



CITY OF CLEVELAND
Mayor Justin M. Bibb

Civilian Review Board Agenda

Tuesday January 9, 2024

Billy Sharp, Chair

Marcus Perez, Administrator

Office of Professional Standards &

Civilian Police Review Board

205 West St. Clair, 3rd Floor

Cleveland, Ohio 44113

www.clevelandohio.gov/ops

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 January 9, at 0900 am

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 January 9, 2024

MEETING AGENDA

- I. CALL TO ORDER** Billy Sharp, Chair
- II. ROLL CALL AND INTRODUCTIONS** Billy Sharp, Chair
- III. APPROVAL OF MINUTES** CPRB
- IV. PUBLIC COMMENT** Billy Sharp, Chair
- V. PRESENTATION OF INVESTIGATIONS** Vince Funari, Sr. Investigator
- VI. OPS STATUS REPORT** Vince Funari, Sr. Investigator
 - A. REVIEW OF CHIEF DISCIPLINARY DECISIONS**
 - B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS**
 - C. UPDATES ON POLICY RECOMMENDATIONS**
 - 1. UPDATE FROM SR. INVESTIGATOR FUNARI REGARDING CDP'S PROCEDURES WHEN UPDATING OFFICERS WHEN POLICIES AND RULES CHANGE.**
 - 2. UPDATE ON THE ORGIN OF THE TIMELINE REGARDING WHETHER OR NOT POLICY RECOMMENDATIONS FROM OPS HAVE TO BE POSTED WITHIN 72 HOURS OF THE BOARD MEETING.**
- VII. COMMITTEE REPORTS**
 - A. NACOLE CONVENTION UPDATE** Chenoa Miller
- VIII. NEW BUSINESS**
- IX. OLD BUSINESS**
- X. ADJOURNMENT**

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	21-266	Bender	Szymanski	Unprofessional Service Lack of Service	P.O. Nathaniel Ellis #1524 Recommendation: Motion: Second: Recommendation: Motion: Second:
2	23-135	Bryant	Szymanski	Lack of Service/No Service Lack of Service Unprofessional Behavior/Conduct	4th District Detective Unit Recommendation: Motion: Second: Det. Richard Adams #12 Recommendation: Motion: Second: Recommendation: Motion: Second:
3	23-147	Nayman	Szymanski	Lack of Service Unprofessional Behavior/Conduct	P.O. Kenneth Potchatek #2016 Recommendation: Motion: Second: Recommendation: Motion: Second:
4	23-259	Scott	Szymanski	Lack of Service Unprofessional Behavior/Conduct	P.O. Angela Craddock #702 Recommendation: Motion: Second: Recommendation: Motion: Second:
5	23-136	Davis	Bowker	Missing/Damaged Property Missing/Damaged Property	P.O. Dimand Murphy #1264 Recommendation: Motion: Second: P.O. Dylan O'Donnell #1280 Recommendation: Motion: Second:

				Missing/Damaged Property	P.O. Amanda Rock #1325 Recommendation: Motion: Second:
				Missing/Damaged Property	P.O. Christian Crane #1067 Recommendation: Motion: Second:
				Missing/Damaged Property	P.O. Jordan Blade #1129 Recommendation: Motion: Second:
				Missing/Damaged Property	P.O. Darren Sylvester #1739 Recommendation: Motion: Second:
				Missing/Damaged Property	P.O. Brian Crites #9299 Recommendation: Motion: Second:
				Missing/Damaged Property	P.O. Samuel Ortiz #102 Recommendation: Motion: Second:
				Missing/Damaged Property	P.O. James Bush #1241 Recommendation: Motion: Second:
				Missing/Damaged Property	P.O. Jason Hryn #578 Recommendation: Motion: Second:
6	23-186	Abdur-Rahnon	Bowker	Lack of Service/No Service	P.O. Hector Vazquez #1203 Recommendation: Motion: Second:
7	23-275	Romer	Bowker	Unprofessional Behavior/Conduct	P.O. Paul Beckwith #1047 Recommendation: Motion: Second:

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
8	23-067	Toth	Bowker	Unprofessional Behavior/Conduct	P.O. Jeriana Yuhasz #1814 Recommendation: Motion: Second:
9	23-250	Crutchfield	Harris	Unprofessional Behavior/Conduct	P.O. Rashaun Searles-Fowler #2157 Recommendation: Motion: Second:
10	23-058	Toth	Harris	Unprofessional Behavior/Conduct	Dispatcher Celia Holian #5 Recommendation: Motion: Second:
11	23-217	Martin	Traxler	Lack of Service/No Service Lack of Service/No Service Lack of Service/No Service	P.O. David Bloxton #32 Recommendation: Motion: Second: P.O. Michael Caraballo #1523 Recommendation: Motion: Second: P.O. Nicholas Davis #1527 Recommendation: Motion: Second:
12	23-212	Johnson	Lanman	Lack of Service/No Service Improper Arrest	Det. Orville Taylor #2361 Recommendation: Motion: Second: Recommendation: Motion: Second:
13	23-193	Soto	Lanman	Lack of Service/No Service	P.O. Brandon Troutman #676 Recommendation: Motion: Second:

