

CIVILIAN POLICE REVIEW BOARD

OFFICE OF PROFESSIONAL STANDARDS

January 9, 2024

MEETING MINUTES

\*\*\*The times reflected in the minutes are a reflection of the time on the YouTube video\*\*\*

The next meeting will be held via WebEx

<https://cityclevelandoh.webex.com/cityclevelandoh/j.php?MTID=m1d33399dc7219eb4e936d8c4d23942c5>

CPRB MEMBERS

**Billy Sharp, Chair**

**Mike Hess, Vice Chair**

**Ken Mountcastle**

**Dave Gatian**

**Sherall Hardy**

**Brandon Brown**

**Michael Graham**

*Chenoa Miller*

**Diana Cyganovich**

LEGAL COUNSEL

**Lillian Hall**

OPS

Marcus Perez, Administrator

**Art Bowker, Investigator**

**Vincent Funari, Interim Sr. Investigator**

**Hercules Harris, Investigator**

**Joe Szymanski, Investigator**

*Susan Lanman, Investigator*

**Kristen Traxler, Investigator**

**Jermaine Smith, Investigator**

**Abby O'Neill, General Manager**

**BOLD: IN ATTENDANCE**

- |       |  |                                |
|-------|--|--------------------------------|
| I.    | <b>APPROVAL OF MINUTES</b>                       | Billy Sharp                    |
| II.   | <b>PUBLIC COMMENT</b>                            |                                |
| III.  | <b>NEW BUSINESS</b>                              |                                |
| IV.   | <b>PRESENTATION OF INVESTIGATIONS</b>            | Vince Funari, Sr. Investigator |
| V.    | <b>OPS REPORT</b>                                | Vince Funari, Sr. Investigator |
|       | <b>A. REVIEW OF CHIEF DISCIPLINARY DECISIONS</b> | Vince Funari, Sr. Investigator |
| VI.   | <b>POLICY UPDATES</b>                            | Vince Funari, Sr. Investigator |
| VII.  | <b>COMMITTEE REPORTS</b>                         |                                |
| VIII. | <b>UNFINISHED BUSINESS</b>                       |                                |
| IX.   | <b>ADJOURNMENT</b>                               |                                |

Next Meeting: February 13, 2024

- I. MEETING CALLED TO ORDER AT 9:00 A.M.  
ROLL CALL AND INTRODUCTIONS: 9:03 A.M.
- II. APPROVAL OF MINUTES DECEMBER MINUTES.
- III. PUBLIC COMMENT (NONE)
- IV. PRESENTATION OF INVESTIGATIONS: (NO COMPLAINANTS PRESENT)

1. **2023-0275: P.O. Paul Beckwith #1047**  
**Allegation: Unprofessional Behavior/Conduct**  
Recommendation: *Exonerated*  
Motion: Billy Sharp  
Second: Diana Cyganovich  
Motion: Carried

**The preponderance of the evidence which includes WCS shows that the conduct did not occur.**

2. **2023-0217: P.O. David Bloxton #32**  
**Allegation: Lack of Service/No Service**  
Recommendation: *Sustained*  
Motion: *Sherall Hardy*  
Second: *Billy Sharp*  
Motion Carried

**P.O. Michael Caraballo #1523**  
**Allegation: Lack of Service/No Service**  
Recommendation: *Sustained*  
Motion: *Sherall Hardy*  
Second: *Billy Sharp*  
Motion Carried

**P.O. Nicholas Davis #1527**  
**Allegation: Lack of Service/No Service**  
Recommendation: *Exonerated*  
Motion: *Sherall Hardy*  
Second: *Billy Sharp*  
Motion Carried

3. **2021-0266: P.O. Nathaniel Ellis #1524**  
**Allegation: Unprofessional Behavior/Conduct**  
Recommendation: *Insufficient Evidence*  
Motion: *Mike Hess*

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*Second: Sherall Hardy*  
*Motion: Carried*

***Allegation: Lack of Service***  
*Recommendation: Insufficient Evidence*  
*Motion: Mike Hess*  
*Second: Sherall Hardy*  
*Motion Carried*

