveyance of the vehicle officers shall direct the activity to remove the vehicle be ceased in accordance with CCO 405.11a;

Evidence Collection: WCS video, Incident Report, Tow documents, interviews

**Case Summary:** On August 4, 2023, Officer Camargo was dispatched for an illegally parked car blocking a driveway. Once on the scene and unsuccessfully attempting to locate the car's registered owner, Officer Camargo arranged to have the car towed and issued a parking citation for an illegally parked vehicle. The tow company arrived, attached straps, elevated the vehicle, signed the Vehicle/Tow Supplement Release, and then continued to prepare the car for transport. Harvey seeing the officer and tow truck by her vehicle went over to Officer Camargo, identified herself as the car's owner and asked him to stop the towing process. Officer Camargo responded by informing Harvey that he could not stop the towing procedure and give her back her car. Harvey repeated her request to stop the tow process several times, but Officer Camargo repeated once the tow driver had the car, he could not stop the towing process. While Officer Camargo and Harvey spoke to each other the tow driver continued to prepare Harvey's car for transport, but never moved it. Harvey received a citation for parking illegally and the towing company transported her car to an impound lot. Harvey paid the towing costs, and her car was returned to her.

### Key Findings:

**Narrative:** Harvey met with Officer Camargo prior to the conveyance of her vehicle by the towing company. She was the registered owner of the vehicle, unimpaired, had a valid driver license and insurance, no criminal or outstanding citations, and could safely move her car without impeding traffic all which satisfied the listed conditions of CDP policy 6.01.02, effective March 28, 2023, which dictates officers shall cease the towing process if the owner satisfies the five listed conditions and arrives prior to the conveyance of the vehicle.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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# Summary Investigation Out-Brief

**Investigator – Jermaine A. Smith**

**OPS Case # 2023-0224 - Complainant: Kurtis Moodie**

**Subject Officer: P.O. Samuel Ortiz #102**

### Administrative/Case Information

**Status:** Open September 20, 2023/ Closed March 25, 2024, (187 days)

**Investigation Type:** Abridged

**Initial Allegation #1:** Unprofessional Behavior/ Conduct

**Other Matters #2:** N/A

**References:** The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police Section V: Behavior (5.01, 5.08, 05.09).

**Evidence Collection:** CDP Incident Reports, CDP Crime Report, WCS Video, Recorded Statements.

**Case Summary:** On Tuesday, September 19, 2023, OPS received a complaint (via mail) from Kurtis Moodie. In his complaint, Mr. Moodie alleged CDP P.O. Ortiz #102 was agitated and argumentative during their encounter on September 12, 2023. Mr. Moodie further alleged, P.O. Ortiz's actions on that day were unprofessional, and displayed P.O. Ortiz's poor attitude.

### Key Findings:

#### Narrative:

On Tuesday, September 12, 2023, P.O. S. Ortiz #102 responded to Mr. Moodie's storefront property for a reported theft. Upon arrival, P.O. Ortiz questioned Mr. Moodie regarding the nature of his complaint. Mr. Moodie advised P.O. Ortiz of flooring, a toilet, and a sink/vanity that were removed from his storefront, by the family of a deceased tenant. Mr. Moodie advised P.O. Ortiz he installed the sink/vanity and toilet, but the flooring was installed by the tenant prior to death.

Mr. Moodie took offense to P.O. Ortiz's continued questioning, as he believed P.O. Ortiz to be "argumentative." Also, Mr. Moodie disagreed with P.O. Ortiz's classification of the incident being a civil matter. Mr. Moodie believed the missing items were taken without regard for stipulations outlined in the standing rental agreement.

Review of P.O. Ortiz's WCS video showed Mr. Moodie's intent to report every missing item as stolen. However, P.O. Ortiz made several attempts to advise Mr. Moodie why the matter of the missing flooring was civil, and could not be reported stolen. P.O. Ortiz advised Mr. Moodie that because the missing flooring was suspected of being taken by those who bought and installed it, the flooring was not stolen.

