

# **CIVILIAN POLICE REVIEW BOARD**

**August 13, 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 Ave

City Hall in Room 514

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

## **CPRB MEMBERS**

**Billy Sharp, Chair**

**Brandon Brown, Vice Chair**

**Ken Mountcastle**

**Dave Gatian**

**Sherall Hardy**

**Chenoa Miller**

**Diana Cyganovich**

**Glen Parker III**

**Michael Graham**

## **OPS**

**Marcus Perez, Administrator**

**Vincent Funari, Sr. Investigator**

**Kristen Traxler, General Manager**

**Hamza Khabir, Investigator**

**Kimberly Maxwell, Investigator**

**Art Bowker, Investigator**

**Joe Szymanski, Investigator**

**Jermaine Smith, Investigator**

**Shawna Teckmyer, Investigator**

**James Ouk, Investigator**

**Adam Eisen, Investigator**

**Lachickia Green, Investigator**

## **LEGAL COUNSEL**

**Lillian Hall**

**Michael Hess**

|              |   |                      |
|--------------|---|----------------------|
| <b>I.</b>    | <b>APPROVAL OF MINUTES</b>                | <b>BRANDON BROWN</b> |
| <b>II.</b>   | <b>NEW BUSINESS I-NOMINATIONS</b>         | <b>BILLY SHARP</b>   |
| <b>III.</b>  | <b>TRAINING SESSION</b>                   | <b>NICE UNIT</b>     |
| <b>IV.</b>   | <b>EXECUTIVE SESSION</b>                  |                      |
| <b>V.</b>    | <b>PRESENTATION OF CASES</b>              | <b>MARCUS PEREZ</b>  |
| <b>VI.</b>   | <b>NEW BUSINESS I (CONTINUED)</b>         | <b>BILLY SHARP</b>   |
| <b>VII.</b>  | <b>PRESENTATIONS OF CASES (CONTINUED)</b> | <b>MARCUS PEREZ</b>  |
| <b>VIII.</b> | <b>OPS STATUS REPORT</b>                  |                      |
| <b>IX.</b>   | <b>NEW BUSINESS II</b>                    |                      |
| <b>X.</b>    | <b>OLD BUSINESS</b>                       |                      |
| <b>XI.</b>   | <b>ADJOURNMENT</b>                        | <b>BILLY SHARP</b>   |

Tuesday, August 13th, 2024

**I. MEETING CALLED TO ORDER AT (00:18:58)**

Vice Chair Brown calls the meeting to order.

**Roll Call (00:42:49)**

Chair Billy Sharp arrived after roll call.

**II. Approval of July minutes (00:20:25-00:21:05)**

A motion was made to amend the minutes from July to reflect Glenn Parker III being a member at the time. Motion made by Member Cyganovich. Second by Member Hardy

**III. PUBLIC COMMENT (None)**

**IV. New Business- Nomination (00:24:07-00:38:42)**

The board elects and/or reelects its chair and vice chair every year.

**CPRB Chair Voting**

Vice Chair Brown opened up nominations for CPRB Chair.

Member Hardy Nominated Brandon Brown. Member Miller seconded the motion. Brandon Brown accepts the nomination.

A roll call vote was held for CPRB Chair:

Billy Sharp: No

Brandon Brown: Yes

David Gatian: No

Sherall Hardy: Yes

Diana Cyganovich: No

Kenneth Mountcastle: No

Chenoa Miller: No

Glenn Parker III: Abstained (1<sup>st</sup> meeting as a Board Member)

The No's have it. Motion did not carry.

Member Mountcastle Nominated Billy Sharp. Seconded by Member Diana Cyganovich.

The floor was opened up for discussion before the Vote.

Member Hardy speaks on her reasons for saying no to Nominee Billy Sharp for Chair. She states she thinks that he did not carry out his duties as Vice-chair that he relied on OPS Investigators and that a lot of times there were things not brought up among the board to vote on. She states it was more of a dictatorship for example the fallen officer (P.O. Jameison Ritter #1176). She says that her heart goes out to him and his family and she salutes all the policemen as they do a marvelous job, however, Member Hardy states that OPS Administrator Perez and Chair Billy Sharp decided to draft up a statement on behalf of OPS and CPRB but did not allow the board to vote. She says a lot of times the Chair and OPS decide and not to allow the board to vote on things. Hardy states it's more of a dictatorship and she believes the dictatorship will continue and only get worse.

