

**OFFICE OF PROFESSIONAL STANDARDS**

**September 10, 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**

**Michael Graham**

**Dave Gatian**

**Glen Parker III**

**Chenoa Miller**

**Diana Cyganovich**

**Sherall Hardy**

**Kenneth Mountcastle**

**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**

**James Ouk, Investigator**

**Adam Eisen, Investigator**

**Lachickia Green, Investigator**

**LEGAL COUNSEL**

**Lillian Hall**

**I. APPROVAL OF MINUTES**

**BILLY SHARP**

**II. PRESENTATION OF CASES**

**MARCUS PEREZ**

- III. **TRAINING SESSION** **SGT. STEVEN KINAS #9259**
  - A. **Gymnasium Unit-Use of Force**
  
- IV. **PRESENTATIONS OF CASES (CONTINUED)** **MARCUS PEREZ**
  
- V. **OPS STATUS REPORT** **EJ PAVLINICH**
  - A. **Community Outreach Update**
  
- VI. **ADJOURNMENT** **BILLY SHARP**

Tuesday, September 10th, 2024

**I. MEETING CALLED TO ORDER AT (00:01:52)**

Vice Chair Brown calls the meeting to order.

**II. Roll Call (00:01:58)**

Member Sherall Hardy and Member Kenneth Mountcastle were not present. Both absences were excused.

**III. Approval of July minutes (00:02:52)**

A motion was made by Member Cyganovich to approve the August minutes. Member Gatian properly seconded the motion. Member Graham Abstained due to not being at the previous meeting.

**IV. Presentation of cases**

**1. 2019-0105 Sgt. Daniel Hourihan #9335 (00:04:58-00:11:32)**

**Summary:** Mr. Walker (Complainant) stated the he experienced harassment on part of the CDP. He expressed he was falsely arrested by Det. Hourihan said that his identification card, social security card, birth certificate, and credit cards had been taken out of his pocket by the detective.

**Allegation A: Unprofessional Behavior**

**Recommendation: Unfounded** - Based on the preponderance of the evidence, including WCS and the investigator's reports, the alleged conduct did not occur.

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

**Allegation B: Missing/Damaged Property**

**Recommendation: Unfounded** - Based on the preponderance of the evidence, including WCS and the investigator's reports, the alleged conduct did not occur.

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

**Allegation C: WCS Violation**

**Recommendation: Unfounded** - Based on the preponderance of the evidence, including WCS and the investigator's reports, the alleged conduct did not occur.

Motion: Billy Sharp

Second: Diana Cyganovich

Motion: Carried

**2. 2024-0043 P.O. Cassandra Grace #229 (00:12:07-00:20:30)**

**Summary:** On March 6, 2024, the Office of Professional Standards received a complaint from Ms. Daniels about alleged misconduct by a member of the Cleveland Division of Police. Ms. Daniels alleged that on March 3, 2024 in the 3<sup>rd</sup> District Lobby, P.O. Grace #229 failed to provide her service when she did not take her police report and was unprofessional when Ms. Daniels was asked by Officer Grace if she had ever been diagnosed.

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

**Recommendation: Exonerated** - - Based on the preponderance of the evidence including interviews and lobby footage, supports a finding that the officer complied with GPO 5.11.03 and Manual Rule 4.18.

Motion: Michael Graham

Second: Billy Sharp

Motion: Carried

**Allegation B: Unprofessional Behavior/Conduct**

**Recommendation: Insufficient Evidence** - Based on the lack of supporting evidence including lobby footage, there was insufficient evidence to support the allegation.

Motion: Michael Graham

Second: Dave Gatian

Motion: Carried

**II. Training Session- Gymnasium Unit- Use of Force (00:20:55-00:59:28)**

Sgt Kinas #9259 gave a brief training session on use of force and its reporting procedures. There are 4 levels of force, and 3 of them are reportable. Sgt. Kinas broke down each level to include examples.

**III. Presentation of cases (Continued)-**

**3. 2023-0287 P.O. Wanda Fay Wright #2206 (01:00:26-01:19:00) Complainant Present**

**Summary:** Ms. Watkins (Complainant) called the officers to her home after discovering that her 12-year-old child had stolen her 2 television sets in exchange for 2 ounces of marijuana. She alleges that when the officers arrived, they did not seem concerned about the drugs and she had to plead with them to file a police report. The officers did not confiscate the marijuana, so Ms. Watkins had to dispose of it herself.