**4. 2023-0135: 4<sup>th</sup> District Detective Unit**

***Allegation: Lack of Service***  
*Recommendation: Unfounded*  
*Motion: Billy Sharp*  
*Second: Ken Mountcastle*  
*Abstain: Mike Hess*  
*Motion: Carried*

***Detective Richard Adams #12***  
***Allegation: Lack of Service***  
*Recommendation: Unfounded*  
*Motion: Billy Sharp*  
*Second: Ken Mountcastle*  
*Motion: Carried*

***Allegation: Unprofessional Behavior/Conduct***  
*Recommendation: Unfounded*  
*Motion: Billy Sharp*  
*Second: Ken Mountcastle*  
*Motion: Carried*

***Based on the preponderance of the evidence of no WCS footage and the officer's statements.***

**5. 2022-0197: P.O. Joshua Howe #1190 (1:56:01-2:08:46)**

***Allegation: Unprofessional Behavior***  
*Recommendation: Unfounded*  
*Motion: Billy Sharp*  
*Second: Mike Hess*  
*Motion: Carried*

***P.O. Brandon Betley #1790***  
***Allegation: Unprofessional Behavior/Conduct***  
*Recommendation: Unfounded*  
*Motion: Billy Sharp*  
*Second: Mike Hess*  
*Motion: Carried*

**Sgt. David Harris #9146**

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Mike Hess*

*Motion Carried*

**Based on the preponderance of the evidence and statements that were taken.**

**P.O. Gregory Barnett #2119**

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Insufficient Evidence*

*Motion: Billy Sharp*

*Second: Mike Hess*

*Motion Carried*

**Based on WCS footage, reports and statements given.**

**P.O. Kyle Bachman #1996**

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Exonerated*

*Motion: Billy Sharp*

*Second: Mike Hess*

*Motion Carried*

**Based on the preponderance of the evidence, WCS footage and statements that were given.**

**P.O. Dylan Coda #1927**

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Sustained*

*Motion: Billy Sharp*

*Second: Mike Hess*

*Motion Carried*

**Based on WCS footage, Officer Coda was in violation of Manual Rule 5.09. Member Graham motioned for a Group I Violation, 2<sup>nd</sup> by Member Miller. Motion carried. Motion for a Letter of Re-Instruction by Member Graham, 2<sup>nd</sup> by Chair Sharp. Motion carried.**

6. **2022-0316: P.O. Katie Medwid #1184 (2:09:06-2:20:24)**  
**Allegation: Excessive Force**

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*Recommendation: Exonerated*  
*Motion: Brandon Brown*  
*Second: Sherall Hardy*  
*Motion: Carried*

**P.O. Lawrence McGervey #2352**

*Recommendation: Excessive Force*  
*Motion: Brandon Brown*  
*Second: Sherall Hardy*  
*Motion: Carried*

***Member Brown questioned if there was a way to know if the handcuffs were actually double locked or not because the officer said he didn't really remember. Investigator Harris responded that there was really no way to know and this is why the officer said he didn't remember. There was discussion that this was not an extraordinary circumstance but more of a crises situation because the complainant was hitting her head inside of the zone car. The handcuffs may not have been tight when the officer first put them on her, but as she moved around in the rear of the zone car, the cuffs may have become tighter***

**7. 2023-0055: P.O. Zachary Banks #645 (2:20:41-2:25:17)**

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Unfounded*  
*Motion: Billy Sharp*  
*Second: Brandon Brown*  
*Motion: Carried*

**P.O. Anthony Estremera #799**

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Unfounded*  
*Motion: Billy Sharp*  
*Second: Brandon Brown*  
*Motion: Carried*

***Based on WCS footage, officers were in compliance with Manual Rule 5.09.***

**8. 2023-0154: P.O. Jordan Tooley #954 (2:25:34-2:34:43)**

***Allegation: Excessive Force***

*Recommendation: Exonerate*  
*Motion: Mike Hess*  
*Second: Billy Sharp*  
*Motion: Carried*

***Allegation: Bias Free Policing***

*Recommendation: Unfounded*  
*Motion: Mike Hess*  
*Second: Billy Sharp*  
*Motion: Carried*