Chair Sharp thanks the Board members for their support over his last year's tenure and recognizing the tough times they have faced. He thanked the Board for sticking things out and working it out. Chair Sharp states the Board and OPS have come a long way and he hopes to get the opportunity to complete the work. With that, Billy Sharp accepted the nomination to continue as CPRB Chair.

Member Gatian says Chair Sharp's leadership has been exemplary and with his leadership things are only going to get better. Member Gatian, who has served on the board with Chair Sharp, says that he has his full support.

Member Kenneth Mountcastle also states that Chair Sharp has his full support.

A roll call vote was held for CPRB Chair:

Billy Sharp: Yes

Brandon Brown: Yes

David Gatian: Yes

Sherall Hardy: No

Diana Cyganovich: Yes

Kenneth Mountcastle: Yes

Chenoa Miller: Yes

Glenn Parker III: Abstain (1<sup>st</sup> meeting)

Motion Carries. Billy Sharp is appointed CPRB Chair for the next year.

Member Hardy says that even though she didn't vote for Billy Sharp as CPRB Chair, he has her full support.

#### **CPRB Vice Chair voting**

Brandon Brown opened up nominations for CPRB Vice Chair.

Member Hardy nominates Brandon Brown as Vice Chair. Member Cyganovich seconded the nomination. Vice Chair Brown opens the floor for discussion.

Chair Billy Sharp thanks the Vice Chair for stepping up in Mr. Hess's exit and says that he appreciates his dedication. Chair Sharp says the Vice Chair has his full support.

A roll call vote for CPRB was held:

Billy Sharp: Yes

Brandon Brown: Yes

David Gatian: Yes

Sherall Hardy: Yes

Diana Cyganovich: Yes

Kenneth Montcastle: Yes

Chenoa Miller: Yes

Glen Parker III: Abstain (1<sup>st</sup> meeting)

Brandon Brown has been appointed CPRB Vice Chair.

**V. Training Session- Vice Unit & Community Involvement (00:39:23)**

Lt. Skrletts (NICE UNIT) spoke about the duties and responsibilities of the NICE unit which is a part of the Bureau of Special Services. Originating in 2017, working street crime enforcement geared toward gun suppression, Community relations unit, Patrol rifle operators, and less lethal munitions. The capacity was large and the NICE unit couldn't handle the task so they had to pigeonhole things. Over the years the focus was just street crime angle (gun suppression), dirt bike activity, and illegal car activity. In 2018 the nice unit was offered a grant through the domestic violence unit where the focus would be domestic violence arrest warrants and got well trained in warrant services. The NICE unit then expanded that to additional warrant services within the city starting with the sex crimes unit and then moving out to the districts and homicide units. The community relation aspect of NICE started with things such as Fairs, ice cream events, and assisting with rehabbing homes. Although they still get involved with events such as that, the Unit started focusing on allowing people in the community the ability to work with them to help solve their own problems.

**VI. Executive Session-**

A motion to go into the executive session was made by Vice Chair Brandon. Motion second by Member Diana Cyganovich.

## VII. PRESENTATION OF INVESTIGATIONS (2 Complainant Present)

### 1. 2022-220 P.O. Eric McGreer #1065 (Pt. 2 00:02:09-00:39:50) (CP Present)

**Allegation: Lack of Service**

Recommendation: Exonerated

Motion: Billy Sharp

Second: Diana Cyganovich

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**Sgt. Lance Henderson #9293**

**Allegation: Lack of Service**

Recommendation: Exonerated

Motion: Billy Sharp

Second: Diana Cyganovich

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

OPS received a complaint in 2022 alleging the responding officers to an accident may have been negligent and provided a lack of service concerning the death of her loved one. The complainant (Ms. Sewell) stated the accident report didn't have enough information on it. There was a single motor vehicle accident where the driver was able to make initial contact with 911 and was instructed to walk back towards the scene. When officers arrived at the scene they couldn't locate the caller. He was found later deceased in the grass. Ms. Sewell states if the officers had done their job and canvassed the area thoroughly maybe their elderly loved one may have had a fighting chance to survive.