**Allegation: Lack of Service- Insufficient Service**

**Recommendation: TABLED** - The board members thoroughly discussed the rationale for the officers leaving the marijuana behind. Member Gatian firmly proposed to table the case until after the officers were interviewed specifically asking more about the marijuana left behind. Member Cyganovich seconded the motion

Motion: David Gatian

Second: Diana Cygnovich

Motion: TABLED

**Allegation: Unprofessional Behavior/Conduct**

**Recommendation: TABLED** - The board members thoroughly discussed the rationale for the officers leaving the marijuana behind. Member Gatian firmly proposed a motion to table the case until after the officers were interviewed specifically asking more about the marijuana left behind.

Motion: David Gatian

Second: Diana Cygnovich

Motion: TABLED

**4. 2022-0273 P.O. Matthew Diffenbacher #271 & P.O. Bruce Smith, #2328 (01:19:30-1:49:10) Complainant Present**

**Summary:** In November 2022, OPS received a complaint for an incident that occurred on October 9th. The complainant stated that her sister was involved in a car accident, and CDP Officers failed to do their job by not performing a breathalyzer test on the driver responsible for the motor vehicle accident. In failing to do so, the driver received a lesser sentence for his crime. The Complainant believes that no breathalyzer test or blood test was performed.

**Allegation: Lack of Service-No Service - P.O. Matthew Diffenbacher #271**

**Recommendation: Exonerated** - Based on the preponderance of the evidence including WCS, Police report, and OH-1, the Officers complied with GPO 3.14 which supports a finding that the alleged conduct occurred but the officer's actions were consistent with law, GPOs, training, or procedures.

Motion: Brandon Brown

Second: Diana Cyganovich

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

Opposed: Michael Graham

Motion: Carried

**Allegation: Lack of Service-No Service - P.O. Bruce Smith #2328**

**Recommendation: Exonerated** - Based on the preponderance of the evidence including WCS, Police report, and OH-1, the Officers complied with GPO 3.14 which supports a finding that the alleged conduct occurred but the officer's actions were consistent with law, GPOs, training, or procedures.

Motion: Brandon Brown

Second: Diana Cyganovich

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

Motion: Carried

**5. 2024-0018 P.O. Bryce Carmichael #1525 (01:49:15-02:09:44) Complainant Present**

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

**Summary:** The Office of Professional Standards received an in-person complaint from Mr. Terry who alleged he received a lack of service from P.O. Carmichael #1525, following a motor vehicle accident. Mr. Terry stated the accident was not his fault, and that the other driver involved in the crash and a Witness were trying to set him up and

fraudulently worked together to report him as the responsible driver. Mr. Terry stated that the men reported him to his Insurance company and CDP officers. Mr. Terry Stated P.O. Carmichael's traffic crash report wrongfully listed him at fault.

**Recommendation: Exonerated** - Based on the preponderance of the evidence gathered throughout the investigation including the officer's WCS, supports a finding that the alleged conduct occurred but the officer's actions were consistent with law, Cleveland Division of Police General Police Orders, training or procedures.

Motion: Brandon Brown

Second: Glenn Parker III

Motion: Carried

**6. 2024-0050 Det. Shaun Polocy #1247 & P.O. Evan Tremaglio, #2510(02:10:16-02:37:41) Complainant Present**

**Summary:** The Office of Professional Standards received a complaint from Ms. Cox about alleged misconduct by members of the CDP. She alleged that P.O. Tremaglio #2510 and Det. Polocy #1247 arrested her son, coerced her and her younger son to write statements against her other son, wrote misleading statements in the police reports, searched her home twice, once without consent and the second time using an illegal search warrant, and executed the search warrant because the family assumed there were guns inside the residence.

**Allegation A: Improper Procedure-Search – Det. Shaun Polocy, #1247**

**Recommendation: Exonerated** - Based on the preponderance of the evidence demonstrated in the WCS recordings, CDP reports, and court documents provided probable cause for the judge to issue the search warrant.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case)

Motion: Carried

**Allegation A: Improper Procedure-Search - P.O. Evan Tremaglio #2510**

**Recommendation: Exonerated** - Based on the preponderance of the evidence demonstrated in the WCS recordings, CDP reports, and court documents provided probable cause for the judge to issue the search warrant.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case)

Motion: Carried

**Allegation B: Lack of Service-No Service - P.O. Evan Tremaglio #2510**

**Recommendation: Unfounded** - Based on the preponderance of the evidence demonstrated in the WCS recoding, CDP reports and court documents showed Officers complied with GPO 5.05..01 Enforcement of Domestic Violence Statutes Section IV Reporting.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case)