Also, P.O. Ortiz unsuccessfully attempted to solicit assistance from a CDP supervisor to assist with clarifying CDP reporting practices to Mr. Moodie, but no CDP supervisor was available.

Mr. Moodie advised P.O. Ortiz that one day prior he spoke with CDP Officers, who also advised him of the removal of items from the storefront being a civil matter.

P.O. Ortiz documented the incident as a Petty Theft, reporting the missing toilet, and sink/vanity (purchased by Mr. Moodie) as stolen. P.O. Ortiz advised Mr. Moodie to whom (City Prosecutor) and how he could report matters of the missing flooring and lease agreement violations.

- Briefed to Complainant:** N/A
- Did Complainant Request Additional Support:** N/A
- Briefed to CDP Officer or Employee:** N/A
- Policy or Training Recommendation:** N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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## Summary Investigation Out-Brief

**Investigator – Kristen Traxler**

**Case # 2023-0240 - Complainant Valerie Linder**

**Subject Patrol Officer Antonio Muniz Badge #440**

**Subject Sgt. Dustin Vowell Badge #9323**

**Subject Patrol Officer James Brooks #1014**

### Administrative/Case Information

**Status: Open: 9/26/2023 / Closed 1/17/2024 (114 Days)**

### Investigative Report

**Initial Allegation #1: Lack of Service - Insufficient**

**Other Matters: N/A**

### References:

**ORC 2151.421 (A)(1)(a)** No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. **If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.** In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

**GPO 5.07.02 I(A.)** Officers responding to an assignment of child abuse or neglect shall determine if a violation of ORC 2919/22, Endangering Children or CCO 609.04, Endangering Children has occurred.

**Case Summary:** On 9/25/2023, Ms. Valerie Linder filed an online complaint with OPS alleging lack of service for an incident involving a small child left unattended in a vehicle. Additional complaints were filed by Ms. Maria McMillan and Ms. Ashley Palmer, who were also present during the incident. Each of the complainants feel the responding Officer's did not sufficiently investigate the circumstances or the mother who left her child unattended in the vehicle.

### Evidence Collection:

WCS Patrol Officer James Brooks #1	DURATION: 00:00:37
WCS Patrol Officer James Brooks #2	DURATION: 00:34:35
WCS Patrol Officer James Brooks #3	DURATION: 00:30:01
WCS Patrol Officer Antonio Muniz #1	DURATION: 00:10:49
WCS Patrol Officer Antonio Muniz #2	DURATION: 01:05:00
WCS Sgt. Dustin Vowell	DURATION: 00:16:38

### Key Findings:

### Narrative:

Officers responded to a call of a child left unattended in the back seat of a vehicle. Both Officers walked over to the mother, her father and the child. The mother explained to Officers that the child was left unattended because both she and her father had to use the restroom. The mother expressed that she was only gone approximately 5 minutes. According to the group of women who called 911, the child was left unattended for at least 20 minutes. As per protocol, a supervisor was called to the scene. Sgt. Vowell then speaks with the mother and her father. Officers ensured that the mother and her father did not have a criminal history or outstanding warrants. Officers then instructed the mother to have someone come to retrieve her and her child with a proper car seat. Shortly after, the mother's sister arrives to take the mother and her child home. Once the mother and child had left, the Officers returned to the group of women to advise them of the outcome. The women were unhappy and felt that more should have been done.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / Insufficient	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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## Summary Investigation Out-Brief

**Investigator – Kristen Traxler**  
**Case # OPS 2021-0234 - Complainant Sandra Gonzalez**  
**Subject Patrol Officer Farid Alim Badge #634**

### Administrative/Case Information

**Status: Open 9/26/2021 / Closed 3/11/2024 (898 Days)**

### Investigative Report

**Initial Allegation #1: Unprofessional Behavior/Conduct**

**Other Matters: N/A**

### References:

**Cleveland Division of Police Manual of Rules**

### 1.01.03 Professionalism

Division members shall be resourceful and polite when dealing with the general public. This includes but is not limited to personal, physical and telephone contact

**5.01** Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

**5.02** Personnel shall not engage publically in any disparaging conversation detrimental to the Division of Police or its personnel, or representing policy as being other than as stated in the rules, General Police Orders, Divisional Notices, and memorandums.