**Chair Sharp opens the floor for questions.**

Vice Chair Brown ask the Investigator (Shawwna Teckmyer) if in her expertise the form was filled out correctly. The investigator says yes. In her limited experience, it was filled out correctly. Member Hardy as if the OPS Supervisor reviews the reports? OPS Administrator Perez responds by saying the Investigators report to the GM and then him and if he needs to provide feedback he will, but in this case yes the report was filled out correctly. Member Mountcastle asks the administrator is every report was reviewed by him and the senior investigator? Perez replies "Yes". Ms. Sewell is asked to the stand where she is given 3 min. to speak. She states the report doesn't reflect much and she just wants to know what happened that day. Why was the other 911 caller not included on the report? Why did the officer request the victim to walk towards his car knowing it was cold, he was elderly and he was on a cane? "We just want answers," she says.

After a brief conversation about the officer's negligence vs. what was assumed based on the information given to him by the dispatcher, the board determined that based on manual rule 4.18 the officers did not violate.

Condolences were given to the complainants by the Board members.

**2. 2023-268 P.O. Richard Varndell #2554 (Pt. 2 00:40:18-01:03:56) (CP Present)**

**Allegation: Harassment**

Recommendation: Exonerated

Motion: Diana Cyganovich

Second: Sherall Hardy

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**Allegation: Lack of Service- No Service**

Recommendation: Exonerated

Motion: Diana Cyganovich

Second: Sherall Hardy

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

The Complainant (Ms. Johnson) states that she has several complaints against the 4<sup>th</sup> district. Ms. Johnson began discussing a different complaint that wasn't the one being heard at the time as she has multiple complaints with OPS. Vice Chair Brown stops her and explains that she may be talking about a different complaint and ensures here that her 3 min to speak wouldn't be affected. Investigator Szymanski explains briefly what the current complaint and allegations are. Ms. Johnson explains to the board about finding a broken window in the upstairs of her home and realizing her daughter was missing. When officers were called they came out but refused to look inside the home, he stayed on the front lawn. After asking the officer to look into her home he still refused.

Member Miller asks Ms. Johnson if she lives in a duplex. Ms. Johnson says no it's a single-family home. Member Miller clarifies that Ms. Johnson wants them to do a Wellness check. You called the police because you couldn't find her correct? Ms. Johnson says I called the police because I had a prior incident with the police for 3-5 days. I couldn't find her and it took them 3-5 days to tell me where she was. Chair Sharp says something had to trigger you to call the police in regards to her missing. Ms. Johnson responded "It was the upstairs broken window". Chair Sharp says "So you had to go through the house and not find her before you called the police?" Ms. Johnson says "I failed to check the basement because of the prior encounter with the police and because they had taken her from the home in a prior incident, the problem from this particular day was that there was evidence of a broken window, there was the fact that the officer assumed she was there and refused to search the home and it took them 3-5 days to tell me where she was located. Officers says because she was 18 by this time officers there was nothing they

could do. Ms. Johnson says that because of the broken window the officers should have searched.

Based on the preponderance of the evidence and the fact that the person was 18 and had no indicated disabilities including WCS, the allegations against P.O. Varndell were exonerated.

Ms. Johnson said she didn't know what case was being heard today and she was not prepared. Chair Sharp tells her that as far as her other cases her investigator will reach out to her. Ms. Johnson is explaining that she has more cases and the members of the board are explaining to her the formality of the cases being investigated and later brought before the board.

Member Hardy makes a statement to Mr. Chair that he needs to be more compassionate because we are here for the citizens and mentions that Ms. Johnson is trying to explain that she has a separate complaint in her hand that she has questions about. Chair Sharp takes a moment to explain that we are running a procedure and we have to meet a time. Member Hardy says she (Ms. Johnson) has mentioned 3 times that she had the document with her. Member Sharp says it was addressed.

**VIII. New Business | Continued- New Hire Appointments (Pt. 2 01:03:56-01:18:42)**

There were 5 new hire appointments.

**James Ouk as of June 17, 2024**

Chair Sharp makes a Motion to approve the appointment of Mr. Ouk as a new OPS Investigator. The motion was seconded by Member Hardy

**Shawna Teckmyer as of August 5<sup>th</sup>, 2024**

Chair Sharp makes a Motion to approve the appointment of Ms. Teckmyer as a new OPS Investigator. The motion was seconded by Member Miller.

