

CIVILIAN POLICE REVIEW BOARD

OFFICE OF PROFESSIONAL STANDARDS

March 12, 2024

MEETING MINUTES

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

The next meeting will be in person at 601 Lakeside

City Hall in Room 514

<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

OPS

Marcus Perez, Administrator

Hamza Khabir, Investigator

Vincent Funari, Sr. Investigator

Hercules Harris, Investigator

Joe Szymanski, Investigator

Susan Lanman, Investigator

Kristen Traxler, Investigator

Jermaine Smith, Investigator

Art Bowker, Investigator

Abby O'Neill, General Manager

LEGAL COUNSEL

Lillian Hall

BOLD: IN ATTENDANCE

- | | |
|--|---------------------------------------|
| I. CALL TO ORDER | Billy Sharp, Chairman |
| II. APPROVAL OF MINUTES | CPRB |
| III. PUBLIC COMMENT | Billy Sharp, Chairman |
| IV. PRESENTATION OF INVESTIGATIONS | Vince Funari, Sr. Investigator |
| V. TRAINING SESSION | Christopher Viland, IA Sup |
| IA INVESTIGATION OF POLICE CONDUCT | |
| V. OPS REPORT | Vince Funari, Sr. Investigator |
| A. REVIEW OF CHIEF DISCIPLINARY DECISIONS | Vince Funari, Sr. Investigator |
| VI. POLICY UPDATES | Vince Funari, Sr. Investigator |
| VII. COMMITTEE REPORTS | |
| VIII. UNFINISHED BUSINESS | |

Next Meeting: April 9, 2024

IX. ADJOURNMENT

I. MEETING CALLED TO ORDER AT (1:05:53)

ROLL CALL AND INTRODUCTIONS (1:05:57)

II. MOTION TO APPROVE MINUTES BY HESS, 2ND BY MOUNTCASTLE. MOTION CARRIED.

III. PUBLIC COMMENT (NONE)

IV. PRESENTATION OF INVESTIGATIONS: (NO COMPLAINANTS PRESENT)

1. 2023-0196: Dispatcher Debra Brewer #135 (1:09:02-1:29:07)

Allegation: Unprofessional Behavior/Conduct

Recommendation: *Unfounded*

Motion: Dave Gatian

Second: Ken Mountcastle

Abstain: Brandon Brown (**due to arriving late**)

Motion: Carried

Allegation: Lack of Service

Recommendation: Sustained

Motion: Dave Gatian

Second: Mike Hess

Abstain: Brandon Brown (**due to arriving late**)

Motion: Carried

There was discussion amongst the board members whether or not Dispatcher Brewer received ongoing training in call taking. Chair Sharp states that Dispatcher Brewer is trained and knows what the protocol is for ending a call. Member Gatian concurs with Chair Sharp. Dispatcher Brewer was in violation of the Bureau of Communications Policy and a Group I discipline level was recommended.

2. 2023-0282: P.O. DeAngelo L. Rembert #1574 (1:29:30-1:37:18)

Allegation: Unprofessional Behavior

Recommendation: *Exonerated*

Motion: Mike Hess

Second: Ken Mountcastle

Motion: Carried

The preponderance of evidence including WCS footage of the encounter shows the alleged conduct did occur but P.O. Rembert was enforcing City codified ordinance 6.4.03, Manual Rule 5.01 and all CDP policies and procedures.

3. 2023-0288: P.O. Zhane' Mills (1:37:35-1:43:35)

Allegation: Unprofessional Behavior/Conduct

Recommendation: *Unfounded*

Motion: Billy Sharp

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*Second: Dave Gatian
Motion Carried*

P.O. Diovanni R. Smith #285
Allegation: Unprofessional Behavior/Conduct
*Recommendation: Unfounded
Motion: Billy Sharp
Second: Dave Gatian
Motion Carried*

Based on the preponderance of the evidence, both officers were in accordance with Manual rule 5.01.

