CIVILIAN POLICE REVIEW BOARD

MEETING MINUTES

Tuesday July 9, 2024

I. MEETING CALLED TO ORDER AT (13:17-15:06)

Chair Sharp reads a statement on behalf of OPS and CPRB expressing a heartfelt condolence on behalf of fallen officer P.O. Jameison Ritter #1176 who was killed on July 4th 2024 in the line of duty.

Moment of Silence (15:14-15:36)

Chair Sharp conducts a brief moment of silence for the fallen P.O. Jameison Ritter #1176 afterward the Chair opens the floor for remarks. Member Gatian speaks briefly on the responsibilities and risk that our officers face daily.

Roll Call (17:20)

Member Chenoa Miller arrived late.

Chair Sharp ask for a motion to be made to turn the statement into a letter to be given to the 3rd district. (Inaudible) makes the motion. 2nd by Member Cyganovich.

II. Approval of April minutes (18:13-23:02)

Member Hardy asked for the minutes from the May 9th meeting to be amended because she made a statement during OPS2024-0254 that wasn't included in the minutes but those of Member Cyganovich were included. Member Hardy says she feels that her comment should have been noted because she said it first. Motion to amend the May minutes made by Vice Chair Brown. 2nd by Member Cyganovich. Abstained by Member Graham due to not being present during that meeting.

III. PUBLIC COMMENT (NONE)

IV. CPRB Training (23:50-1:44:12)

Sgt. Brown, CDP conducted a presentation on Crisis intervention and Introduced the Policies and Resources within the division. Sgt. Brown touched on what CDP considers a Crisis and defined it as a situation where an individual's safety and health are threatened by behavioral health challenges, to include mental illness, developmental disabilities, substance use, or overwhelming stressors. Sgt. Brown shared with the Board some De-escalation tactics that the CDP uses during crisis

intervention also the various forms used to identify and or track what a SCIT officer would deem a Crisis. Sgt. Brown. Some of the resources Sgt. Brown introduced to the Board were NEOCH, The Centers and Mobile Crisis.

V. PRESENTATION OF INVESTIGATIONS (Six Complainants Present)

1. **2022-236: P.O. Bolivar Villafuerte #1608 (1:47:17-2:20:05) (CP Present)**
   Allegation: Lack of Service
   Recommendation: Sustained
   Motion: Brandon Brown
   Second: Sherall Hardy
   Motion: Carried

   Ms. Hester (Complainant) was allowed to address the board concerning her complaint that the responding officer filled out the 1st report incorrectly. Ms. Hester says she requested the footage but was repeatedly told that the officer was out of town. She states that the Police Department gave her the runaround. Ms. Hester asked the officer if they wanted to speak to the witness and they said "No" and they had footage. Vice-chair Brown asked if the information for the driver who caused the accident was in the report. Investigator Green responds saying "There was an initial crash, that vehicle caused Ms. Hester to strike another car. There was a supplement added to the report that stated Ms. Hester was pushed into the other car. The witness stated once Ms. Hester was hit, she then pursued the van that hit her and struck another vehicle in the process." Ms. Hester stated that never happened and she has no desire to run around and chase people in the 4th district where she might lose her life. Chair Sharp wants to know if there is anything that can confirm this. Investigator Green states there was no camera but two separate witnesses confirmed she pursued the van. Vice Chair Brown says his main concern is if the paperwork was filled out correctly. He says if there are multiple versions of what happened, was it in the report? Investigator Green responds "Yes" Member Miller asks if the supplement report was provided to Ms. Hester. Investigator Green replied, "Yes, Ms. Hester provided it to me." Member Gatian says there was no footage and based on the witness's statements, Ms. Hester was either pushed into the car or pursued the vehicle that hit her and caused the second accident. Both sets of facts are included in the police report. There is nothing exact, Ms. Hester's statement was included in the report. Ms. Hester wants to know who the witness is because she thinks Investigator Green has the wrong witness. Chair Sharp says the name of the witness can't be given out but can be requested. Ms. Hester says Investigator Green is only saying what the person she hit is saying. She wants to know what Witness told her that. Chair Sharp says the report has both versions and questions the Lack of Service allegation. Ms. Hester says there are two different witnesses and the one not in the red Honda Civic is the one that should have been on the report. Member