**Adam Eisen as of August 5<sup>th</sup>, 2024**

Chair Sharp makes a Motion to approve the appointment of Mr. Eisen as a new OPS Investigator. The motion was seconded by Member Hardy.

**Kimberly Maxwell as of June 24<sup>th</sup>, 2024**

Chair Sharp make a Motion to approve the appointment of Ms. Maxwell as a new OPS Investigator. The motion was seconded by Member Hardy

**Gilberto Rivera as of June 17, 2024**

Chair Sharp makes a Motion to approve the appointment of Mr. Rivera as a new OPS Human Resources/Budget Officer. The motion was seconded by Member Hardy.



**IX. Presentation of Cases (PT. 2 01:39:52-02:03:08)**

**3. 2022-0146 P.O. Vickie Phillips #1766**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Brandon Brown

Second: Billy Sharp

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Katara Moore #2540**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Brandon Brown

Second: Billy Sharp

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**Det. Amanda Hornblower #2477**

**Allegation: Lack of Service**

Recommendation: Unfounded

Motion: Brandon Brown

Second: Diana Cyganovich

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**Det. Melvin Gonzales #1150**

**Allegation: Lack of Service**

Recommendation: Unfounded

Motion: Brandon Brown

Second: Diana Cyganovich

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

Investigator Maxwell presented this case where the complainant (Mr. Flory) alleged the officer refused to come onto the porch (which was soaked in blood) after he had been assaulted. Mr. Flory also alleged that the officers who responded refused to find his assailant and that the Det. was not returning his calls. Mr. Flory said the officers were rude and acted as if they didn't want to be there.

Investigator Maxwell reviewed WCS, field case reports and learned that Mr. Flory was advised that reports were being taken and the assailant's descriptions had been

recorded. Mr. Flory also stated that he was denied EMS but on WCS you can hear officers advising Mr. Flory that he needed EMS but he declined.

Member Cyganovich has a concern about the WCS of P.O. Katara Moore #250 being redacted. She states in her opinion that's not professional conduct. Mike Hess (Law Department) says that there is 1 person for the entire city who does redactions. He says the only reasons things are supposed to be redacted is if it's generated from a leads report. Which is closely guarded due to sensitive content. Mr. Hess says OPS is not a member of a law enforcement organization and the information redacted was from a leads report then that's why? It may have been something that slipped through the cracks, but no sound should have been redacted. Ms. Cyganovich says another concern was how the officers talked to each other after they left the incident. She understands that Mr. Flory may have had an attitude and may have been somewhat racist but their attitude afterward causes concern being they are supposed to rise above that. She says even though they didn't do it in front of Mr. Flory it's the fact that they did it. Chair Sharp wants to piggyback off of Member Cyganovich point as far as the allegation of Unprofessional Behavior and a portion of the officer WCS that was muted at one point. Lillian Hall (Law Department) says "we" don't review the videos. When OPS receives a WCS that has anything questionable contact the person who redacts.

**Allegation A. Unprofessional Behavior/Conduct**

Based on the preponderance of the evidence including WCS and field case reports support the finding that the allegation did not happen. The allegation was unfounded for both officers.

**Allegation B. Lack of Service**

Based on the preponderance of the evidence including WCS and field case reports support the finding that the allegation did not happen. The allegation was unfounded for both officers.

**(Pt. 2 02:04:01-02:08:15)**

**4. 2023-065 Det. Gregory Barnett Jr. #2119**

**Allegation: Unprofessional Behavior**

Recommendation: Unfounded

Motion: Billy Sharp

Second: Brandon Brown

Abstain: Diana Cyganovich (Power went out while reviewing case) Glenn Parker III (Didn't review the case)

Motion: Carried

The Board recommends unfounded based on the preponderance of the evidence including WCS, the investigator's report, and that the officer complied with manual rules 5.01, 5.08, and 5.09.

(Pt. 2 02:09:19-02:15:45)

**5. 2022-287 P.O. Dominik Pendleton #47**

**Allegation: Improper Procedure**

Recommendation: Unfounded

Motion: Brandon Brown

Second: Billy Sharp

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

The Complainant Ms. Powers states that when the officer came out to the scene of the accident, he stated that he wasn't there to judge fault but just there to write the report. She wasn't cited or ticked but stated the officer put her down to be at fault.

