

MEETING OF THE CIVILIAN POLICE REVIEW BOARD THE OFFICE OF PROFESSIONAL STANDARDS



As of 8 August, 2023



CLEVELAND, OHIO

Tuesday, August 22, 2023



CITY OF CLEVELAND

Mayor Justin M. Bibb

Marcus A. Perez, Administrator
Office of Professional Standards

Billy Sharp, Chair
Civilian Police Review Board

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

205 West St. Clair, 3rd Floor
Cleveland, Ohio 44113

www.clevelandohio.gov/ops

Tuesday, August 22, 2023

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

Billy Sharp, Chair

Michael Hess, Vice Chair

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 at the location identified below and via WebEx & YouTube:

Tuesday, August 22, 2023, at 0900 am

Location:

City Hall

601 Lakeside Avenue, Room 514,

Cleveland, Ohio 44114

To join this meeting via WebEx:

<https://cityclevelandoh.webex.com/cityclevelandoh/j.php?MTID=m1d33399dc7219eb4e936d8c4d2e952c5>

Join the meeting number.

Meeting number (access code): 2307 804 6387

Meeting password: 1234

Join from a mobile device (attendees only)

+1-415-655-0003, 23078046387# US Toll

You can view the meeting via YouTube:

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

Tuesday, August 22, 2023**MEETING AGENDA**

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| I. CALL TO ORDER | Billy Sharp, Chair |
| II. ROLL CALL & INTRODUCTIONS | Billy Sharp, Chair |
| III. APPROVAL OF MINUTES | CPRB |
| IV. EXECUTIVE SESSION | Billy Sharp, Chair |
| V. PUBLIC COMMENT | Billy Sharp, Chair |
| VI. PRESENTATION OF INVESTIGATIONS | Marcus Perez, OPS Administrator
OPS Investigative Staff |
| VII. ANNOUNCEMENTS AND COMMUNICATIONS | Billy Sharp, Chair |
| VIII. OPS STATUS REPORT | Marcus Perez, OPS Administrator |
| A. UPDATE OF OPS INVESTIGATION | |
| B. REVIEW OF CHIEF DISCIPLINARY DECISIONS | |
| C. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS | |
| D. UPDATES ON POLICY RECOMMENDATIONS | |
| IX. COMMITTEE REPORTS | |
| X. NEW BUSINESS | |
| XI. ADJOURNMENT | |

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COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	22-141	Homchik	Funari	Lack of Service/Insufficient Service	Sgt. Michael Chapman #9232 (Promoted to Lieutenant) Lack of Service/Insufficient Service Recommendation: Motion: Second:
2	23-019	Orr	Funari	Improper Search	Det. Andrew Hayduk #349 Improper Search Recommendation: Motion: Second:
				Harassment	Harassment Recommendation: Motion: Second:
				Improper Search	Det. James Crivel #1727 Improper Search Recommendation: Motion: Second:
				Harassment	Harassment Recommendation: Motion: Second:
				Improper Search	Det. Sean Grace #140 Improper Search Recommendation: Motion: Second:
				Harassment	Harassment Recommendation: Motion: Second:
3	23-026	Kilbane	Funari	Lack of Service	P.O. Todd Clemens #1096 Lack of Service Recommendation: Motion: Second:

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COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
4	22-239	Kilbane	Funari	Unprofessional Behavior/Conduct	Dispatcher Debra Brewer Unprofessional Behavior/Conduct Recommendation: Motion: Second:
5	22-135	Brickers	Szymanski	Excessive Force	P.O. Fernando Orozco #1601 Excessive Force Recommendation: Motion: Second:
				Unprofessional Behavior/Conduct	Unprofessional behavior/Conduct Recommendation: Motion: Second:
				Lack of Service/Improper Report	Lack of Service/Improper Report Recommendation: Motion: Second:
				Improper Arrest	Improper Arrest Recommendation: Motion: Second:
6	22-177	Strozier	Szymanski	Lack of Service/No Service	Det. Michael Dunn #269 Lack of Service/No Service Recommendation: Motion: Second:
7	22-238	Stepanovich	Szymanski	Improper Arrest	P.O. Jonathan Selleny (resigned) Improper Arrest Recommendation: Motion: Second:
				Improper Arrest	Sgt. Roger Stoudmire #1873 Improper Arrest Recommendation: Motion: Second:
				Unprofessional Behavior/Conduct	Unprofessional Behavior/Conduct Recommendation: Motion: Second:

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8	22-124	Fouche	Szymanski	Lack of Service Unprofessional Behavior/Conduct	Det. Martina Latessa #2253 Lack of Service Recommendation: Motion: Second: Unprofessional Behavior/Conduct Recommendation: Motion: Second:
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9	22-152	Franklin	Bowker	Lack of Service/No Service Unprofessional Behavior/Conduct Lack of Service/No Service Unprofessional Behavior/Conduct	P.O. Jose Ortiz #1284 Lack of Service/No Service Recommendation: Motion: Second: Unprofessional Behavior/Conduct Recommendation: Motion: Second: P.O. Cecelia Kochevar #864 Lack of Service/No Service Recommendation: Motion: Second: Unprofessional Behavior/Conduct Recommendation: Motion: Second:
10	22-092	Maddox	Bowker	Lack of Service WCS Violation Lack of Service	P.O. Michael Wheeler #1139 Lack of Service Recommendation: Motion: Second: WCS Violation Recommendation: Motion: Second: P.O. Nauman Elkhatib #120 Lack of Service Recommendation: Motion: Second:

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				WCS Violation	WCS Violation Recommendation: Motion: Second:
				Lack of Service	P.O. Michael Cox #163 Lack of Service Recommendation: Motion: Second:
				WCS Violation	WCS Violation: Recommendation: Motion: Second:

11	22-172	Gleason	Bowker	Unprofessional Behavior/Conduct	P.O. Lawrence McGervey #2352 Unprofessional Behavior/Conduct Recommendation: Motion: Second:
12	22-071	Reynolds	Bowker	Harassment	P.O. Alex Parente #1221 Harassment Recommendation: Motion: Second:
				Harassment	P.O. Mark Peysha #1340 Harassment Recommendation: Motion: Second:

13	23-119	Lopez	Harris	Lack of Service	P.O. Christopher Cooper #91 Lack of Service/No Service Recommendation: Motion: Second:
				Lack of Service	P.O. Rafael Carrucini #371 Lack of Service/No Service Recommendation: Motion: Second:
14	22-215	Nader	Harris	Unprofessional Behavior/Conduct	Dispatcher Melody Howard #24 Unprofessional Behavior/Conduct Recommendation: Motion: Second:
15	22-235	D'Angelo	Harris	Lack of Service	P.O. Angela Owens #878 Lack of Service Recommendation: Motion: Second: Unprofessional Behavior/Conduct

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				Unprofessional Behavior/Conduct	Recommendation: Motion: Second:
16	22-075	Hall-Battle	Harris	Lack of Service/Failure to Investigate Unprofessional Behavior/Conduct	Sgt. Roger Stoudmire #9168 Lack of service/Failure to Investigate Recommendation: Motion: Second: Unprofessional Behavior/Conduct Recommendation: Motion: Second: P.O. Strehle #658 (resigned)
COUNT	OPS#	COMPLAINANT	INVESTIGATOR	RECOMMENDATION	CHIEF'S DECISION
1	21-206	Gary	Delaney	The CPRB recommended that the allegations of Improper Procedure be Sustained against Det. Daniel Florentz #2586 When he failed to have a supervisor present during his interview with a complainant's juvenile son in violation of CDP Detective Unit Manual-Procedures of Juvenile Offenders (Group II Violation).	On June 23, 2023, a pre-disciplinary hearing was held before Deputy Chief Dorothy Todd. Chief Drummond departed from the recommendation of the CPRB and Dismissed the charges in Specification 1, Improper Procedure , against Det. Florentz. Chief Drummond cited that the Detective Responsibilities portion of the CDP Detective Unit Manual states: "Conducting interviews and obtaining statements from all victims and witnesses using the current procedures. Statements shall be taken from juveniles as long as the juvenile is of a reasonable age and can understand the procedures. A supervisor must be present if no responsible adult or parent is present while obtaining a juvenile's statement". (Emphasis added) Nowhere else in the section Detective Responsibilities does the Cleveland Division of Police Detective Manual address obtaining statements from juveniles. The next version will address conflicts within the CDP Detective Unit Manual. The juvenile's mother and adult sister were present, and the language in the CDP Detective Unit Manual would indicate to a detective that a supervisor is not required when obtaining a statement from a juvenile.