Cyganovich states the accident report shows the same address as the other person in the car. Chair Sharp asks who were the witnesses? Investigator Green replies "The 2 victims from the red Honda Civic who were both transferred to the hospital. The witness "CP" also provided a statement that Ms. Hester pursued the van that hit her" Ms. Hester confirms that "CP" is the correct witness, becomes upset, and leaves the podium. Chair Sharp repeats that if the report has both versions, then what is the lack of service? Member Cyganovich states that the other witness (CP) is not on the original report. Vice Chair Brown says all witnesses should be included in the officer's report. All witnesses need to be accounted for. Investigator Green says the witness provided a statement that is on the officer's WCS. Vice Chair Brown asks "Does the officer saying it is on his WCS suffice for writing something in a statement? Lillian Hall (Law Department) replies "That is an administrative question" Chair Sharp says "We have never done that before" Chair Sharp says "We need to determine if all witnesses were included in the OH_1" Member Gatain finds GPO that confirms there was a violation. GPO 8.1.02. the board voted to sustain the case as it was found that GPO 8.1.02 was violated by P.O Villafuerte #1608. A Group 1 Violation motion was made by Vice Chair Brown and second by Member Hardy. Chair Sharp commends the complainant Mrs. Hester on her determination to be heard.

2. **2024-038 Det. Patrick Bishop #150 (2:20:52-2:59:19) (CP Present)**
   Allegation: Unprofessional Behavior/Conduct
   Recommendation: Sustained
   Motion: Sherall Hardy
   Second: Diana Cyganovich
   Motion: Carried

   Allegation: Unauthorized Secondary Employment
   Recommendation: Sustained
   Motion: Sherall Hardy
   Second: Brandon Brown
   Motion: Carried

   Allegation 1. The Complainant (Ms. Holsinger) speaks about the events that took place at Playhouse Square. She states that on opening night everyone was in the lobby, parents, friends, and family. They were taking pictures and congratulating for about 10 minutes when she witnessed Det. Bishop yelling aggressively with his hand on his Gun. People were asking him if they could just take a quick picture. Ms. Holsinger says the issue is how the crowd was dispersed. The crowd was mainly women and the play was about civil rights. The women in the crowd started becoming terrified. Ms. Holsinger says at one point she started ushering others to another lobby because his yelling, screaming, and pushing were becoming traumatizing. Ms. Holsinger told Det. she was going to file a complaint and his

response was “Please do” Chair Sharp asked Ms. Holsinger who made the directive to clear the crowd? The investigator says the directive came from the house manager and another staff. Chair Sharp if the officer saw a threat with the people in the lobby. Investigator Khabir said “Yes, he was trying to clear the path for an easier flow of traffic.” Chair Sharp then asks why didn’t he start clearing the lobby prior. Investigator Khabir says Det. Bishop was headed over to the area already and heard the directive after the fact. Investigator Khabir says he spoke with the Det. about having his hand on his gun and Det. Bishop said he was just resting his hand. Chair Sharp wanted to know what made the officer clear the lobby. The investigator again states the Det. was given a directive to disperse the crowd safely. Member Gatian questioned the emails backing the complaints surrounding the night's incident. Ms. Holly replies “Yes, there were emails.’ Investigator Khabir says he has read all emails, spoken with people, and reached out to HR to interview staff but never received a return call. Member Gatian says he didn’t see the emails. Member Cyganovich replies “They’re in the file,” Member Gatian says “I don’t think he was giving an unlawful order. If the tone was bad, that’s the issue” Chair Sharp says the officer needed to use his training as an officer first. Member Hardy asked Ms. Holsinger if she was in the lobby and heard him swear. Ms. Holsinger responded “He screamed at me! I don’t know if he touched any of the women. Member Hardy referenced GPO 5.01 (the way officers should behave) Investigator Khabir says he is not saying that the actions did not occur and that the officer had to be louder and say things that people won't like. His behavior was not unlawful. Chair Sharp says a raised voice for crowd control was ok but that wasn’t the situation. Vice-chair Brown questioned how placing your hand on your gun can be done in a non-threatening way. Investigator Khabir repeated that he spoke with the officer about that and he said he was just relaxing his hand there. Chair Sharp says “If I tell people to exit and place my hand on my gun, I'm certainly not going to be relaxed. I cannot see how the hand on the gun was non-threatening” Investigator Khabir says that the officer had his hand on the gun after the fact. Chair Sharp tells the Investigator that it seems like he is explaining why the officer put his hand on his gun. Member Gatian states that he didn’t see the emails but references Manual of Rules 5.01. He says multiple people are saying the officer was yelling and screaming and out of control. He wasn't courteous and respectful. Member Kenneth Mountcastle asked if the officer had any assistance from the employees who assist and wear red coats. Investigator Khabir replies “No. He was scheduled to be there late anyway, so that was not the sense of urgency.” The Investigator believes the officer was polite and professional until people didn’t comply. Member Cyganovich says “There are emails and 2 of them are from people who felt threatened. That’s not professional behavior” Member Graham asked if Ms. Holsinger heard all of just part. Ms. Holsinger replied “Most of it, some from students.” She says that by the time she was on the scene, it was heightened and lots of pushing. Ms. Holsinger said he screamed and said “I DON’T CARE WHO YOU ARE” with his hand on his gun. Ms. Holsinger says “I have never witnessed