- 4. 2023-0289: Detective David L. Oliver #808 (1:44:10-1:50:46)**
Allegation: Bias Policing
*Recommendation: Unfounded
Motion: Billy Sharp
Second: Mike Hess
Motion: Carried*

P.O. Peter A. Sains #497
Allegation: Bias Policing
*Recommendation: Unfounded
Motion: Billy Sharp
Second: Mike Hess*

The preponderance of the evidence which includes surveillance cameras, officers were in accordance with codified ordinance 1-0708.

- 5. 2023-0105: Sgt. Anthony McMahan #9093 (1:50:54-2:09:38)**
Allegation: Unprofessional Behavior
*Recommendation: Insufficient Evidence
Motion: Mike Gatian
Second: Mike Hess
Oppose: Sherall Hardy
Motion: Carried*

There were no recordings and Sgt. McMahan did not recall the conversation with the Complainant. The complainant did recall some of what she said but the evidence fails to establish whether or not the conduct did occur.

- 6. 2022-0288: Sgt. Albert D. Oliver (2:10:00-2:30:00)**
Allegation: Unprofessional Behavior
*Recommendation: Unfounded
Motion: Mike Hess
Second: Dave Gatian
Oppose: Sherall Hardy*

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Motion: Carried

The preponderance of the evidence including WCS footage from the encounter and statements from the subject officer and the complainant indicates the conduct did not occur. There was no violation of Manual Rule 5.01, 5.08 or 5.09.

Motion by Vice-Chair Hess for Manual Rule 1.07.03 to recommend to the Chief of CDP to commend Sgt. Oliver for the stated reason "Sgt. Oliver very effectively applied de-escalation tactics by leaving the store. Sgt. Oliver went above and beyond the call of duty. This was a civil matter and he immediately informed Miss Fisher of that and he still took the time out of his day to try and find a solution to resolve the situation. Sgt. Oliver took \$10 out of his pocket and gave it to the Miss Fisher. This embodies all the ideals that we're looking for in police officers". 2nd by Chair Sharp. Opposed by Member Hardy. Motion carried. Member Hardy questioned if this is going to be done for all officers or just this one. Vice –Chair Hess said each situation is different, but if the situation arises, yes.

7. 2022-0269: Niccolo Angelino #720 (2:41:58-2:51:38)

Allegation: Lack of Service

Recommendation: Sustained

Motion: Mike Hess

Second: Ken Mountcastle

Motion: Carried

Allegation: WCS Violation

Recommendation: Sustained

Motion: Mike Hess

Second: Sherall Hardy

Motion: Carried

The preponderance of the evidence which includes statements from the complainant, subject officer and records of the incident and subsequent investigation indicates the alleged conduct did occur. Det. Angelino did not act to file a supplemental report to correct an inaccurate traffic accident report when he was informed by some of the involved in the accident that the location had been reported incorrectly in violation of GPO 8.1.01. Motion by Chair Sharp for a Letter of Re-Instructing, 2nd by Member Mountcastle. Motion carried.

8. 2023-0310: Sgt. Kyle N. Campbell #9320 (2:51:51-3:06:00)

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

Allegation: Unprofessional Behavior

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Recommendation: Unfounded
Motion: Billy Sharp
Second: Sherall Hardy
Motion: Carried

Allegation: WCS Violation

Recommendation: Unfounded
Motion:
Second:
Motion: Carried

P.O. Joshua P. Howe #1190

Allegation: Lack of Service

Recommendation: Unfounded
Motion: Billy Sharp
Second: Sherall Hardy
Motion: Carried

Allegation: Unprofessional Behavior

Recommendation: Unfounded
Motion: Billy Sharp
Second: Sherall Hardy
Motion: Carried

Allegation: WCS Violation

Recommendation: Unfounded
Motion: Billy Sharp
Second: Sherall Hardy
Motion: Carried

P.O. Bruce R. Smith III #2328

Allegation: Lack of Service

Recommendation: Unfounded
Motion: Billy Sharp
Second: Sherall Hardy
Motion: Carried

Allegation: Unprofessional Behavior

Recommendation: Unfounded

Motion: Billy Sharp
Second: Sherall Hardy
Motion: Carried

Allegation: WCS Violation

Recommendation: Unfounded
Motion: Billy Sharp
Second: Sherall Hardy
Motion: Carried