Member Brown questioned the officer's statement when he said he wasn't there to judge fault. It seems like he made a statement to her which is contrary to what he did. Investigator Szymanski reads GPO. 8.1.02 stating factors that most likely caused the crash.

Vice Chair Brown recommends unfounded. Based on the preponderance of the evidence supports the finding that the alleged conduct did not occur. Member Hardy seconded the motion

(Pt. 2 02:15:59-02:23:29)

**6. 2023-027 P.O. Joshua Doerner #2181**

**Allegation: Lack of Service-No Service**

Recommendation: Exonerated

Motion: Brandon Brown

Second: Sherall Hardy

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Robert Farren #1866**

**Allegation: Lack of Service- No Service**

Recommendation: Exonerated

Motion: Brandon Brown

Second: Sherall Hardy

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**Sgt. Ian Lower #9248**

**Allegation: Lack of Service- No Service**

Recommendation: Exonerated

Motion: Brandon Brown  
Second: Sherall Hardy  
Abstain: Glenn Parker III (Did not review the case)  
Motion: Carried

Vice Chair Brown makes the recommendation of exoneration as the preponderance of the evidence shows that the officer's actions were consistent with law, CDP GPOs, training, and procedures. Motion seconded by Member Hardy.

**(Pt2 02:23:47-02:31:49)**

**7. 2023-029 P.O. Derrick Brown #713**  
**Allegation: Unprofessional Behavior**

Recommendation: Exonerated  
Motion: Billy Sharp  
Second: David Gatian  
Abstain: Glenn Parker III (Did not review the case)  
Motion: Carried

The complainant (Mr. Vandersommen) was pulled over due to a loud muffler. Mr. Vandersommen told the officer that he got it from the dealer that way. The officer then pointed out his window tint and he explained he received it that way as well. After receiving a ticket the P.O. asked him to sign it he told the officer that he would not sign anything before he read it. Mr. Vandersommen says the officer asked him if he was refusing to sign the ticket and then eventually ended up writing on the ticket "Refused to sign"

Based on the preponderance of the evidence the officer complied with GPO 3.4.06. The board recommends exonerated.

**(Pt2 02:32:15-02:36:17)**

**8. 2023-046 P.O. Devine White #1597**  
**Allegation: Improper Procedure-Arrest**

Recommendation: Exonerated  
Motion: Brandon Brown  
Second: Chenoa Miller  
Abstain: Glenn Parker III (Did not review the case)  
Motion: Carried

**P.O. Juan Cedeno #483**  
**Allegation: Improper Procedure-Arrest**

Recommendation: Exonerated  
Motion: Brandon Brown

Second: Chenoa Miller  
Abstain: Glenn Parker III (Did not review the case)  
Motion: Carried

Based on the preponderance of the evidence including WCS the alleged conduct did not occur. The Board members agreed on a finding of unfounded.

**(Pt2 02:37:05-02:57:00)**

**9. 2023-091 Sgt. Mark Blaine #9222**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**Sgt. Dana Saggo #9117**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Jason Warrington #1951**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Michael Gelske #1943**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Anthony Matis #2022**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown  
Abstain: Abstain: Glenn Parker III (Did not review the case)  
Motion: Carried

**P.O. Nathan Meadows #2486**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Nicholas Ramey #2201**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Ion Onofrei #2040**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Jarrel Miller #154**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Nicholas Morley #1108**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**P.O. Michael Readinger #1328**

**Allegation: Missing/Damaged Property**

Recommendation: Exonerated

Motion: David Gatian

Second: Brandon Brown

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

Chair Sharp questions the ability to do the entire department. Mr. Hess (Law department) says if the officers can't be identified then it would be an administrative closure. He says that if the allegation was sustained an entire department can't be disciplined. There was a brief conversation about administratively closing the case or identifying and going through each officer individually. Member Mountcastle asks if all 11 officers were interviewed. OPS Administrator says No, WCS supported the allegations.

The complainant states the members of the SWAT unit damaged her property after entering her home. 3-4 walls had holes in them leaving insulation everywhere. A dog had defecated in the residence resulting in a trail on the carpet and a pair of shoes.