CITIZENS OVERVIEW HIGHLIGHTS

Administrators: The following information reflects the cases within this packet, and that are subjected to being heard today.

2023, 9:00 am

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I

Introduction

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1. **Purpose.** OPS will implement immediate and enduring solutions necessary to improve Community understanding and knowledge in policing oversight and investigative policies, programs, and processes to strengthen the trust, confidence, and legitimacy of The Office of Professional Standards (OPS) and The Civilian Police Review (CPRB). OPS will take a proactive and practical approach to citizens' complaints and those agencies charged with policing and policing oversight to convey a shared understanding and appreciation of true transparency.
2. **This Document Serves as a Guide.** This guide is designed to be a ready reference for a citizen to understand our terminology, provide feedback for a common language, and follow how our investigators conducted their Fact Finding Investigation for the CPRB meeting. Part one of the guide offers vital definitions and addresses the complaint function and the resolution of **complaints outside OPS authorities and jurisdiction**. Part Two provides a fact-finding summary of each case that the CPRB may hear. The formats offered herein give all individuals a typical frame of reference when attending our live streaming or monthly and sometimes bi-weekly CPRB meetings. NOTE: OPS Investigators only provide the facts from their investigations to the CPRB members in attendance. After its investigation, OPS will explain its findings using one of the following categories: Sustained, Exonerated, Unfounded or Not Sustained, and Administrative Dismissal (refer to critical definitions OPS Findings)
3. **Questions and Comments:** For questions or comments concerning this agenda, please get in touch with the OPS Administrator Marcus A. Perez, headquartered at 205th W. St. Clair Avenue, Suite #301, Cleveland, Ohio 44113, or call (216) 664-4618. Your feedback is needed and wanted.

PART I

Tuesday, August 22, 2023

Key Definitions: This guide uses numerous OPS-specific terms that require precise definitions. This paragraph addresses those key terms commonly necessary to understand the OPS procedures properly.

- a. **Allegation:** The term "allegation" has two specific meanings given the context within which it is used.
 - 1) An allegation is generally a statement or assertion of a violation of a rule, regulation, policy, directive, order, requirement, or law (or similar standard) usually submitted by a third party against an individual. In this general context, an allegation has the exact definition of a complaint.
 - 2) The term allegation can be used in an OPS-specific context as one of the two possible parts of a complaint (the other being an issue). When used in an OPS-specific context, the allegation may refer to how an Investigator formulates or drafts a violation (specification) of a rule, regulation, policy, directive, order, requirement, or law (or similar standard). No matter how or in what form someone might submit an allegation as part of a complaint, the OPS investigator has complete discretion over how the allegation is formulated or drafted in the investigative case. An allegation in the Investigator-specific context typically contains four essential elements: (1) who, (2) improperly, (3) did or failed to do what, (4) in violation of an established standard. The Investigator refines the allegations/specification based on evidence gathered during an Investigation Inquiry.
- b. **Assistance:** Assistance is receiving, inquiring into, recording, and responding to complaints or requests for information either brought directly to the OPS or referred to the OPS for action concerning matters of community interest.
- c. **Assistance Inquiry:** An informal fact-finding process used to address or respond to a complaint involving a request for help, information, or other issues outside of OPS authorities or other matters, but not complaints with allegations of a violation of a rule, regulation, policy, directive, order, requirement, or law (or similar standard). (See Part One of this guide)
- d. **Civilian Police Review Board (CPRB):** The CPRB reviews misconduct complaints investigated by OPS and recommends them to the Chief of Police. Before recommending discipline or determining that a complaint warrants no action, the CPRB may hold a public hearing. Upon making its decision, the CPRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition.
- e. **Cleveland Department of Police (CDP):** Cleveland Division of Police officers and employees are subject to OPS investigations to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and timely investigating and resolving misconduct complaints
- f. **Complainant:** A person who submits a complaint, allegation, or other request for assistance to the OPS.
- g. **Complaint:** A complaint is generally a notice of -- or an expression of -- dissatisfaction or discontent with a process or system or the specific behavior or actions of an individual submitted by a third party. Complaints contain one or more issues or allegations or both.
- h. **Independent Investigative Agency (IIA):** An organization designated by the citizens of Cleveland, usually to provide policing oversight and broad general support to the City of Cleveland in a single, unique discipline not otherwise available elsewhere in the City.

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- i. **First Party:** A first party, as used in this guide, is someone whom a second party has aggrieved in the context of violating a rule, regulation, policy, directive, order, requirement, or law (or similar standard) and who reports it, or brings it to the attention of, an appropriate authority that can take action to resolve the matter. In most cases, the first party is often the complainant (see the definition of the complainant).
- j. **IA PRO System (AI PRO):** The Investigator database that documents all evidence within the Agency. Only trained and qualified employees and investigators have access to this database.
- k. **Information OPSAR:** Information OPSARs are a shorthand method to document certain types of OPSARs for information requests only. The two general types are 1A (Routine Request for Information) and 1B (Request for Support OPS Staff to OPS Investigator). The staff or investigator may also use the Information OPSAR to document workload expended outside Assistance and Investigations utilizing the '18E' series codes. For example, the Investigator may use 18E5 to document time spent conducting community engagement. This approach is practical when conducting personnel power studies.
- l. **Issue:** An issue is a complaint or request for information made to the OPS that does not list a "who" as a standard or policy violator. An issue is resolved by (1) conducting an Assistance Inquiry, in which case it is either "Founded" if it has merit and requires resolution, or "Unfounded" if it does not have merit and requires no additional action, or (2) providing the requested information or referring the complainant to the agency or organization best suited to resolve the problem
- m. **Office of Professional Standards (OPS):** Via Charter Amendment, Sections 115-1 through 115-4, effective August 8, 2008. OPS is an independent agency within the City of Cleveland. It is responsible for receiving and investigating non-criminal complaints filed by members of the public against sworn and non-sworn Cleveland Division of Police employees. OPS is also empowered to make findings and recommend action to the Civilian Police Review Board ("CPRB") regarding those complaints.
- n. **Office of Professional Standards Action Request (OPSAR):** is the term used to refer to receiving, inquiring into, recording, and responding to complaints or requests for information either brought directly to the OPS or referred to them.
- o. **OPS Findings: OPS only provides facts; the CPRB will determine**
 - a. **Sustained:** the preponderance of the evidence establishes that the policy violation occurred. A complaint may be "sustained in part" if the investigation revealed sufficient evidence to support a finding of a policy violation on one or more, but not all, of the complainant's allegations. A complaint may also be "sustained for a violation not based on the original complaint" if the investigation reveals evidence of misconduct not included in the complainant's original allegation.
 - b. **Exonerated:** the preponderance of the evidence fails to establish a finding of a policy violation and does not warrant any further investigation or action.
 - c. **Unfounded:** the preponderance of the evidence fails to establish whether a policy violation occurred or did not occur.
 - d. **Insufficient Evidence:** If the preponderance of the evidence fails to establish whether the alleged conduct did or did not occur, the Investigator will make a recommended finding of "Insufficient Evidence."
 - e. **Administratively dismissed.**

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- p. **OPS Investigation:** A formal fact-finding examination by an Investigator into allegations, issues, or adverse conditions that provides the CPRB a sound basis for making decisions and taking action. After its investigation, OPS will explain its findings using the following categories: Sustained, Exonerated, Unfounded or Insufficient Evidence, and Administrative Dismissal.
- q. **Second Party:** A second party, as used in this guide, is someone alleged to have affected a first party when violating a rule, regulation, policy, directive, order, requirement, or law (or similar standard). Second parties are usually the subjects and suspects in an Investigation (see the definition of subject/suspect).
- r. **Conflict of Interest (COI):** Includes an investigator's relationship with a current or former CDP officer, employees of the CDP, or complainant to include comparable civil/community appointees.
- s. **Standard Investigation:**
- t. **Subject:** A person against whom non-criminal allegations have been made such as violating a local policy or regulation that is not punitive.
- u. **Suspect** A person against whom criminal allegations were made. The allegations include violations of CDP punitive articles, punitive regulations, or violations of other criminal laws. A person may also become a suspect due to incriminating information during an investigation or interview or whenever the questioner believes, or reasonably should believe, that the person committed a criminal offense. **Upon discovery, all Criminal allegations are referred to CDP Internal Affairs (IA).**
- v. **Third Party:** A third party, as used in this guide, is one who discovers, observes, or otherwise becomes aware of what they believe is a violation of a rule, regulation, policy, directive, order, requirement, or law (or similar standard) and who reports it or brings it to the attention of someone other than the person believed to have committed the violation. Furthermore, this third party has not been personally aggrieved by the actions of the person believed to have committed the violation (usually known as the second party).
- w. **Unfavorable Information:** Unfavorable Information is any credible, derogatory information that may reflect on a complainant or CDP's officer or employee's character, integrity, trustworthiness, or reliability.