P.O. Logan A, Weber #2425

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Billy Sharp

Second: Sherall Hardy

Motion: Carried

Allegation: Unprofessional Behavior

Recommendation: Unfounded

Motion: Billy Sharp

Second: Sherall Hardy

Motion: Carried

Allegation: WCS Violation

Recommendation: Unfounded

Motion: Billy Sharp

Second: Sherall Hardy

Motion: Carried

Based on the preponderance of the evidence, all officers were in compliance with Manual Rules, 4.11, 4.14, 4.18, 9.01 and 9.09. Officers were in accordance with GPO 4.06.04 for the WCS violations.

9. 2022-0028: P.O. Anthony VonMayhem #2396 (3:06:58-

Allegation: Lack of Service

Recommendation: Sustained

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

Allegation: WCS Violation

Recommendation: Sustained

Motion: Mike Hess

Second: Chenoa Miller

Motion: Carried

The preponderance of the evidence which includes WCS footage, statements from the complainant and subject officer indicates the alleged conduct, behaving in a rude and hostile manner towards the complainant when she arrived at the district to generate a complaint, did occur in violation of Manual Rule 5.01 and 5.09. Motion by Hess for Group I violation. 2nd by Miller. Motion carried. Motion by Hardy for Officer VonMayhem to receive additional training and a letter of Re-Instruction. 2nd by Sharp. Opposed by Hess. Motion carried.

TRAINING SESSION ON IA INVESTIGATION OF POLICE MISCONDUCT: (3:20:26-4:17:00)

MEETING CALLED BACK TO ORDER (2:28) *SECOND VIDEO*

MOTION BY MEMBER GATIAN TO REQUEST HUMAN RESOURCES TO PROCEED WITH AN INVESTIGATION REGARDING AN OPS EMPLOYEE. 2ND BY MOUNTCASTLE. MOTION CARRIED (2:56)

CHIEF DIRECTOR DEPARTURES: (3:45-11:28) *SECOND VIDEO*

The Board will not appeal OPS Case 2021-0044: P.O. Jeffrey Simko #629.

Vice-Chair Hess does not agree with the Not Guilty Chief Director's decision regarding Sgt. Lance Henderson's Improper Stop, but there is no further action outside of this decision that can be taken. Vice-Chair Hess made a motion for the CPRB to issue a resolution stating that the board does not agree with the decision of the Director of Safety to depart from the board's decision. 2nd by Member Hardy. Motion carried.

MOTION BY MEMBER HARDY TO ACCEPT THE MINUTES OF THE SPECIAL MEETING. 2ND BY MEMBER MOUNTCASTLE. MEMBER GATIAN ABSTAINED. MOTION CARRIED (13:03-13:21) *SECOND VIDEO*

COMMITTEE REPORT: (NONE)

POLICY UPDATE: (NONE)

NEW BUSINESS: (13:10-24:33) MEMBER HARDY DISCUSSED PREVIOUS CASES INVOLVING CATHERINE TOTH AND HER REQUEST TO HAVE THE OPS COMPLAINT FORM UPDATED. THERE WAS DISCUSSION THAT THE FORM HAS BEEN UPDATED TO SPECIFY OTHER. THERE WAS A MOTION BY MEMBER HARDY TO UPDATE THE COMPLAINT FORMS TO SPECIFY OTHER WITH A LINE TO ALLOW A COMPLAINANT TO WRITE IN WHAT THEY IDENTIFY AS. 2ND BY VICE-CHAIR HESS. MOTION CARRIED *SECOND VIDEO*

OLD BUSINESS: A BINDER HAS BEEN PUT TOGETHER WITH POLICY CHANGES AND RECOMMENDATIONS FOR CURRENT AND INCOMING BOARD MEMBERS (25:52) *SECOND VIDEO*

IX. ADJOURNMENT (27:27) *Second Video*

**Motion to adjourn the meeting by Vice Chair Mike Hess. 2nd by Member Hardy.
Motion carried.**

Next Meeting: April 9, 2024