**P.O. Claire Fredriks #562**

**Allegation: Excessive Force**

Recommendation: Exonerate

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

**Allegation: Bias Free Policing**

Recommendation: Unfounded

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

**Sgt. Carma Crosby**

**Allegation: Excessive Force**

Recommendation: Unfounded

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

**Allegation: Bias Free Policing**

Recommendation: Unfounded

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

**The preponderance of the evidence which includes WCS footage of the incident indicates that force was used, but the force used was consistent with the Use of Policy, GPO 2.01.03.**

**9. 2022-0271: P.O. Maria Rodriguez #1537 (2:35:04-2:38:30)**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Mike Graham

Second: Billy Sharp

Motion: Carried

**P.O. Melissa Marquard #1760 (Retired)**

**WCS recordings revealed that the unprofessional behavior conduct did not occur.**

**10. 2023-0004: STO Avery Edge #38 (2:38:55-2:53:57)**

**Allegation: Lack of Service/No Service**

Recommendation: Sustained

Motion: Sherral Hardy

Second: Mike Hess

**Next Meeting:** February 13, 2024

*Motion: Carried*

**P.O. Bryan Peters #1300**

**Allegation: Lack of Service/No Service**

*Recommendation: Sustained*

*Motion: Sherall Hardy*

*Second: Mike Hess*

*Motion Carried*

**Allegation: WCS Violation**

*Recommendation: Sustained*

*Motion: Sherall Hardy*

*Second: Billy Sharp*

*Motion Carried*

**Motion for a Group I violation with a Letter of Re-Instruction for by Member Hardy, 2<sup>nd</sup> by Member Miller. Motion carried.**

**11. 2022-0293: P.O. Gregory Barnett #2119 (3:18:33-3:29:08)**

**Allegation: Lack of Service/No Service**

*Recommendation: Exonerated*

*Motion: Sherall Hardy*

*Second: Billy Sharp*

*Motion: Carried*

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Unfounded*

*Motion: Sherall Hardy*

*Second: Billy Sharp*

*Motion: Carried*

**12. 2022-0300: P.O. Cody Ratliff #375 (3:29:23-3:49:10)**

**Allegation: Lack of Service/No Service**

*Recommendation: Exonerated*

*Motion: Mike Hess*

*Second: Billy Sharp*

*Motion:*

**P.O. Sean Donovan #1084**

**Allegation: Lack of Service/No Service**

*Recommendation: Exonerated*

*Motion: Mike Hess*

*Second: Billy Sharp*

*Motion: Carried*

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Unfounded*

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Motion: Billy Sharp  
Second: Chenoa Miller  
Motion: Carried

**Sgt. Cody Sheets #9322**  
**Allegation: WSC Violation**  
Recommendation: Sustained  
Motion: Mike Hess  
Second: Billy Sharp  
Motion: Carried

**Chair Sharp voiced concerns with giving out WCS Violations and CDP is going to 12 Hour shifts and mandatory second shifts. Chair Sharp questioned where the gun was found In the car. Investigator Smith it doesn't say in the report where the gun was confiscated from. Group Level I violation for Sgt. Sheets for not putting the WCS in his duty report. 2<sup>nd</sup> by member Hardy. Motion carried. Chair Sharp states that if shifts are going to be 12 hour shifts, there should be an update regarding the WCS policy.**

**13. 2021-072: P.O. Thomas Bowser #262 (3:49:30-4:25:19)**

**Allegation: Unprofessional Behavior/Conduct**  
Recommendation: Sustained  
Motion: Billy Sharp  
Second: Sherall Hardy  
Abstain: Graham (**Knows one of the officers and has a professional relationship with his brother**)  
Motion: Motion carried

**Allegation: Bias Policing**  
Recommendation: Unfounded  
Motion: Billy Sharp  
Second: Sherall Hardy  
Abstain: Graham (**for the reason stated above**)  
Motion: Carried

**Allegation: Improper Procedures/Enforcement of GPO 3.04.08**  
Recommendation: Sustained  
Motion: Billy Sharp  
Second: Sherall Hardy  
Abstain: Mike Graham (**for the reason stated above**)  
Motion: Carried

**P.O. Denzel Jones #990**  
**Allegation: Improper Procedures/Enforcement of GPO 3.04.08**  
Recommendation: Sustained  
Motion: Billy Sharp  
Second: Sherall Hardy  
Abstain: Mike Graham (**for the reason stated above**)