**5.08** Personnel shall conduct themselves in such a manner as to command the respect of the public.

**5.09** Personnel shall be courteous and respectful in their speech, conduct and contact with others.

### Evidence Collected:

OPS Interview with P.O. Farid Alim  
 OPS Interview with P.O. Cynthia Moore

### Case Summary:

On 9/26/2021, Ms. Sandra Gonzales filed a complaint with OPS regarding unprofessional behavior/conduct on the part of Patrol Officer Farid Alim, #634 during an encounter on 9/26/2021. Ms. Gonzales alleges that while driving through the intersection of West 9th and W. St. Clair Avenue, Patrol Officer Cynthia Moore, #1277 was directing her to stop. It was at that same time that P.O. Alim gave her a conflicting order to drive forward. Ms. Gonzales did not move her vehicle because she said she was confused. Ms. Gonzales stated that P.O. Alim then yelled and cursed at her saying "I don't give a fuck what she told you to do, I'm telling you to keep going!".

### Key Findings:

### Narrative:

All parties were present at the date and during the time in question. P.O. Alim stated that he did not use profanity towards anyone on that day, and P.O. Moore said that she did not observe any issues, nor did she witness P.O. Alim acting unprofessional or rude to anyone. Both P.O. Alim and P.O. Moore commented that traffic was extremely heavy that day. P.O. Alim added that it is very loud due to vehicles and screaming pedestrians. Based on the information provided by both Officers, it can be inferred that P.O. Alim was speaking loudly when he told Ms. Gonzales to keep going.

Ms. Gonzales did not respond to multiple requests by OPS for an interview. An attempt was made to contact her at her home, however no one answered. A letter was left in the door asking Ms. Gonzalez to contact the Investigator.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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# Summary Investigation Out-Brief

**Investigator:** Hercules Harris

**OPS Case # 2023-0283 - Complainant:** Tiffany Thomas

**Subject Officers:** P.O. James Kertcher #564 & P.O. Joshua Doerner #2181

### Administrative/Case Information

**Status:** Open (12/6/2023) / Closed (3/24/2024) (Open 109 days)

**Investigation Type:** Standard

**Initial Allegation #1:** Lack of Service

**Other Matters:** N/A

**References:** Cleveland Division of Police General Police Order – 4.03.01 – Protocol with Outside Agencies – Procedures – I. General Guidelines (A.): The Division shall assist the other police agencies with investigations or other matters of mutual concern when called upon. Cleveland Division of Police General Police Order – 4.03.03 – Protocol – Cleveland Metropolitan School District Police Department – Procedures – I. General Guidelines (B.): Members of the Division shall not refuse requests for service concerning incidents occurring on CMSD property in the City of Cleveland. Cleveland Division of Police General Police Order – 4.03.03 – Protocol – Cleveland Metropolitan School District Police Department – Procedures – II. CMSDPD Responsibilities (A.): Consistent with capabilities, CMSDPD will use best efforts to investigate all crimes reported on CMSD property, with the exception of incidents outlined in General Police Order 4.03.01 Protocol with Outside Agencies Section I.B.

**Evidence Collection:** Officer Kertcher's WCS & CMSDPD Incident Report

**Case Summary:** On 12/4/2023, the Office of Professional Standards (OPS) received a complaint from Tiffany Thomas. In her complaint, Ms. Thomas stated she is a teacher at JFK High School and she called 911 to report a threat in her classroom. CDP responded, but never came to her classroom to check on her and refused to file a police report.