NOTICE TO THE PUBLIC

All times indicated are approximate and subject to change. The meeting may be canceled without notice. Agenda items may be discussed, and action taken out of order at the discretion of the

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Chairperson for convenience, to accommodate speakers, and to maintain a quorum. Identified presenters are subject to change. Action may be taken on any item on the Agenda. In the event a quorum of the Board is unable to attend the meeting or the Board is unable to maintain a quorum once the meeting is called to order, the members present may, at the Chairperson's discretion, continue to discuss items from the agenda and make recommendations to the full Board at a future meeting.

Accessibility: The Board complies with the Americans with Disabilities Act by ensuring that the meeting facilities are accessible to persons with disabilities and providing that this notice and information given to the members of the Boards are available to the public in appropriate alternative formats when requested. If you need assistance, including disability-related modifications or accommodations, to participate in this meeting, please make your request by contacting Mrs. Pierson-Shanks at 216-644-4618. Providing your request at least five business days before the appointment will help ensure the requested accommodation's availability.

Public Comment: Members of the public attending will be allowed to comment during the public comment period. The total time allocated for public comment may be limited. Comments will be limited to three (3) minutes per person; however, the Chairperson may decide to shorten or lengthen the public comment period at his discretion. General members cannot "yield" their allotted time to other public members to comment.

Rules for public comment**I. General**

A. Public members shall be afforded time to comment on agenda items and other matters germane to the business of the CPRB by these Rules.

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- B. The OPS shall manage the public comment section of CPRB Meetings, including enforcing rules governing public comment. OPS Administration shall support Committee Chairs on public comment management during committees.
- C. The agenda of every CPRB meeting shall include a reservation of time near the beginning of the meeting for public comment.
- D. The Chair shall recognize and allow to speak any person desiring to speak during Public Comment.
- E. The total cumulative time of all public comments shall be limited to 30 minutes unless determined otherwise by the Chair. Suppose all persons desiring to speak during the Public Comment cannot do so within the time limit allowed. In that case, the Chair shall have the option (but not the obligation) of extending the time allocated for Public Comment, either at the point designated on the agenda, at such later point, or as the Board or Committee may otherwise determine.
- F. Public comment is limited to three minutes per individual unless the Chair designates a longer or shorter period. (Generally, the longer or shorter period will apply to all persons participating in the Public Comment at the same meeting).
- G. The Chair shall enforce speaker time limits.
- H. The Chair can interrupt a speaker to enforce these or other applicable rules.
- I. No Board Member should interrupt a speaker during public comment.
- J. In general, Public Comments will proceed in the following order: (1) Public Comments by individuals in attendance and then (2) Comments by individuals when their OPS case is being heard.

II. Participation

- A. Individuals wanting to speak must indicate before the start of the CPRB meeting.
- B. Speakers shall be entitled to address the Board or committee on a first-recognized, first-served basis.
- C. It is not the intent of the Board to restrict an individual's right to provide public comment; however, speakers desiring to give their words in a language other than English, including sign language, are asked to give OPS notice identifying the language to be used at least 24 hours before the CPRB meeting at which comment will be made. Upon receipt of such information, OPS staff will endeavor to engage a professional translator to attend the meeting and provide translation services. It is not the intent of the CPRB to restrict an individual's right to provide public comment.
- D. All questions or statements by a speaker should be directed to the Chair and Members.
 - 1. CBRP has no obligation to answer questions during public comment and may refer to staff to follow up with the speaker after the meeting.
 - 2. When appropriate, matters raised by public comment shall be referred to the appropriate standing committee.
- E. political Comments or those that promote or support a candidate are not permitted.

III. Instructions

- A. Each speaker must state their name (first and last) clearly so that it can be recorded in the meeting minutes.

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- B. If a speaker is representing or speaking on behalf of an individual, group, or association, the speaker must state the nature of that representation.
- C. When a physical location has been designated in the meeting room for speakers attending in person to address the Public Body, the speaker must handle the Public Body from that location unless the Chair otherwise allows.
- D. Individual comments will be limited to one opportunity per person.
- E. In the interest of promoting the efficient conduct of public business, speakers should refrain from repeating their testimony and comments. They should refrain from repeating testimony and statements previously provided to the Board or committee by other individuals.
- F. No person should interrupt the proceedings of a Board or public meeting or cause any other form of disturbance or disruption. The Chair reserves the right to close public comment if, after issuing a warning, audience members persist in cheering, booing, or otherwise being disruptive.
- G. Persons addressing the public body shall not be permitted to:
1. Make statements or remarks that concern the private activities, lifestyles, or beliefs of individual employees of the City or its appointed and elected officials.
 2. Make statements or remarks unrelated to the business of the CPRB.
 3. Make statements or remarks unrelated to the professional duties and performance of its employees or the employees of its elected officials.
- H. Persons addressing the Board or committee shall refrain from statements, remarks, or conduct considered belligerent, threatening, disparaging, rude, vulgar, profane, or otherwise uncivil and disruptive to conducting the Board's business. The Chair may limit the comments of any person who engages in such conduct.
- I. No person may continue to speak after the Chair has taken the floor from that person.
- J. Any person violating the standards of process and decorum outlined in these rules may be evicted from the meeting premises at the order of the Chair or a majority of the Members or be subject to other action as deemed necessary by the Chair and Members.
- K. Although the Public Comment may be used to address questions to the Public Body, a speaker is not entitled to respond to any such question during the Public Comment time.

For the meeting agenda and more information, please access the Board's website at

www.clevelandohio.gov/ops or

<https://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/OPS/Hearings>

Please direct requests for further information to Administrator Marcus A. Perez at (216) 644-4618 or by email at Mperez2@clevelandohio.gov.

Events Calendar

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EVENT	DATE	LOCATION/TIME
CPRB	Aug 22, 2023	YouTube: https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg 9 am – 3 pm
OPS	Aug 23, 2023	Hough Branch of the Cleveland Public Library (6530 Lexington Ave.) 6 pm - 8:30 pm
CPRB	Sept 12, 2023	City Hall 601 Lakeside Avenue, Room 514, or YouTube: https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg 9 am – 3 pm
OPS	Sept 13, 2023	Estabrook 4125 Fulton /Rd. 6 pm – 7 pm
CPRB	Sept 26, 2023	Tube: YouTube: https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg 9 am – 3 pm
CPRB	Oct 10, 2023	City Hall 601 Lakeside Avenue, Room 514, or YouTube: https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg 9 am – 3 pm
CPRB	Nov 14, 2023	City Hall 601 Lakeside Avenue, Room 514, or YouTube: https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg 9 am – 3 pm
CPRB	Dec 12, 2023	Tube: YouTube: https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg 9 am – 3 pm

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PART II

Step II is a pilot test.

We want your feedback on this. Should we keep the investigative summary cards, make changes, etc.?

Please direct feedback to Administrator Marcus A. Perez by email at Mperez2@clevelandohio.gov.