Chair Sharp asked if they found what they were looking for. The investigator said it was a man with a gun. Chair Sharp asks what the reason for the holes in the walls was. The investigator responded saying the SWAT team had to pop a couple of cubby holes.

Due to the nature of the call and the preponderance of the evidence, the board collectively decided to exonerate all the officers.

**(Pt2 02:57:25-03:11:58)**

**10. 2023-128 Senior Data Conversion Operator #3965**

**Allegation: Lack of Service**

Recommendation: Insufficient Evidence

Motion: Brandon Brown

Second: Billy Sharp

Abstain: Glenn Parker III (Did not review the case)

Motion: Carried

**Allegation: Unprofessional Behavior/ Conduct**

Recommendation: Insufficient Evidence

Motion: Brandon Brown

Second: Billy Sharp

Abstain: Glen Parker III (Did not review the case)

Senior Data Conversion Operator Felisha Miller #3965 refused to accept the Complainant's (Mr. Cerny) Subpoena due to it being too late in the day for an overnight subpoena. Mr. Cerny Alleges Ms. Miller was nasty and had an attitude with her. Ms. Miller stated to Investigator Szymanski that she was adamant in her response but she wasn't rude.

Member Gatian asks if there is a procedure for filing subpoenas after 3 pm. Or was he just told to come back the next day? Investigator Szymanski says the type of subpoena that was being served couldn't be done past 3 pm. He was told what other options he had. Member Cyganovich says she saw contradicting statements on WCS. She says there was another lady in the office who mentioned faxing. Was that not an option that day? Vice Chair Brown asked if that alternative way of getting the subpoena filed was communicated with Mr. Cerny. Investigator Szymanski says she was unsure of the procedure as she had never dealt with the situation before. Chair Sharp asks what he ended up doing with the subpoena after Ms. Miller couldn't file them. The investigator wasn't sure. The members of the board further discuss the process and procedures of filing a subpoena and how the office could have communicate alternative options to Mr. Cerny.

The preponderance of the evidence fails to show whether the alleged conduct did or did not occur. The Board decided that Allegation A and B both had insufficient evidence to determine if the conduct did and did not occur.

**(Pt2 03:12:19-03:22:51)**

**11. 2023-140 P.O. Anthony Longer #2452**

**Allegation: Lack of Service**

Recommendation: Exonerated

Motion: Billy Sharp

Second: Diana Cyganovich

Abstain: Glenn Parker III (Did not review the case) & Kenneth Mountcastle (stepped out during the case)

Motion: Carried

**P.O. Anthony Rice #1886**

**Allegation: Lack of Service**

Recommendation: Exonerated

Motion: Billy Sharp

Second: David Gatian

Abstain: Glenn Parker III (Did not review the case) & Kenneth Mountcastle (stepped out during the case)

Motion: Carried



**P.O. Anthony Longer #2452**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Billy Sharp

Second: David Gatian

Abstain: Glenn Parker III (Did not review the case) Kenneth Mountcastle (stepped out during the case)

Motion: Carried

**P.O. Anthony Rice**

**Allegation: Unprofessional Behavior/ Conduct**

Recommendation: Sustained

Motion: Billy Sharp

Second: Diana Cyganovich

Abstain: Glenn Parker III (Did not review the case) & Kenneth Mountcastle (stepped out during the case)

Motion: Carried

The complainant (Mr. St. John) went into the 5<sup>th</sup> district police station to get assistance on filing a report where he received a lack of service and the officers made sexual gestures towards him. Mr. St. John states the officers displayed a rude and discourteous demeanor.

**Allegation A- Lack of service**

Based on the preponderance of the evidence the officers were in compliance of manual rules 4.11 4.18 and 9.01. The board recommends the allegation be exonerated.

**Allegation B- Unprofessional Behavior**

Based on the preponderance of the evidence including the investigators report, the allegation against P.O. Anthony Longer was unfounded.

Based on the preponderance of the evidence including the investigators report, the allegation against P.O. Anthony Rice did occur and was sustained. Group Level 1 (discourteous and rudeness) Disciplinary action was recommended.