### Key Findings:

**Narrative:** Officer Kertcher stated in his OPS interview that he didn't complete a Police Report since the incident occurred on CMSD property and they have jurisdiction. Officer Kertcher said he was aware that Sgt. Brown (CMSD) was on his way to the school and waited with Ms. Thomas until he arrived. When Sgt. Brown arrived, he informed Ms. Thomas that CMSD Police would handle the investigation, not CDP. Lastly, Officer Kertcher believed he fulfilled his obligations on scene and Ms. Thomas appeared satisfied with the outcome.

OPS reviewed GPO 4.03.03 (I.B.) which states that CDP officers shall not refuse requests for service concerning incidents occurring on CMSD property in the City of Cleveland. Officer Kertcher responded to Ms. Thomas' call-for-service in a timely manner and ensured no one was in imminent danger. According to the GPO, these are the only necessary measures required. OPS reviewed GPO 4.03.03 (II.A.) which states "CMSDPD will use best efforts to investigate all crimes reported on CMSD property, with the exception of incidents outlined in GPO 4.03.01. OPS reviewed GPO 4.03.01 and the offense of Menacing isn't listed as an incident that CDP shall have investigative responsibility. GPO 4.03.01 (I.A.) states the Division shall assist the other police agencies with investigations or other matters of mutual concern when called upon. CDP responded to the call with CMSD also responding. In this situation, CMSDPD would be the agency to take the report. Based on a review of the evidence, Officer Kertcher's actions weren't a refusal to assist the complainant, but protocol as outlined in CDP's policy.

Officer Kertcher spoke to several School Security Officers who stated Ms. Thomas was not in danger and the students involved in the incident were in the Main Office. Officer Kertcher and Moyano remained on scene until Sgt. Brown from CMSD arrived and spoke to Ms. Thomas. Officer Kertcher spoke to Sgt. Brown who insisted on handling the investigation. Therefore, Officer Kertcher fulfilled his obligations according to the GPO.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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# Summary Investigation Out-Brief

**Investigator:** Hercules Harris

**OPS Case #** 2023-0295 - **Complainants:** Anonymous

**Subject Officers:** P.O. Brizilio Hall #476, Det. Michael Williams #989, P.O. Shawn Wohl #396, P.O. Rob Langley #1930, Det. Michael Viancourt #1063

### Administrative/Case Information

**Status:** Open (1/2/2024) / Closed (3/24/2024) (Open 82 days)

**Investigation Type:** Standard

**Initial Allegation #1:** Unprofessional Behavior

**Other Matters:** N/A

**References:** Cleveland Division of Police General Police Order - 7.03.03 -

**Social Media Policy and Usage – Policy:** Members are prohibited from posting or publishing statements, endorsements, or other speech, information, images or personnel matters which could reasonably be interpreted to represent or undermine the views or positions of the Division without any legitimate purpose, or may place the Division in disrepute or negatively impact the ability of the Division in carrying out its mission, pursuant to the policy as stated herein.

**Evidence Collection:** Copies of Facebook Posts

**Case Summary:** On 12/18/2023, the Office of Professional Standards (OPS) received a complaint from Anonymous. In their complaint, Anonymous stated several officers made rude and inappropriate comments regarding P.O. Vicki Przybylski’s death on Facebook. The comments were posted to Facebook on 12/16/2023.

### Key Findings:

**Narrative:** OPS reviewed all of the information submitted by Anonymous. OPS believes the comments posted to Facebook do not rise to the level of misconduct nor diminish the esteem of the division. The comments took place on a private page on Facebook consisting of mostly Cleveland Police Officers. The officers felt Ms. Wadsworth-Ruma disrespected Officer Przybylski who had just passed away from cancer the previous day. The officers defended Officer Przybylski, which is reasonable considering the circumstances of the incident.