Or Interim Sr. Investigator Vince Funari by email at vfunari@clevelandohio.gov



Vince Funari



Summary Investigation Out-Brief

Investigator – (Vincent Funari)

OPS Case # 2022-0141 - Complainant (Roberta Homchik)

Subject (Sgt. Michael Chapman) Badge # 9232

Administrative/Case Information

Status: Open (June 15, 2022) / Closed (July 7, 2023) (387 Days)

Abridged Report

Initial Allegation #1: Lack of Service

Other Matters: N/A

References: Section 2907.08 - Voyeurism under Ohio Laws & Administrative Rules. 619.06 Voyeurism as defined in the City of Cleveland, Ohio Code of Ordinances. Research from a Law Director Advisory Authored by the City of Parma, Ohio Law Director, Prosecutor Timothy G. Dobeck included his findings and research of the State of Ohio and Federal law concerning the issues of criminal and civil issues with surveillance cameras and the law.

Evidence Collection: WCS videos of (3) Officers on the scene, including Sgt. Chapmans' video. Roberta Homchik interview April 14, 2023.

Case Summary: Ms. Homchik alleges that Sgt. Chapman did not serve her when he did not act against her neighbor, who had a fixed surveillance camera attached to her house but pointed it directly into Ms. Homchik's side door. She felt this was voyeurism and an invasion of her privacy. She alleges that Sgt. Chapman said he could not do anything because he knew of no ordinance that made this a criminal action versus civil which he advised her.

Furthermore, she informed Sgt. Chapman said that she worked for a law firm and was advised differently. She stated Sgt. Chapman told her if she found an ordinance and had it on paper, that would indicate this as a criminal matter, he would come back out and address the issue.

Key Findings:

Narrative: Sgt. Chapman responded to this call for service and advised the complainant that the ongoing issue with her neighbor was a civil matter. Sgt. Chapman informed her that of all the ordinances, he knows this particular issue was only a civil matter and did not rise to the level of a criminal complaint.

Research into voyeurism and invasion of privacy indicated that the camera affixed to the neighbor's residence must be hidden or covert. Furthermore, voyeurism states in part "to sexually arouse or gratify oneself or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another."

In this instance, the neighbor's camera was positioned in plain view, not hidden or covert.

Sgt. Chapman was correct in advising the complainant that this situation ongoing with her neighbor was a civil matter. Additionally, no city of Cleveland codified ordinances were found that would reference this particular issue as being criminal in nature. However, under Ohio law, an invasion of privacy may have existed but only rose to the level of a civil matter.

- 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 – (Vincent Funari)

OPS Case # 2023-0019 - Complainant (Wylee Orr, Sr.)

Subject (Det. Andrew Hayduk # 349, Det. James Crivel # 1727 & Det. Sean Grace # 140)

Administrative/Case Information

Key Findings:

Status: Open (January 30, 2023) / Closed (March 22, 2023) (51 Days)

Abridged Report

Initial Allegation #1: Improper Search – Each officer

Allegation #2: Harassment – Each officer

Other Matters: Harassment allegations occurred in California, with no jurisdiction by OPS to investigate.

References: GPO 2.2.04 – Warrant Services, VI, Gaining Entry, D, Use of Force, 1, a reasonable amount of time.

Evidence Collection: WCS videos of all (3) officers involved, Copy of the Search Warrant.

Case Summary: Mr. Orr filed his complaint alleging that the officers, with or without a search warrant, searched and seized his trailer, looking for a murder weapon at a home in which he did not reside. He stated that his brother and son were under investigation for a murder that occurred while he was in Denver, Colorado. Mr. Orr also alleges that the officers are following him around with drones and helicopters while he is in California on business. He stated he could not use his cell phone while on business as the police were tracking his phone.

Narrative: Detectives Hayduk, Crivel, and Grace were all present when they went to a property associated with Mr. Orr’s trailer on the lot. They had a valid search warrant to seize and search the trailer on said property. The warrant was for the search and seizure of a murder weapon, weapon parts, ammunition, and other parts associated with the alleged murder weapon in his trailer.

Upon arrival at the property, they knocked and were waiting for a response. They tried both the front and back doors. After no response, they used a bench to hop the fence. A short while later, they were met by an unknown male and female. The Detectives explained that they had a search warrant for the trailer. The female stated that Wylee was her grandson. A copy of the warrant was left with the couple, and the officers seized the trailer via a tow to process the search at the impound lot.

- 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/

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

Investigator – (Vincent Funari)

OPS Case # 2023-0026 - Complainant (Megan Kilbane)

Subject (PO Todd Clemens) Badge # 1096

Administrative/Case Information

Key Findings:

Status: Open (February 9, 2023) / Closed (February 13, 2022) (4 days)

Abridged Report

Initial Allegation #1: Lack of Service

Other Matters: N/A

References: Manual of Rules section 4.18 – investigate all reports of suspected criminal and non-criminal activity incidents requiring police action that comes to their attention, whether by observation or assignment.

Evidence Collection: (2) PO involved WCS videos, Incident Report 2023-000392272 (Named suspect in a burglary report), and complainant interview.

Case Summary: Ms. Kilbane filed an OPS complaint alleging that PO Clemens did not provide enough service when he was called out to investigate a possible burglary by her neighbor, whom she captured video of her inside her apartment without her permission. PO Clemens responded, conducted his investigation into the matter, and advised Ms. Kilbane that there was no cause to arrest her neighbor after he spoke with the landlord, Ms. Kilbane, and the alleged suspect.

Narrative: PO Clemens learned that the landlord did ask the neighbor, who helps him with his rental properties, to enter the apartment of Ms. Kilbane because he was made aware by the water dept. That there was a leak somewhere in the apartment. When Ms. Kilbane did not respond to his inquiries, he asked the neighbor to enter the property.

Unsatisfied by PO Clemens’s findings in his investigation, Ms. Kilbane requested a report be made. PO Clemens obliged and wrote a Named Suspect (the neighbor) Burglary report for Ms. Kilbane. See Incident Report # 23-000392272. Furthermore, the follow-up detective to this report completed his investigation and presented it to the Prosecutor, who issued a no-papers ruling due to insufficient evidence.

- 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 – (Vincent Funari)

OPS Case # 2022-0239 - Complainant (Megan Kilbane)

Subject (Debra Brewer) Dispatcher

Administrative/Case Information

Status: Open (June 29, 2022) / Closed (October 21, 2022) (93 days)

Standard Investigation

Initial Allegation #1: Unprofessional Behavior

Other Matters: N/A

References: Manual of Rules 5.01 and 5.09 regarding conduct.

Evidence Collection: Audio recordings of the 911 calls, Dispatcher, and Sgt. interviews.

Case Summary: Megan Kilbane filed a citizens' complaint with OPS, alleging that the dispatcher she spoke with when trying to report a possible break-in was rude and insensitive to her during that call. Ms. Kilbane did not respond to any inquiries from OPS from the Reporting Investigator to obtain her recorded statement and particulars of her complaint.

OPS interviewed Dispatcher Brewer, and she indicated she was not rude to the complainant but instead was trying to be informed better of what the caller was trying to report. She stated she needed information to convey to the police to tell them what they would be going into. She stated she had to ask questions to clarify what the caller observed. The caller, she stated, was confused with what she was trying to convey to her in that call. She was curious to know if the house was vacant or occupied.

OPS also interviewed Sgt. Torres of the Communication Control Center. He stated that when an OPS complaint has come to their attention, the calls get flagged, and they pull those recordings in question and review them. He said Dispatcher Brewers' call was reviewed for this particular encounter. He stated she was in "complete compliance" with all the questions she asked Ms. Kilbane in this encounter. He said she asked clarifying questions needed for information to inform the police.

Sgt. Torres closed by saying prior reviews of Dispatcher Brewers' recordings were above average, or she received perfect scores based on the Unit's grading system.

Key Findings:

Narrative: The complainant did not respond to OPS inquiries to provide any other additional information that could be used for the investigation. The dispatch recordings were relied upon for facts to investigate this complaint accurately.