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	RECOMMENDATION	CHIEF'S DECISION
1	19-118	Conway	Bowker	The CPRB recommended a Group I discipline level for Lt. Ralph Valentino #8554's Improper Search when he searched a vehicle that was legally parked on the street and was not included in the search warrant, violating General Police Order 2.3.10 .	Chief Drummond Departed from the CPRB recommendation and Dismissed the allegation of Improper Search , citing that the search of the vehicle was not part of the search warrant; the search was based on probable cause that there was evidence or contraband in the vehicle.
2	21-044	Hopson	Funari	The CPRB recommended a Group I discipline level for P.O. Jeffrey Simko #629's Lack of Service when he failed to properly fill out the complainant's accident report.	Chief Drummond Departed from the CPRB recommendation and Dismissed the allegation of Lack of Service, citing that P.O. Simko accidentally switched the names of the passenger (complainant) and driver of a motor vehicle in an OH-1 Crash Report that he completed. This error caused quite a bit of inconvenience for the complainant. Upon the complainant notifying P.O. Simko of the error, he rectified the error by completing the required paperwork that day and assured the complainant that he would be willing to assist her further if any other issues arose. Also, the violation occurred on August 30, 2020; however, the complaint was not filed until March 4, 2021. This delay is problematic in that it prohibits discipline as it is beyond the six-month time frame allowed in the Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association (bill of Rights, Article 7, Section M).

3	22-259	Toth	Bowker	<p>The CPRB recommended a Group I discipline level for Sgt. Mathias Varga #9298's Unprofessional Behavior/Conduct when during a phone interview with the complainant, he got frustrated and became defensive and he told the complainant that he was not her personal police and accused her of being disruptive and unkind; told her he had nothing to learn from her and questioned whether she knew the definition of belittlement in violation of Manual Rules 5.01, 5.08 and 5.09.</p>	<p>Chief Drummond Departed from the CPRB recommendation and Dismissed the allegation of Unprofessional Behavior/Conduct and the WCS Violation, citing that the conduct and behavior of Sgt. Varga as it relates to this conversation with the complainant, Catherine Toth, was within Division policy.</p>
4	22-068	Bryant	Funari	<p>The CPRB recommended a Group I discipline level for P.O. David Morova #1117's Unprofessional Behavior/Conduct when he asked the complainant and her son to describe how he had been abused while making punching gestures and using triggering words such as "beating" and "wailing" and a WCS Violation when he failed to record his interaction with the complainant in violation of General Police Order 4.06.04.</p>	<p>Chief Drummond Departed from the CPRB recommendation and Dismissed the allegation of Unprofessional Behavior/Conduct, citing that P.O. Morova stated that he needed to gather preliminary information regarding the type of abuse being suffered by the complainant's child. He further stated that after asking the complainant several times about the type of abuse, he only received an answer of "abuse" without learning if it was emotional/verbal abuse, physical abuse or sexual abuse. P.O. Morova had motioned indicating physical abuse while asking if the suspect was beating the child.</p>

					Chief Drummond Concurred with the CPRB recommendation and issued a Letter of Reinstruction for the WCS Violation citing P.O. Morova should have had his Wearable Camera System activated any time he is in the lobby.
5	22-124	Fouche	Szymanski	The CPRB recommended a Group I discipline level for Det. Martina Latessa #2553's Lack of Service when she made only one attempt to interview a suspect and failed to obtain a statement from the suspect.	Chief Drummond Departed from CPRB recommendation and Dismissed the allegation of Lack of Service against Det. Latessa, citing that Det. Latessa did make a reasonable attempt to interview the suspect, and then was informed by the suspect's attorney that the suspect would not be making a statement.
6	22-092	Maddox	Bowker	The CPRB recommended a Group I discipline level for Det. Michael Cox #163's Wearable Camera System Violation when he failed to activate his WCS during his encounter with the complainant, violating General Police Order 4.06.04 .	Chief Drummond Departed from the CPRB recommendation and Dismissed the WCS Violation , citing that Det. Cox left his office in the Fifth District Detective Unit and came down to the first floor where a Platoon Lieutenant asked him talk to the complainant regarding her case. He then spoke with the complainant regarding her case in a conversation that was not investigative nor confrontational. Because Detective Cox was in the Fifth District Headquarters building with no anticipation that he would be interacting with non-law enforcement personnel when he came downstairs, he did not have his Wearable Camera System on his person.
7	22-073	Elliott	Harris	The CPRB recommended a Group II discipline level for	Chief Drummond Departed from the CPRB recommendation and Dismissed the allegation of Harassment against P.O. Danczak

				<p>P.O. Joseph Danczak #1828's Harassment when he exhibited a pattern of unprofessional behavior on multiple occasions against the complainant in violation of Manual Rules 5.08 and 5.09.</p>	<p>citing after a review of the WCS, the complainant continued to violate the signage, "No Parking Anytime" and P.O. Danczak was simply enforcing the law.</p>
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INVESTIGATION STATUS:	01/09
Abridged:	3
Standard:	10
Complex:	
Harassment:	
Excessive Force:	
Lack of Service:	10
Unprofessional Behavior/Conduct	8
Bias Policing	0
WCS Violation	0
IMPROPER PROCEDURE:	1
Improper Citations	0
Improper Search	0
Improper Stop	0
Improper Tow	0
Improper Arrest	1
Improper Tow	0
Improper Warrant	0
Improper Collection of Evidence	0
PROPERTY:	0
Missing Property	10
Damage to Property	0