Anonymous didn’t submit any screenshots of Facebook posts made by Det. Michael Viancourt #106, but they listed him in the OPS complaint. OPS attempted to contact Anonymous via email, but was unsuccessful. OPS contacted Officer Brizilio Hall via email who stated the Facebook posts were no longer available. OPS interviewed Det. Viancourt and he said he went on Facebook and told everyone to take a step back and grieve as a family. He stated Ms. Wadsworth-Ruma is no longer a part of their police family and to ignore her comments. He felt his comments were in compliance with GPO 7.03.03 (Social Media Policy and Usage). OPS was unable to confirm exactly what Det. Viancourt’s comments were on Facebook.

- Briefed to Complainant:** N/A
- Did Complainant Request Additional Support:** N/A
- Briefed to CDP Officer or Employee:** N/A
- Policy or Training Recommendation:** N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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## Summary Investigation Out-Brief

**Investigator – Kristen Traxler**  
**Case # OPS 2022-0314 - Complainant Matt Dates**  
**Subject Patrol Officer Tatiana Bartell Badge #584**  
**Subject Patrol Officer Megan Hollenbeck Badge #187**

### Administrative/Case Information

Status: Open 12/29/2022 / Closed 3/11/2024 (439 Days)

#### Abridged Investigative Report

Initial Allegation #1: Lack of Service

Other Matters: N/A

#### References:

4.03 Personnel shall give full attention to the performance of their duties.

5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.

#### Evidence Collected:

WCS P.O. Tatiana Bartell #1	DURATION: 00:03:16
WCS P.O. Tatiana Bartell #2	DURATION: 00:15:06
WCS P.O. Megan Hollenbeck #1	DURATION: 00:03:16
WCS P.O. Megan Hollenbeck #2	DURATION: 00:15:06
OPS Interview with Whittguard Security	DURATION: 00:01:01

#### Case Summary:

On 12/29/2022, Mr. Matt Dates of Greenbridge Commons called OPS to file a complaint for lack of service. Mr. Dates stated that on 12/22/2022, Security Officer Domonique Hawkins called police because a resident was attempting to allow an unauthorized guest into the building. Mr. Dates stated that when the police arrived, they did not assist Ms. Hawkins with the male who was trespassing on the property.

### Key Findings:

#### Narrative:

On 12/22/2022, police were called to Greenbridge Commons by security guard Domonique Hawkins who stated that a resident of the building was attempting to allow an unauthorized guest into the building. Ms. Hawkins added that residents must have guests on an approved list. Officers spoke with the resident who stated that the man was her child's father and that he has been in the building on several other occasions. Ms. Hawkins tells the Officers that she is following procedure. P.O. Bartell calls the security manager, Matt Dates, who tells her that residents have curfews and that the Officer would need to speak with the property manager. After calling the property manager, the resident and the guest were permitted to go to their apartment.

During the course of the investigation, attempts were made to speak directly with Matt Dates. After contacting Whittguard Security, OPS was informed that he had left his position 6 months prior.

On 3/11/2024, an attempt was made to interview Ms. Hawkins. Ms. Hawkins no longer works at Greenbridge Commons.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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# Summary Investigation Out-Brief

**Investigator's – David Hammons (Prior Investigator – No longer w/OPS) / Joseph Szymanski (Assigned Investigator)**  
**OPS Case # 2021 - 0114 - Complainant – Kendra A. Rothschild**  
**Subject – P.O. Matthew Maclaren #931**

## Administrative/Case Information

**Status:** Open/(May 19, 21)/Closed/(Jan 19, 24)/# of Days (975)

**Classification:** Standard.

**Initial Allegation(s):** Lack of Service/No Service and Unprofessional Behavior/Conduct.

**References:** CDP Manual of Rules and Regulations: *Section IV. DUTY 4.03, 4.11, 4.14, and Section V. BEHAVIOR 5.09. Cleveland Division of Police General Police Order 3.4.16: Enforcement of Domestic Violence Statutes.*

**Evidence Collection:** Citizen Complaint, LERMS Reports, WCS, Radio Communication, Complainant Statement, and Correspondence.