anything like this" Member Graham asked Ms. Holsinger if what she had just displayed to the board was to convey the actual tone and behavior shown by the Det. Ms. Holsinger responds "Yes," Member Graham says "Thank you for re-enacting" Based on the preponderance of the evidence including Manual Rules 5.01,5.08,5.09 the allegation of Unprofessional Behavior was sustained with a Group level 1 Disciplinary. Motion for group level was made by Member Sherall Hardy. Second by Member Diana Cyganovich.

Allegation 2. Based on the preponderance of the evidence it was found that Det. Bishop was not authorized to have secondary employment. Allegation sustained and in violation of GPO 1.02.13. Motion for Group Level 1 disciplinary made by Member Hardy. Second by Vice Chair Brown. Chair Sharp makes a motion for a letter of reinstruction for secondary employment. Second by Member Cyganovich. Motion Opposed by Vice Chair brown who states he doesn't feel like the Det. needs reinstruction because he knew what to do.

Member Hardy thanks the complainant for coming in and standing up for the youth.

3. **2023-107 P.O. Carlos Munguia #1813 (3:01:20-3:43:05)**
   Allegation: Lack of Service
   Recommendation: Tabled
   Motion: Tabled
   Second: Tabled
   Motion: Tabled

   CP states P.O. failed to provide OH1 report within 3 days of incident. After several attempts to retrieve a report, the Complainant, (Mr.Bondar) was never produced one. Questions arise as to why Mr. Bondar took so long to file a complaint. He states it was a lot of back and forth from the justice center to the 4th district and still no report was given, throughout the process he eventually heard about OPS and decided to file a complaint. Vice Chair reminds the room that there is a 6-month window where disciplinary actions can be handed out, after that it can't, however, maybe the date of the incident should be after the OH1 report was turned in. Mrs. Lillian Hall (Law department) says that's a question to take back to ask the labor section. Member Hardy asks Mr. Bondar how we can verify his claims of going back and forth to the 4th district and the Justice Center. Asking him did he ever sign in during his visits. Mr. Bondar says he can't recall it was too much going on. Member Gatian asked if the officer could be disciplined per the collective bargaining agreement. Is there any Law? Ms. Hall says she will check on that. Member Miller asked did anyone try to help him with getting a police report. Mr. Bondar says he had made attempts to contact P.O. Munguia but he was never available. As Mr. Bondar continues to speak he raises concerns from the Board