- 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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Joe Szymanski



Summary Investigation Out-Brief

Investigator – Joseph S. Szymanski

OPS Case # 2022 - 0135 - Complainant - Kimberly Brickers

Subject – P.O. Fernando Orozco #1601

Administrative/Case Information

Status: Open (June 14, 2022) / Closed (February 22, 2022) / # of Days (113)

Classification: Complex Investigation

Initial Allegations: Excessive Force; Lack of Service-Improper Report; Improper Arrest

Other Matters: Unprofessional Behavior/Conduct

References: Manual Rule 5.01, 5.08, 5.09, and 9.07; GPO 2.01.01 - Use of Force – Definitions, GPO 2.01.02 - De-escalation, GPO 2.01.03 - Use of Force – General, GPO 3.04.01 - Probable Cause/Warrantless Arrests; O.R.C. - Section 2901.01 - General Provisions-Definitions, O.R.C. - Section 2901.11-Felonious Assault

Evidence Collection: 8 WCS videos of 5 officers, including P.O. Orozco #1601. CDP Incident & Detail Report 23-11010; Cleveland Municipal Court Case 2022-CRA-002965; Correspondence w/ Sgt. Diane Chonko #9032 – Regarding Use of Force Report; WCS Screenshots of the Alleged Excessive Force Incident - Different Officer Angles; and interviews of the complainant, witness [Christopher Maddox], and responding officers.

Case Summary: Mrs. Brickers alleged being pushed down the steps by P.O. Fernando Orozco #1601. She provided she was arrested for Felonious Assault, based upon a report created by P.O. Orozco. She alleged that he misstated information as she was upset with him after he pushed her. She stated she was arrested and charged with Felonious Assault with a deadly weapon due to the officer's ego being bruised. Mrs. Brickers alleged she wasn't informed what she was being arrested for and that the officer claimed in the report that her neighbor [Christopher Maddox-Witness] said that he witnessed everything and that [she/Mrs. Bricker's] assaulted [Mrs. Fitzpatrick]. However, she alleged that [Christopher Maddox] never made those comments.

Excessive Force: P.O. Orozco #1601 complied with GPO 2.01.01 and GPO 2.01.03. P.O. Orozco had a physical interaction with Mrs. Brickers to control her physical acts as she climbed the front porch steps and walked toward the victim and the victim's mother, who were approaching Mrs. Brickers and verbally irate and arguing. As Mrs. Brickers climbed the steps, P.O. Orozco intervened and used de minimis force to attempt to control the scene by using his hands to push Mrs. Brickers back from the porch as she approached the porch. Per GPO 2.01.03, the force has a lawful objective when used to defend or protect an officer or an individual from the violent or resistant physical acts of another, which P.O. Orozco displayed.

Key Findings

Unprofessional Behavior/Conduct: WCS showed P.O. Orozco yelling commands and profanities towards the complainant/suspect, victim, and victim's mother. P.O. Orozco had physical contact when he put his arm out/pushed the complainant and moved the victim's mother, with all the responding officers present. P.O. Orozco should have been able to de-escalate the situation and avoid a physical confrontation. Pursuant to GPO 2.01.02, officers need to demonstrate listening by interacting in conversation due to the public (people) have a desire to be heard and understood. Officers need to have strategic communication and voice commands in a calm, according to tone and normal tone. Officers shall avoid taking unnecessary actions that may escalate the need to use force (e.g., aggressive body, proximity, harsh level of voice and tohavingne, and officer's stress level or excitement) and ask questions rather than issue orders. WCS showed P.O. Orozco did not de-escalate the situation to the fullest extent and the best of his abilities as he issued commands/orders, raised his tone, and used profanities. He did not remain calm manner and had a physical confrontation with the victim's mother and complainant, not complying with GPO 2.01.02. P.O. Orozco did not comply with Manual Rules 5.01, 5.08, and 5.09. P.O. Orozco not only engaged in the use of profanity, yelled, and raised his voice at the complainant; he engaged in this behavior towards the victim and the victim's mother. P.O. Orozco was not courteous and respectful in his speech, conduct, and contact with these people, nor did her conduct himself in such a manner to command the respect of the public.

Lack of Service – Improper Report: P.O. Orozco #1601 complied with Manual Rule 9.07. He reported in his narrative Christopher Maddox's statement that he collected from P.O. Michael Crane #2108, who obtained the witness statement. WCS showed Mr. Maddox stating to P.O. Crane that he witnessed the incident and saw Mrs. Brickers assaulting Mrs. Fitzpatrick. The WCS failed to corroborate the complainant's Lack of Service – Improper Report allegation.

Improper Arrest: P.O. Orozco #1601 complied with GPO 3.04.01. He made a lawful arrest according to ORC Section 2901.11: Felonious Assault. He first determined that Mrs. Brickers was the aggressor in a "Domestic Violence/Suspect on Scene" and had probable cause to arrest as she had committed a misdemeanor offense. After P.O. Orozco learned Mrs. Brickers was the aggressor by P.O. Crane, confirming through a witness (Christopher Maddox), Mrs. Brickers was detained by P.O. Gera and mirandized by P.O. Crane. Then, after further investigation was completed by P.O. Orozco #1601 and conferring with P.O. Crane #2108, P.O. Orozco informed Mrs. Brickers of why she was being arrested. Furthermore, it is reasonable to believe a "bite" can cause "serious physical harm." P.O. Orozco had probable cause to believe the bite was "serious physical harm," in addition to the victim's allegation of getting hit in the head by the complainant with a chair. According to ORC 2901.01, the ORC described "serious physical harm" could mean "any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain."

- 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 Arrest /Report	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Joseph S. Szymanski

OPS Case # 2022 - 0177 - Complainant – Felicia Strozier

Subject – Det. Michael Dunn #269

Administrative/Case Information

Status: Open (July 26, 2022) / Closed (September 9, 2022) / # of Days (46)

Classification: Standard Investigation

Initial Allegation: Lack of Service/No Service

Other Matters: Unprofessional. The final sentence in the complaint form stated that the officer was unprofessional. OPS attempted to reach the complainant multiple times. Unfortunately, OPS could not acquire a statement from the complainant and get her reason for why or how the officer was unprofessional. Rather than make any inferences, OPS did not categorize this allegation into specifics of what was unprofessional. However, Det. Dunn's behavior was evaluated, but no allegation was recommended as the preponderance of evidence showed Det. Dunn complied with 5.01 and 5.02.

References: Cleveland Division of Police Detective Unit Manual - Detective Responsibilities; 5.01 and 5.02 of the Manual Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police.

Evidence Collection: Det. Dunn #269 (6-9-22/WCS) and recorded 6/29/22 call with the complainant; Officer's Recorded Statement; CDP Report 22-162081; CDP Juvenile Arrest Detail Report – Arrest # 47178; DDA – 3rd District-Platoon 4312 - Dated - 06/09/22; CDP Duty Report – Det. Dunn #269; Correspondence between Det. Dunn and the complainant.

Key Findings:

Case Summary: The complainant alleged Det. Michael Dunn #269 was assigned to her child's case on 06-09-22. She alleged she had contacted him several times by phone and email but had not responded. She provided every time she called, receiving, "I'm off today or call back after 6:00 P.M. She alleged Det. Dunn has yet to respond to voicemails, emails, and phone calls. She provided that the last time she spoke with him was on 06-09-22, and she was unhappy with his services and believed he needed to be more professional.

Narrative: OPS reviewed the Event Chronology for 5/26/2023. Dispatch received a call for service from Ms. Lopez at 5:07 am. The nature of the call was categorized as a Priority 3 – Suspicious Activity. Officers Cooper and Carrucini were dispatched to 4211 Fulton Parkway at 5:29 am and arrived at 5:34 am. According to the officers' WCS, they drove up Fulton Parkway and then made a U-Turn and came down Fulton Parkway looking for the male described by Ms. Lopez. However, the officers were unable to locate the male.

Ms. Lopez confirmed in her OPS interview that the male was no longer visible when the officers arrived. She stated that the male left his belongings near the curb, but she has yet to inform the dispatcher of this information. Ms. Lopez didn't request a callback from dispatch or the officers. Nor did Ms. Lopez follow up with CDP about the incident.

The officers arrived at the location in a reasonable amount of time and toured the area in an attempt to locate the suspicious male.