**Case Summary:** On 05-19-21, at W. 9th and Johnson Ct., the complainant reported witnessing a female beaten by two males. She said an hour passed before police arrived. When police arrived, the two males had returned inside an apartment, and the female victim [Dominique Harris] was outside; the officers did not exit the zone car right away or ensure the victim was okay when seated on the sidewalk, bleeding, out of breath, after being beaten. P.O. Maclaren had only rolled his window halfway down to collect the victim's statement. P.O. Maclaren never exited the vehicle, even-though they had asked if they would get out to ensure the victim was okay, providing P.O. Maclaren responded, "Can you girls just quiet down? You guys are annoying. I can't hear anything she's trying to say." She said P.O. Maclaren remained inside the vehicle, speaking to the victim, as she inquired if he would get out and ask if the victim needed an EMS and was holding onto the victim to set her down. She said she informed the officers they had intervened, and the males returned to an apartment building the officers did not act upon and remained inside the zone car. The officers had no care in the world, blew it off, refused to take her information when she requested to provide it and was told, "No. It's okay. We'll handle this." She said P.O. Maclaren did all the talking and was rude towards her and the victim. She felt P.O. Maclaren was extremely unprofessional and described him as a disgusting, pathetic, rudest male she had ever met. Further, she had argued with the officers for 15-20 minutes, cussed them out, and left.

## Key Findings

P.O. Maclaren complied by 4.11. The preponderance of evidence showed he received a *Priority 2* assignment as an *Assault*. He responded within a reasonable time when he received the assignment without unreasonable delay. He did not comply with 4.03, 4.14, and the procedures of GPO 3.4.16. He *did not give full attention to the performance of his duties* by not complying with 4.03, as he had a duty to *provide assistance to injured and sick persons and obtain proper transportation to the nearest hospital*. He did not comply by 4.14 as the victim had informed him of her injuries from what occurred. The victim informed him she had a scratch that burned and was pregnant with the suspect's baby, who had choked her and put her to sleep. P.O. Maclaren collected photos of the victim's injuries. He did not offer her EMS, medical treatment, or assistance regarding her injuries. He did not comply with GPO 3.4.16 as he did not request the victim to fill out or sign a MM complaint statement. He did not provide a copy of the Information Sheet, Form #71-2195, the Ohio Attorney General's booklet *Picking Up the Pieces*, or the Domestic Violence Center's information card. He was informed twice by the victim she was pregnant with the suspect's baby, who had choked her, putting her to sleep. Pursuant to P.O. Maclaren's narrative of the field base report, he did not make any mention of the victim being pregnant at the time of the offense. The CDP Domestic Violence Supplemental Form revealed he didn't mark the box that he gave the victim the Domestic Violence Information Sheet, confirming with WCS. Further, he marked "none" for medical treatment.

P.O. Maclaren complied with 5.09. He did not show that he did not care, was rude, or was unprofessional in his behavior or conduct. **WCS revealed** he heightened/raised his tone twice when on scene. However, it did not rise to a level of unprofessional behavior or conduct. The first time he heightened/raised his tone, directed toward the complainant and walking away. Others raised their tone at her as it appeared she needed to move her vehicle. P.O. Maclaren appeared to be issuing a lawful order to gain compliance, as the complainant did not want to move her vehicle. The complainant returned, informing him she did not want to move her vehicle. The officer heightened/raised his tone toward the group of females talking loudly behind the victim as he was conducting his investigation. He told them he was trying to have a conversation, kindly asked if they could yell somewhere else, informed them that he would be with them shortly, and thanked them.

- Briefed to Complainant: NO
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: NO
- Policy or Training Recommendation: N/A

Lack of Service/ No Service	WCS Violation	Unprofessional Behavior/ Conduct	Improper Procedures	Biased Policing	Missing/Damaged Property	Excessive Force
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