members as he mentions his car was eventually stolen from his backyard and he was unable to make a police report per CPD. The Vice-Chair wants to know why not. Mr. Bondar states the District told him he cannot file a report on a totaled vehicle. Investigator Green (who was not the original investigator on the case) has questions regarding Mr. Bondar's identity. She states he (Mr. Bondar) doesn't appear to be the same person from WCS. Vice Chair Brown wants to table the case as it seems to be an identity issue. Administrator Perez says that the allegation can be sustained regardless of identity. Member Hardy wants to know if the Officer was interviewed. Investigator Green says she relied on WCS as the case was passed down from 2 previous investigators. The Vice-Chair asked if the board was comfortable with ruling without the P.O. interview. OPS Administrator says rulings have been made for multiple years without interviewing the officer. Member Graham states the officer may have filed it and could have a defense at his disciplinary review. Vice Chair Brown makes a motion to table the case to allow OPS to interview officers. Motion Second by David Gatian. Motion abstained by Chair Billy Sharp due to him not being in the room for the majority of the case being heard. Vice Chair Brown made another motion for OPS to follow up with Mr. Bondar about the theft of property that he alleges a police report was not allowed to be filed. Motion seconded by Diana Cyganovich.

4. **2023-246 P.O. Molly Madaras #1754 (3:44:19-4:16:57)**
   Allegation: Lack of Service
   Recommendation: Exonerated
   Motion: Brandon Brown
   Second: Sherall Hardy
   Abstain: Michael Graham (Stepped out of meeting)
   Motion: Carried

   P.O. Anthony Bolivar #55
   Allegation: Lack of Service
   Recommendation: Exonerated
   Motion: Brandon Brown
   Second: Sherall Hardy
   Abstain: Michael Graham
   Motion: Carried

   P.O. Molly Madaras #1754
   Allegation: Improper Procedure-Arrest
   Recommendation: Exonerated
   Motion: Brandon Brown
   Second: Sherall Hardy
   Abstain: Michael Graham

Motion: Carried

P.O. Anthony Bolivar #55
Allegation: Improper Procedure-Arrest
Recommendation: Exonerated
Motion: Brandon Brown
Second: Sherall Hardy
Abstain: Michael Graham
Motion: Carried

There was a brief discussion as to whether or not CPD should have gotten out of their patrol car or not even though the Complainant didn't seem to be in any immediate danger and the incident was on CMHA property. They instructed her to wait for CMHA to arrive. The complainant (Ms. Evans) stated she knew CMHA would never show up and all she wanted was for the officers to assist her since they were already there. Ms. Evans feels that if they had diffused the situation it would have never led to a physical altercation and later her arrest. Member Miller as the Investigator if there was WCS footage from the first encounter by officers when Ms. Evans flagged them down. The investigator responded "No". Chair Sharp says "There should be, when responding to a call WCS should be activated. Either it's in there somewhere or we have another violation" Senior Investigator Funari speaks saying "There is WCS" Member Hardy asks "Can CPD handle issues that were intended for CMHA but CPD happens to be near" Investigator Szymanski responds Chair Sharp asks if Ms. Evans went to the patrol car and ask for help the first time and it led to a second incident doesn't that constitute a Lack of Service Vice Chair explains what exonerated means to the Complainant.

Based on the Preponderance of the Evidence in the WCS, CDP reports, CDP BOC recording, and event chronology, the allegations were exonerated. Abstained by Member Graham who stepped out of the room.

5. **2022-166 P.O. Danielle McNulty #296 (4:17:53-4:39:09)**
   Allegation: Unprofessional Behavior/Conduct
   Recommendation: Exonerated
   Motion: Billy Sharp
   Second: Brandon Brown
   Opposed: Michael Graham
   Motion: Carried

   P.O. Brandon Crites #2467
   Allegation: Unprofessional Behavior/Conduct
   Recommendation: Exonerated