- 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 – Joseph S. Szymanski

OPS Case # 2022 - 0238 - Complainant – Eli Stepanovich III

Subject(s) - SGT. Roger Stoudmire #9168 & P.O. Jonathon Selleny #1873

Administrative/Case Information

Status: Open (September 29, 2022) / **Closed** (November 21, 2022) / **# of Days** (54)

Classification: Complex Investigation

Initial Allegations – Improper Arrest; Unprofessional Behavior/Conduct

Other Matters: Search of Person; Casino Chips; Due Process - Call to Attorney

References: *GPO 1.02.13 - Secondary Employment, GPO 2.02.02 - Search and Seizure, GPO 3.04.01 - Probable Cause/Warrantless Arrests; City of Cleveland Codified Ordinances - § 605.03-Disorderly Conduct; Intoxication and § 623.04 - Criminal Trespass; 4.01, 4.09, 9.05, and the Law Enforcement Code of Ethics of the Manual Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police.*

Evidence Collection: JACK Casino Surveillance Video Footage; WCS of Responding Officers; Witness Statement – JACK Casino Security Supervisor; Complainant and Officer's statements; LERMS Report - CAD 2022-101167; JACK Casino Incident File #IN20220001250; Sgt. Timothy Patton's Affidavit Establishing Probable Cause for Statement of Facts; JACK Surveillance Video Release; Cleveland Municipal Court-Criminal Subpoena; and case correspondence and documents provided by complainant.

Case Summary: Mr. Stepanovich said he was at JACK Casino wagering bets. He approached the cashier and did not show his CLUB Jack card or ID when requested. The cashier indicated she could not help him. He alleged he was approached by Sgt. Timothy Patton Jr., #9023, who asked him to leave because he did not have ID. (It was later learned that Mr. Stepanovich confused the identity of Sgt. Stoudmire with Sgt. Patton). He alleges that Sgt. Stoudmire stated he "wasn't an employee, could not help him, and needed to leave." He alleged he was accused of being "intoxicated," was approached a second time, and was told that he would be arrested if he did not leave immediately. Mr. Stepanovich said he responded that he was uncomfortable carrying his rack of chips outside. He said he was handcuffed, and his rights were read to him as he went to the basement. He said they went through his pockets, removed his possessions, and Sgt. Stoudmire, loudly stated he would be spending the weekend in jail. However, when P.O. Niemczura #751 and P.O. Jonathon Selleny #1873 arrived, they said differently than Sgt. Stoudmire noted to him. Mr. Stepanovich provided thirty minutes passed, and Sgt. Stoudmire un-cuffed him to collect his belongings and was told he could go. However, he alleged not receiving his \$3,200.00 in casino chips but received \$1,477.50 in cash and \$1,200.00 in casino chips. Mr. Stepanovich stated that he refused because the chips were not counted. He did sign off on the deposit, but not all of his chips. He provided that when escorted out, the officers said, "It was deposited in his account." He requested, "What account?" He alleged being arrested again, escorted out, and taken to jail, where he was refused his due process to call an Attorney or be issued a citation.



Summary Investigation Out-Brief

Investigator – Joseph S. Szymanski

OPS Case # 2022 - 0238 - Complainant – Eli Stepanovich III

Subject(s) - SGT. Roger Stoudmire #9168 & P.O. Jonathon Selleny #1873

Key Findings:

OPS statement, Mr. Stepanovich stated he got Sgt. Timothy Patton Jr. #9023 name is mixed up with Sgt. Roger Stoudmire #9168. Sgt. Patton Jr. was only the charging officer and supplied the "Statement of Facts." Sgt. Patton provided the adequate report, "Statement of Facts," requested of him.

Sgt. Roger Stoudmire #9168 complied with **GPO 3.04.01** when initially arrested Mr. Stepanovich. Sgt. Stoudmire's arrest was lawful because Mr. Stepanovich was asked to leave several times by himself, the casino gaming commission, and casino personnel. Mr. Stepanovich did not want to comply with the casino's policies and procedures by showing his ID or player's card. Sgt. Stoudmire initially arrested Mr. Stepanovich for "Aggravated Trespassing" and "Aggravated Disorderly Conduct," according to the **City of Cleveland Codified Ordinances § 605.03 Disorderly Conduct; Intoxication and § 623.04 Criminal Trespass** and immediately conducted a brief "custodial search" in a private setting complying with **GPO 2.02.02**.

P.O. Jonathon Selleny #1873 complied with **GPO 3.04.01** and lawfully arrested Mr. Stepanovich by having probable cause to arrest. Before he arrested Mr. Stepanovich for Aggravated Disorderly Conduct, P.O. Selleny had probable cause from Sgt. Stoudmire that Mr. Stepanovich would be charged with Aggravated Trespass and Disorderly Conduct. Mr. Stepanovich was then arrested. After Mr. Stepanovich was lawfully arrested, pursuant to **GPO 3.04.01**, he was taken to Cuyahoga County Sheriff's Office, where he was processed/booked and assisted by his partner P.O. Niemczura #751.

P.O. Selleny #1873 complied with Manual of Rules **4.01, 5.09**, and the **Law Enforcement Code of Ethics**. Sgt. Stoudmire complied by the **Law Enforcement Code of Ethics** and **4.01**. P.O. Selleny #1873 and Sgt. Stoudmire protected life and property and preserved order professionally. They detected the issue and attempted to de-escalate the situation. P.O. Selleny made an arrest, and they preserved the public peace and enforced the laws.

According to **recorded statements** obtained and the **responding officer's WCS**, Sgt. Stoudmire appeared to have complied with **5.09**. Mr. Mate described him as "cool, calm, collected" when dealing with Mr. Stepanovich. Mr. Mate provided, "he is one of our best guys here and is very professional." Per P.O. Selleny's **OPS statement**, he stated, "Sgt. Stoudmire was very professional the entire time." There was no audio recording due to the casino not having audio recordings.

WCS showed that after the responding officers arrived on the scene, Mr. Stepanovich was released. JACK Casino wanted something other than Sgt. Stoudmire to make an arrest and only wanted Mr. Stepanovich to be escorted out for Disorderly conduct due to his tier status being a "K" member the s,aid, "he is one of our best guys here, and Casino did not want to ban him. Sgt. The casino did not inform Stoudmire before his arrest. However, Mr. Stepanovich's behavior escalated and he was not compliant.

WCS showed P.O. Selleny advised Mr. Stepanovich that he and his superior believed he was intoxicated, which was documented in in the **CDP Report**. Mr. Stepanovich requested a phone call to his Attorney. However, he was in the custody of the Cuyahoga County Sheriff's Office. Further, **the preponderance of evidence showed** that Mr. Stepanovich s casino chips was confirmed to be returned to Mr. Stepanovich through a yellow JACK casino receipt. His chips were allocated to his account, kept in safe keeping, and could be received after a review of his bana ; per casino policy.

- 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 Arrest/Search	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Keith A. Oliver / Presenter – Inv. Joseph Szymanski

OPS Case # 2022 - 0124 – Complainant - Joe Fouche

Subject – Det. Martina Latissa #2253

Administrative/Case Information

Status: Open (June 6, 2022) / Closed (July 25, 2022) / # of Days (50)

Initial Allegations: Lack of Service/No Service; Unprofessional Behavior/Conduct

Classification: Standard Investigation

Other Matters: NA

References: *Detective Unit Manual - "Detective Responsibilities" - 3, 5, 7; 5.09 of the Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police; Commander Ali Pillow's OPS Statement*

Evidence Collection: LERMS Report 22-142243 w/Detective Clean-Up; Email Correspondence w/Lt. Jason Schramm – Domestic Violence Unit; Officers, Complainant, and Witness Statements

Case Summary: On June 1, 2022, the complainant stated he called CDP Domestic Violence Unit to provide a statement, regarding his nephew, Devyn Valpando's case. He alleged he spoke with Det. Martina Latessa #2253 via phone, and that Det. Latessa began the conversation by stating she was waiting for the complainant or any of his family members to contact the victim so that she could arrest them. The complainant said Det. Latessa has had a grudge against him since the parties worked for Hope Academy together. He asked several times for her to consider accepting additional information. The complainant alleged that Det. Latessa accused his nephew of being drunk and guilty. He said Det. Latessa was accusatory and unprofessional, resulting in an allegation of **Unprofessional Conduct**. The complainant stated that Det. Latessa did not accept a verbal statement from him regarding his nephew's case, nor did Det. Latessa interview the suspect. As a result, the complainant provided that this amounted to an allegation of **Lack of Service**.