**Motion to Table Cases OPS2023-0269 and OPS2023-0236**

Motion: Brandon Brown

Second: Sherall Hardy

Abstain: Gatian not in the room during vote

X. (Pt2 03:25:56-03:32:25)

**XI. OPS STATUS REPORT- UPDATE ON POLICY RECOMMENDATIONS** ART BOWKER stems from a previous OPS case that has been recently closed. #22-298. Investigator Bowker presented his policy recommendation to CDP regarding the dissolution of financial crimes. Mr. Bowker states there are no procedures for notifying victims about their cases' status and no set policy on resources available to them. The only thing available is a few handouts on cybercrimes. Mr. Bowker recommends that the CDP consider requiring officers to properly notify victims of what is needed for the case to be investigated by the division and if it is more appropriate for the crime to be referred to another agency such as the Federal Trade Commission, FBI, etc. He also recommends that the inspections unit provide a 30-day status update to OPS, CPD, and CPD on efforts to complete these policy recommendations. Member Hardy makes a motion to make the policy recommendation. Member Gatian seconded the motion.

**XII. New Business II**

**A. Organizational Restructure**

**B. 4-year budget concerns**

OPS Administrator Perez spoke about the two union positions that can't be filled without going through civil service. The positions are titled Private Secretary and the job descriptions are clerical work answering phones and filing. The administrator explains that's not what the current admins do especially when you look at the role of the CPRB Secretary. He says looking at how robust it is and how it's tied to the consent decree and what the monitoring team is using when rating us on compliance. Looking at community engagement the organization wouldn't have the option or flexibility to involve the Private Secretary based on the job description.

Chair Sharp says he would like to look closer at what the current position can do now vs. what's needed. He says it's going to take a little more deliberation but wants the members to see what we are up against. Vice Chair Brown asked if ultimately the board would vote to have that description changed. Administrator Perez says the vote would mimic the investigators and hire the talent without having the service test and being a part of the union. Ms. Lillian Hall (Law Department) says that it's a larger issue and while we are not the labor employment specialist, we can bring Tiffany Fischbach (Chief assistant Director of Law) back to have that discussion and find out what options we have. Chair Sharp says he was always under the impression that the union positions expire and when they do what are our options? Ms. Hall says she doesn't know anything about that and they agree to have Tiffany back to get those answers. Member Miller questions the administrator's recommendation for clarity. She asks if we are creating a job description that is going to be submitted to the Civil Service Commission but not having to go through the civil service exam. Mr. Perez says the civil service exam is for a Private Secretary and what we need is an administrative assistant which is a very robust position to include community engagement. He says we are a different organization and when you look at the city as a whole, individuals don't do community activities or have primary and secondary positions. Member Miller asked if the civil service exam was

required for the previous administrative assistants. Mr. Perez says those positions were legal private secretaries. Chair Sharp elaborates on Mr. Perez's point saying the private secretaries' abilities were limited due to the union but because of the restructuring of the new office there are specific things that we need to be able to do and because of the union contract they can't do anything. Member Miller ask would it be petitioning the commission to not have to take the exam. Chair Sharp says he wants to ask the employment person when those union positions expire because he doesn't think they would be a fit for the office that we are trying to build. Chair Sharp says we will come back to the discussion with the assistant director of law for employment.

### **Budget**

Administrator Perez updated the board on the budget within the department. He says on average the office turned in between \$700,000-800,000 over the years before the consent decree, the office was receiving more money, about 1.5 million. When the administrative interim from the law department was there 1.4-1.5 was spent. Last year 1.3 was spent so we are losing a large chunk. When talking about development we're talking about making sure people are being trained and that we have the right staff. With OPS being fully staffed with very competent professional individuals we have to maintain that by keeping them trained, a valuable asset he says.

### **XIII. Old Business**

#### **A. NACOLE**

#### **B. Community Engagement Status**

##### **NACOLE**

All the board members are registered for NACOLE. Everyone's travel packets have been completed and submitted to the city awaiting approval by the city.

##### **Community Engagement Status**

Mr. Elan Pavlinich (OPS community engagement officer) gave a brief update on the recent community engagement events. Mr. Pavlinich and a few other OPS employees assisted the community with storm relief aid, passing out water and food to those affected by the major power outages after the recent storm.

### **XIII. Adjournment**

A Motion to adjourn the meeting was made by Member Gatian. Second by Member Miller.