Motion: Billy Sharp
Second: Brandon Brown
Motion: Carried

The complainant (Mr. Rodriguez) is present and speaks about the incident. Chair Sharp asked if there was a custody agreement. Investigator Smith says there was nothing in place and that Mr. Rodriguez was in the process of trying to file and that Ohio is a mother state. Chair Sharp questions the wording of what the officer told Mr. Rodriguez "Did P.O McNulty say he could be arrested or will be arrested?" Investigator Smith responds "He took it as he could be arrested" Chair Sharp wants to clarify that the Officer was giving examples of what could happen. Member Cyganovich says according to her notes P.O. McNulty said he would be arrested if he didn't bring the child back. Chair Sharp says in the state of Ohio the custodial parent has rights and the officer is right that Mr. Rodriguez would have been arrested if the child was not returned. Vice Chair Brown asked the investigator to explain the communication between P.O. McNulty and her superior. Investigator Smith says P.O. McNulty spoke to her Sgt. Stating she advised the parties on the scene that Ohio is a mother's state and also told the Sgt. that there were inconsistencies in the report. Chair Brown reiterates what the Investigator said for clarification "P.O. McNulty realizes that if she would have had all of the details, she would not have made those comments to Mr. Rodriguez. Chair Sharp says when P.O. arrived at the scene she made the statement she did based on the information she had, once she realized the inconsistencies she corrected herself.

Based on the preponderance of the evidence including WCS, investigators' report, and Manual rules 3.02, 5.08, and 5.09, the Board agreed to exonerate.

6. **2024-068 P.O. Lissette Lopez #1968 (4:40:08-5:18:36)**
   Allegation: Unprofessional Behavior/Conduct
   Recommendation: Tabled
   Motion: Tabled
   Second: Tabled
   Motion: Tabled

   Member Hardy asks the investigator if she can see the officer has an attitude on the WCS. Investigator Green replies "No, I can't speak to that" Member Hardy asks if the officer had any conversation with the complainant. Investigator Green says "the P.O. gets out of her vehicle, goes to the back of the complainant's (Ms. Giles) car begins to write the ticket, goes to patrol car, exits patrol car, gives complainant the ticket through the window and says have a good night." Ms. Giles was called to the Podium and says P.O. Lopez turned her camera off and she asked her to turn it back on. She says P.O. Lopez was way out of control and harassed her twice. Chair Sharp asked the investigator when did the WCS come on. Investigator Green said

when the Officer was out of the vehicle, the WCS was on . The WCS does not show the first interaction, only shows the end. Chair Sharp says when the WCS request was made, it had to be narrowed down to a specific event. Administrator Perez says the fact that it wasn't captured makes it he said she said. Chair Sharp asked Ms. Giles back up to the podium "You saw P.O. Lopez turn her camera off?" Ms. Giles responded "Yes" She explained that the P.O. came back called her a B**** and said she was going to give her a F****** ticket. Chair Sharp says you would see a cut in the WCS if it was turned off. Vice Chair Brown asks "At what point did you ask her to turn her camera on?" He continues "Whatever interaction is before she decided to write the ticket is not recorded. The question is whether or not it should be recorded." Member Hardy says "Did the P.O. say 'I have my body cam on''? Investigator Green replies "Yes" The Witness was called to the Podium where she reiterated what Ms. Giles said. She adds "The P.O. was blatantly disrespectful" Chair Sharp asks what was on the ticket. Investigator Green says "We don't have the ticket." Chair Sharp says "We need the ticket," Member Gatian says "We don't have anything to support the allegation. We are making an assumption that it happened more than 30 seconds of turning it on. If the P.O. told the person to move on, does that require them to turn it on, I don't think so" Vice Chair Brown replies "No" Member Hardy says "As soon as they had the interaction, it should be turned on." Member Gatian says "Not every interaction needs to be on WCS." Member Graham says "If you blast the horn and they don't move, there's a chance that things may become adversarial. Now the P.O. would have to escalate my involvement with the person." Member Graham asked Ms. Giles "How long before the officer hit reverse and came out of the car." Ms. Giles responded "Not long" Witness said "Their interaction was about 1-1.5 min" Member Graham said "So you heard the tail end" Witness says "Yes and then the P.O. reversed." Chair Sharp asks once behind the tow truck, were you still double parked? Witness responds "No" Chair Sharp wants to kick this report back, wants to see the ticket, and says the officer should be asked and interviewed about it. Investigator Green says "There is an officer interview. The P.O. said it was her job to keep traffic moving. P.O. Lopez alerted Ms. Giles to move her car since she was double parked. The officer said Ms. Giles only moved forward. The P.O. said she then left to attend to other vehicles and then noticed Ms. Giles was still there. P.O. Lopez said she reversed back to Ms. Giles and told her it was a ticket able offense," Chair Sharp said "I think there is a WCS violation.