Summary Investigation Out-Brief

Investigator – Keith A. Oliver / Presenter – Inv. Joseph Szymanski

OPS Case # 2022 - 0124 – Complainant - Joe Fouche

Subject – Det. Martina Latessa #2253

Key Findings

The **preponderance of evidence** established Det. Martina Latessa #2253 complied with **5.09** of the **Manual Rules** and **Detective Unit Manual - Responsibility 3**. Det. LA Tessa's conversation with the complainant occurred over the phone. DV Unit phone calls are not recorded, according to Lt. Schramm of the DV Unit. Det. Latessa received the complainant's call in the presence of two witnesses, who provided statements to OPS. **The statements obtained** from the witnesses during the call provided they did not hear Det. Latessa use profanity, made derogatory remarks, or was rude. **Det. Latessa provided in her OPS statement that she had no grudge against the complainant.**

The complainant provided that his primary reason for calling was to present further evidence on behalf of his nephew. According to his **OPS statement**, he asked Det. Latessa took information into consideration so that she could get a better picture of what transpired. Det. In her OPS statement, Latessa said the complainant attempted to present text messages that she was already aware of between the victim and the defendant. She advised the complainant that it would be discussed in the grand jury and informed him she was investigating a felonious assault crime and domestic violence with a prior conviction. She had seen the messages on the victim's phone, and they would do little to change the outcome as the case did not center around the messages. **Witness statement** from Ms. Glazer corroborated Det. Latessa's OPS statement regarding the text messages added no value to the investigation. According to **Detective Unit Manual - Responsibility 7**, it requires Detectives to forward all evidence as needed. However, Detectives are not required to deliver all evidence regardless of its relevance or probative value and must be of value to the case. Det. Latessa #2253 was investigating a physical altercation. Therefore, it is reasonable for the text messages to be left out of her investigation.

The complainant provided Det. Latessa still needs to obtain a statement from his nephew. The **preponderance of evidence** showed Det. Latessa #2253 did not comply with **Detective Unit Manual – Responsibility 5**, which provides that Detectives shall obtain statements from suspects. Det. Latessa only attempted to interview the suspect and failed to get a statement because he was temporarily unavailable. Det. Latessa provided attempting to interview the suspect at the jail but was denied because he was not booked and processed and assigned a pod. Det. Latessa said she did not make any further attempts to interview the suspect. **Commander Ali Pillow** stated in his **OPS Interview** that according to the Manual, Detectives should try their best to get a statement from suspects.

- 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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Art Bowker



Summary Investigation Out-Brief

Investigator – Art Bowker

OPS Case # 2022-0152 - Nicholas Franklin

Subject Officers: Joes Ortiz #1284 and Cecelia Kochevar #864

Administrative/Case Information

Key Findings:

Narrative: WCS footage and officer interviews reflect that Officers Ortiz and Kochevar responded to a call for service from Archer Apartments concerning a verbal dispute in the lobby with a tenant, later identified as the complainant and his girlfriend.

The complainant advised that a building concierge had entered their apartment in April of 2022 without permission and placed perishable food they had ordered inside their residence. He indicated that building management had failed to respond to their concerns, and they wanted to make a report about the incident.

Officers also met with building management, who explained they had offered this service to tenants to avoid food spoiling. They stopped the service after the complainant had complained. They also noted that the complainant was attempting to get out of his lease. Officer Kochevar prepared a report listing the complainant as a victim of a burglary. During their interviews, the officers indicated that the complainant never asked for their names or badge numbers, which is supported by WCS footage. Officer Kochevar advised that he did provide the complainant with the number for the report he created.

WCS footage and officer interviews reflect that only Officer Ortiz asked the complainant why he left Hawaii. He explained that his father was in the military, and his sister was born in Hawaii.

OPS attempted to reach the complainant through telephone calls and emails but he did not respond. WCS footage shows the complainant moved to Hawaii on or about July 8, 2022, and did not provide a forwarding address.

- 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

Status: Open June 22, 2022; Closed October 5, 2022: Total Days 105

Investigation: Standard

Initial Allegation #1: Lack of Service (Both Officers); #2 Unprofessional Conduct (Both Officers)

Other Matters: NONE

References: The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police (Manual)

Section 4.13: Provide name, rank, and badge number upon request

Section 4.18: Personal shall investigate all reports of suspected criminal activity and non-criminal activity that comes to their attention

Section 5.01: Personnel shall not engage in any conduct which reasonably tends to diminish the esteem of the Division of Police

Evidence Collection: WCS footage; Officer Interviews; Incident and Field Case Report

Case Summary: The complainant alleges both officers failed to provide service by not giving contact information and addressing his trespassing allegations. They were unprofessional as they questioned why he and his girlfriend left Hawaii.

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 – Art Bowker

OPS Case # 2022-0092 - Complainant: Malia Maddox

Subject Michael Wheeler #1139; Neumann Elkhatib #120; and Michael Cox #163

Administrative/Case Information

Key Findings:

Status: Open (April 25, 2022); Closed (October 11, 2022): Total 169 days

Investigation Type: Standard

Initial Allegation #1: Lack of Service (All officers)

Other Matters: Wearable Camera System Violation (Neumann Elkhatib #120 and Michael Cox #163)

References: The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police (Manual)

Section 4.18: Personal shall investigate all reports of suspected criminal activity and non-criminal activity that comes to their attention

Section 3.02: Personal shall not render assistance in civil matters

General Police Order (GPO) 3.3.20: Officers shall activate WCS for all service

Evidence Collection: WCS footage, as well as Complainant and Officer Interviews

Case Summary: The complainant alleges that officers failed to provide service by not filing a report nor permitting her to take possession of a vehicle that her husband had purchased for another woman.

Narrative: On April 23, 2022, Officers Michael Wheeler #1139 and Neumann Elkhatib #120 responded to a call to meet the complainant, who advised that she had a title for a vehicle in the driveway. However, officers checked with BMV and found that the vehicle was registered to another female. The complainant noted the vehicle came from her dealership. Officers responded that maybe she had bought the vehicle, and the complainant responded that she didn't buy the vehicle as her husband was in a relationship with the woman.

Officers Wheeler and Elkhatib directed the complainant to BMV to resolve the issue, noting they could do nothing. Officers declined to complete a report as no crime had been committed.

Officer Elkhatib had failed to activate his WCS during his entire encounter with the complainant. He had activated it prior to arriving at the location but terminated the activation and never placed it in event mode once the complainant had arrived on the scene. He speculated to OPS that he forgot to turn his WCS back on upon the complainant's arrival.

The complainant proceeded to the 4th District but was redirected to the 5th District, where she met with Detective Michael Cox #163. Detective Cox reiterated the information that Officers Wheeler and Elkhatib had advised the complainant.

Detective Cox was directed to review the facts of the matter by Lt. Haste. Detective Cox acknowledged that he did not have his WCS during his encounter with the complainant.

- 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 – Art Bowker

OPS Case # 2022-0071 - Complainant: Maurice Reynolds

Subject Officers: Alex Parente #1221 and Mark Peysha #1340

Administrative/Case Information

Status: Open (March 25, 2022) / Closed (March 22, 2023): Total 362 days

Investigation Type: Standard

Initial Allegation #1: Harassment (Both officers)

Other Matters: NONE

References: The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police (Manual) Section 4.18: Personal shall investigate all reports of suspected criminal activity and non-criminal activity that comes to their attention

General Police Order (GPO) 1.1.08: The definition of harassment is behavior or communication intended to intimidate, menace, or frighten another person.

Evidence Collection: WCS footage; Complainant and Officer Interviews; OH-1 Report; Complaint, Incident Report, Emails

Case Summary: Maurice Reynolds alleged Officers Alex Parente #1221 and Mark Peysha #1340 harassed him at his place of employment about a traffic accident he had with a minor two days earlier.

Key Findings:

Narrative: WCS footage and dispatch records reflect that Officers Parente and Peysha were dispatched to a parking lot outside of the complainant's employment to meet with a male who had called about a hit and skip.