*Motion: Carried*

***Allegation: Improper Procedures/Improper Report***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Sherall Hardy*

*Abstain: Mike Graham (for the reason stated above)*

*Motion: Carried*

***Sgt. Keane #9198***

***Allegation: Lack of Service/Failure***

***Recommendation: Unfounded***

*Motion: Billy Sharp*

*Second: Mike Hess*

*Abstain: Mike Graham (for the reason stated above)*

*Motion: Carried*

***P.O. Jessica Roubic #2221 (Resigned June 16, 2022)***

***WCS footage shows that P.O. Bowser chuckled at the complainant's request. There was discussion amongst the board members regarding the confusion between the officers misunderstanding what kind of protection order they were at the incident for. Motion for a Group Level I Violation by Chair Sharp, 2<sup>nd</sup> by Member Hardy. Motion carried. Chair Sharp requests from Sr. Investigator to find out whether or not it's a legal requirement that policy recommendations from OPS have to be posted within 72 hours of a board meeting or is this something just from OPS.***

***14. 2023-0093: P.O. John Marincek #1775 (4:25:34-4:36:37)***

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Mike Hess*

*Motion: Carried*

***Allegation: Biased Policing***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Mike Hess*

*Motion: Carried*

***P.O. Rashaun Searles-Fowler #2157***

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Mike Hess*

*Motion: Carried*

**Next Meeting:** February 13, 2024

**Based on Investigative reports and WCS footage officers were not unprofessional in their behavior.**

**15. 2023-0191: P.O. Joseph Wright #2445 (4:36:31-4:46:13)**

**Allegation: Improper Procedures**

**Recommendation: Unfounded**

**Motion: Billy Sharp**

**Second: Mike Graham**

**Abstain: Sherall Hardy (didn't get a chance to look at the case)**

**Motion: Carried**

**CHIEF DEPARTURE: Chief Departure received via email at 8:36 on December 12<sup>th</sup>, right before the CPRB meeting. Chair Sharp questioned if there was anything time sensitive in the departure and questioned if the board members had time look at the case. Vice-chair Hess stated that if the board is going to appeal the departure, it has to be done in a timely manner, but there has to be an expectation of receiving the departure in a timely manner from the Chief's Office. Chris Heltzel responded that requirement of CPRB to review departure letters at the next meeting assumes timely delivery of the departure letter to OPS and the CPRB which was not the case here. Chair Sharp stated that the appeal will be discussed and voted on in the next meeting because the letter was not delivered in a timely manner. All board members agreed. (4:46:35-4:50:59)**

**POLICY UPDATES: Sr. Investigator Funari stated that there were no policy updates. Chair Sharp stated that there were two policy recommendation that were discussed in today's meeting that will need to be followed up on at the next meeting. (4:51:09-4:51:32)**

**COMMITTEE REPORTS: None**

**NEW BUSINESS: There was discussion amongst the board members if they were allowed to play video or audio during the board meeting when there is a question on the floor about something that was said. Member Brown asked if there is a policy or procedure in place that the board can go to. Chair Sharp stated that this was a question that was asked of legal counsel at the last board meeting if the board could do this. Member Hardy stated that maybe that maybe the board can go into executive session if this can't be done in the public setting. Chris Heltzel stated a lot of things come down to what is actually being played. If it is a dispatch call, they would need advance notice in order to allow someone in the Law Department to review whatever it is that needs to be played so that pertinent information can be redacted. Chair Sharp stated that that is the problem because the board is not able to listen to recordings during meetings and questions if the board can go into executive session to review these types of audio or video recordings. Council Heltzel stated that he would have to confirm what is exempt from public disclosure with legal under Ohio law. (4:51:44-5:00:52)**

**Member Hardy questioned if any information was brought back from the NACOLE convention by Member Hardy. Chair Sharp stated that it will be put on the next agenda for discussion. (5:01:47-5:03:08)**

**Next Meeting: February 13, 2024**

**IX. ADJOURNMENT**

**Motion to adjourn the meeting by Member Sherall Hardy. 2<sup>nd</sup> by Member Brandon Brown. Motion carried. (5:04:52)**

**Next Meeting:** February 13, 2024