Chair Billy Sharp made a motion to table the case. The motion was second by Member Sherall Hardy. 2 Nay Votes by Vice Chair Brandon Brown and Member Diana Cyganovich. Another motion was made for OPS to investigate the WCS violation by Chair Sharp. Motion Second by Member Sherall Hardy.

VI. Executive Session (5:20:25)

A Motion was made by Member Michael Graham to move the executive session to next month's meeting. The motion was second by Member Cyganovich.

VII. OPS Status Report (5:21:04-5:33:39)

A. Community Engagement

OPS Community Engagement officer Elan Pavlinich presented and gave a vital tour of the new independent website. Mr. Pavlinich spoke on some of the recent events OPS has been a part of and also the direction he sees future events/outreach going in. Member Hardy questioned if an invite to any of the past community engagement events was sent out to CPRB? Chair Sharp answers her question saying "This was a slow rollout. There will be a calendar available to everyone. Would like each board member to attend at least 1 meeting. These past 2 events were to see how things would work." Chair Sharp asked Mr. Pavlinich how he thought the events went. Mr. Pavlinich responded "Very impressed. People seemed receptive. I would like to add that the investigators were interacting with the public. Community engagement will only get stronger from here. This is a process. We are laying a lot of foundation right now"

B. NACOLE Registration

Administrator Perez gave the Board updates about the NACOLE conference. He advised them that travel agents will be reaching out by next week and that everything should be complete and finalized by August 1st.

VIII. New Business (5:34:03-5:57:27)

Member Hardy wanted to go back to May and add that Ward 6 was having an event where she was very pleased that Member Chenoa Miller showed up. Investigator Szymanski showed up and did an excellent job of explaining what OPS does. Member Hardy gives accolades to Member Miller and Investigator Szymanski.

A. Award Commendation

OPS came up with an award that acknowledges Officers for outstanding performance Sharp says that it is important that when an officer does a good job we want to recognize him/her. In a recent case, it was found that P.O. Richard Rusnak #849 displayed exemplary performance while on duty. The Chair of CPRB would like to award him with a commendation. Moving forward Chair Sharp wants to continue to recognize outstanding performance. There was a discussion as to whether Awards should be given to officers who have to come before the board to see if disciplinary actions should be held against them or not. Member Gatian states that we are excluding the officers

who have never had any contact with OPS. Chair Sharp expressed his understating but feels that because of what we do and the allegations that some P.O. face, it's appropriate that when it is found that an officer has displayed outstanding performance they be recognized. That leaves the Police Department to take care of the Officers who have displayed exemplary performance within the department. Motion to Approve Award Commendations by Chair Billy Sharp. Second by Vice Chair Brandon Brown. Abstained by Member Gatian (INAUDIABLE) 1 Nay vote by Member Hardy. Motion Carried.

B. RESIGNATION

Susan Lanman submitted her resignation last week. A motion was made to accept the resignation by Member David Gatian. Motion Second by Member Hardy. Motion Carried.

C. New Hire Appointments

- No new hires.
- Administrator Perez is working on getting Civil Service to produce a test for the temporary Admins.
- Elections for Chair and Vice Chair will be held in August.

D. VOTE TO APPROVE CPRB ON-LINE HEARING FOR THE FOURTH TUESDAY OF EACH MONTH

A motion for a virtual meeting to be held to hear the cases not heard in today's meeting was made by Member David Gatian. Motion Second by Vice Chair Brandon Brown. Motion Carried.

A motion was made to add a 2nd meeting to be done virtually in the months of August and September for the back log. Motioned by Vice Chair Brandon Brown. Motioned Second by Member David Gatian. Motion Carried. August 27th and September 24th will be the virtual meetings.

Motion to Adjourn

Motion made by Vice Chair Brown. Second by Member David Gatian. Motion Carried.