Upon arriving, officers learned that the accident had occurred two days ago and involved the male's minor son and the complainant. The little son had received some information from the complainant but the male indicated he did not obtain the complainant's license plate no., driver's license, or insurance information.

The complainant had stated he worked at Happy's Pizza. The male indicated that the complainant had promised to repair the vehicle, but they thought they should get an OH-1 Report completed. The male was requesting assistance to get additional information from the complainant to fill out an OH-1 Report.

WCS footage reflects officers advising the complainant he did not have to speak to them, but they were attempting to get additional details for an OH-1 Report. The complainant acknowledged he was in an accident with the minor but became angry that officers had arrived at his employer to obtain additional details.

Neither officer knew the male who made the call and requested their assistance. They were called to obtain information the complainant had not provided to the male's minor son after the accident.

WCS footage reflects that the officers indicated the complainant did not have to speak with them.

- 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 – Art Bowker

OPS Case # 2022-0172 - Complainant: George Gleason

Subject Officers: Lawrence McGervey #2352

Administrative/Case Information

Status: Open (July 18, 2022) / Closed (September 27, 2022): Total 71 days

Investigation Type: Standard

Initial Allegation #1: Unprofessional Conduct

Other Matters: NONE

References: General Police Order (GPO) 2.01.02: De-Escalation

Officers shall avoid taking unnecessary action that may escalate the need to use force (aggressive body language, proximity)

Evidence Collection: WCS footage; Complainant and Officer Interviews

Case Summary: George Gleason alleged Officer Lawrence McGervey #2352 approached him threateningly with his hand on his firearm.

Key Findings:

Narrative: On July 17, 2022, the complainant called the police due to a neighbor issue. Officer McGervey and his partner were not the primary car assigned and were there only as backup cars to assist.

Officer McGervey had prior interactions with the complainant, where he made reports against him on behalf of other people.

When the complainant realized Officer McGervey was present, he began yelling for him to stay away from him and yelling insults in his direction.

The two primary officers spoke with the complainant and neighbors on the street. Officer McGervey and his partner stood by on a sidewalk along with several other officers to assist.

WCS footage shows that the complainant walked over to Officer McGervey and insulted him. He then gave Officer McGervey the middle finger and walked towards a gate. The complainant then looked back at him and said, "You'll always be a coward."

Officer McGervey then walked out of the street and onto the sidewalk where the complainant stood. Officer McGervey had his hand on his firearm, and got into the complainant's face.

- 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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Hercules Harris



Summary Investigation Out-Brief

Investigator – (Hercules Harris)

OPS Case # 2023-0119 Complainant (Dinoralys Lopez)

Subject (Christopher Cooper) Badge #91 and (Rafael Carrucini) Badge #371

Administrative/Case Information

Key Findings:

Status: Open (5/29/2023) / Closed (6/22/2023) (Open 25 days)

Investigation Type: Abridged

Initial Allegation #1: Lack of Service

Other Matters: N/A

References: Manual Rule & Regulations 4.18 – Officers shall investigate all reports of suspected criminal activity and non-criminal incidents requiring police action that come to their attention, whether by observation, assignment, or information.

Evidence Collection: Officer Cooper and Carrucini’s WCS, CDP Incident Report (2023-00151524), Event Chronology, and Dispatch Audio Recordings

Case Summary: Ms. Lopez called 911 to report a male in the street who was not wearing shoes or a shirt. Also, the male was yelling and appeared to be under the influence of drugs. The police arrived but didn’t stop and complete an investigation.

Narrative: OPS reviewed the Event Chronology for 5/26/2023. Dispatch received a call for service from Ms. Lopez at 5:07 am. The nature of the call was categorized as a Priority 3 – Suspicious Activity. Officers Cooper and Carrucini were dispatched to 4211 Fulton Parkway at 5:29 am and arrived at 5:34 am. According to the officers’ WCS, they drove up Fulton Parkway and then made a U-Turn and came down Fulton Parkway looking for the male described by Ms. Lopez. However, the officers were unable to locate the male.

Ms. Lopez confirmed in her OPS interview that the male was no longer visible when the officers arrived. She stated that the male left his belongings near the curb, but she has yet to inform the dispatcher of this information. Ms. Lopez didn’t request a callback from dispatch or the officers. Nor did Ms. Lopez follow up with CDP about the incident.

The officers arrived at the location in a reasonable amount of time and toured the area in an attempt to locate the suspicious male.

- 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 # 2022-0215 - Complainant (Marie Nader)
Subject (Dispatcher Melody Howard) Employee #24

Administrative/Case Information

Key Findings:

Status: Open (8/29/2022) / Closed (10/17/2022) (Open 110 days)

Investigation Type: Standard

Initial Allegation #1: Unprofessional Behavior

Other Matters: N/A

References: Manual Rule & Regulations 5.09 – Personnel shall be courteous and respectful in their speech, conduct, and contact with others.

Evidence Collection: Dispatch Audio Files, Event Chronology, Call Detail, Police Report (CAD # 2022-00239333)

Case Summary: Ms. Nader stated that on 8/17/2022, around 2300 hours, she called the Cleveland Division of Police (CDP) to report a carjacking. The dispatcher she spoke to about the incident was very rude to her. Dispatch Audio Recordings revealed Dispatcher Howard made the following statement in response to Ms. Nader’s frustrations about CDP’s response time: “they have to drive there, for one. We do have to drive there. So we’re en route, okay?!”

Narrative: Dispatcher Howard said that comment wasn’t intended to be rude. She wanted Ms. Nader to know that the officers were on their way and would take some time for them to get to her location. Dispatcher Howard stated she could not tell Ms. Nader exactly how long it would take for the officers to arrive because she was only a Call Taker that day. Therefore, she couldn’t access the officers’ Automatic Vehicle Locator (AVL) to know their precise location.

The initial 911 call made by Ms. Nader was routed to Lakewood Police Department and then transferred to Cleveland Police Department, which caused a delay in response time.

Ms. Nader’s phone call was received at 22:58:48, and Dispatcher Howard upgraded the call to a Priority 1 at 22:59:00. At 23:00:55, the first officer was dispatched to Ms. Nader’s location.

- 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 # 2022-0235 - Complainant (Anthony D'Angelo)

Subject (Angela Owens) Badge #878

Administrative/Case Information

Key Findings:

Status: Open (9/23/2022) / Closed (12/2/2022) (Open 70 days)

Investigation Type: Standard

Initial Allegation #1: Unprofessional Behavior

Initial Allegation #2: Lack of Service

Other Matters: N/A

References: Manual Rule & Regulations 5.09 – Personnel shall be courteous and respectful in their speech, conduct, and contact with others. Manual Rule & Regulations 4.18 – Officers shall investigate all reports of suspected criminal activity requiring police action that come to their attention.

Evidence Collection: Officer Owens' WCS and CDP Incident Report (2022-00253644)

Case Summary: Mr. D'Angelo stated that his neighbors threatened him and his mother on 8/30/2022. He spoke to Officer Angela Owens #878 and informed her of the situation. Officer Owens was rude to him and didn't take police action.

Narrative: Officer Owens' WCS did not show Mr. D'Angelo repeatedly trying to get her attention. Officer Owens acknowledged and approached Mr. D'Angelo when he signaled for her. Officer Owens was respectful in her speech. When Mr. D'Angelo asked for her badge number, she gave it to him and listened to his concerns. Mr. D'Angelo's statement that Officer Owens told the neighbor that he called the police was inconsistent with the WCS.

Officer Owens' WCS showed Mr. D'Angelo never informed her that death threats or racial slurs were made towards him or his mother.

Officer Owens asked Mr. D'Angelo what the neighbor said to him. He said, "HE'S KNOWN HER SINCE HE WAS LITTLE, AND SHE'S BEEN CAUSING SHIT!" Based on that comment, Officer Owens explained to Mr. D'Angelo that there was nothing she could do because that comment was not a violation of the law.

Officer Owens notified her immediate supervisor (Sgt. Brian Crites #9299) immediately via phone and informed him of the situation. She left the scene to de-escalate the situation. Sgt. Crites arrived at the scene shortly after and spoke to Mr. D'Angelo.

- 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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