Motion: Carried

**Allegation B: Lack of Service-No Service - Det. Shaun Polocy #1247**

**Recommendation: Unfounded** - Based on the preponderance of the evidence demonstrated in the WCS recoding, CDP reports and court documents showed Officers complied with GPO 5.05..01 Enforcement of Domestic Violence Statutes Section IV Reporting.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case presentation)

Motion: Carried

**Allegation C: Unprofessional Behavior/ Conduct - P.O. Evan Tremaglio #2510**

**Recommendation: Unfounded** - Based on the preponderance of the evidence demonstrated in the WCS recording, CDP reports, and court documents which showed officers were in compliance with General Police Orders 1.01.03, 2.3.04 and 3.04.01.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case)

Motion: Carried

**Allegation C: Unprofessional Behavior/Conduct - Det. Shaun Polocy #1247**

**Recommendation: Unfounded** - Based on the preponderance of the evidence demonstrated in the WCS recording, CDP reports, and court documents which showed officers were in compliance with General Police Orders 1.01.03, 2.3.04 and 3.04.01.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case)

Motion: Carried immediately

**Allegation D: Bias Policing - Det. Shaun Polocy #1247**

**Recommendation: Unfounded** - based on the preponderance of the evidence demonstrated in the WCS recording, CDP reports, and court documents which showed Det. Polocy #1247 adhered to GPO 5.05.01 and GPO 2.3.04.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case)

Motion: Carried

**Allegation E: Improper Warrant-Invalid Search Warrant - Det. Shaun Polocy #1247**

**Recommendation: Unfounded** - based on the preponderance of the evidence demonstrated in the WCS recording, CDP reports, and court documents which showed Det. Polocy #1247 complied with GPO 2.3.04.

Motion: Billy Sharp

Second: Glenn Parker III

Abstain: Dave Gatian (Stepped out during case)

Motion: Carried

**7. 2023-0236 Det. Kenneth Zverina #2437 (02:38:36-02:43:31)**

**Summary:** In September 2023, the Office of Professional Standards (OPS) received a complaint from Mr. Barker alleging that Det. Zverina lacked the investigative service that he provided following a reported burglary. Mr. Barker stated Det. Zverina did not come to his residence to process his residence for latent fingerprints. Mr. Barker stated Det. Zverina advised him that police could not arrest the suspected party responsible unless he saw the suspect doing it.

**Allegation A: Lack of Service-Insufficient Service**

**Recommendation: Exonerated** - The preponderance of the Evidence including WCS recordings and the Incident Report, supports a finding that the alleged conduct occurred but Det. Zverinas actions were consistent with law, the Cleveland Division of Police Detective Unit Manual's Detective Responsibilities 1 and 6, training, or procedures.

Motion: Diana Cyganovich

Second: Brandon Brown

Abstain: Chenoa Miller (Stepped out during case)

Motion: Carried

**8. 2023-0281 P.O. Dimitri Blackwell #710 & P.O. Mason Sedlak, #1157 (2:44:30-02:51:48)**

**Summary:** On 11/30/23, the Office of Professional Standards received a phone complaint from Mr. Mims initially identified himself as "Mr. Lee". Mr. Mims initially stated OPS was working with his neighbor, and alleged that the neighbor was a Cleveland Police Officer and possibly a serial killer/rapist. Mr. Mims went on to state that the neighbor had used his position as a police officer to harass him by calling his buddies to give him a citation on 06/22/23. The ticket was for loud noise. Mr. Mims stated officers arrived at his residence, with their hands on their guns, ordered him out of his house, and made him sign a citation for making noise. Mr. Mims stated the officers were unprofessional. Mr. Mims asked Investigator Bowker if the call was being recorded, where Mr. Bowker stated they were and the complainant ended the call abruptly.

**Allegation A: Unprofessional Behavior/ Conduct - P.O. Dimitri Blackwell #710**

**Recommendation: Unfounded** - The preponderance of the evidence supports a finding that the alleged conduct did not occur.

Motion: Brandon Brown

Second: Glenn Parker III

Motion: Carried

**Allegation A: Unprofessional Behavior/Conduct - P.O. Mason Sedlak #1157**

**Recommendation: Unfounded** - The preponderance of the evidence supports a finding that the alleged conduct did not occur.

Motion: Brandon Brown

Second: Diana Cyganovich

Motion: Carried



**9. 2023-0210 P.O. Jerome Chasar #2397 (02:51:56-02:58:54)**

**Summary:** On 08/23/23 the Office of Professional Standards received a complaint from Ms. Epler via telephone. In her complaint, she alleges that she was parked in a fire lane unloading items for her job. She stated that she received a citation from P.O. Jerome Chasar #2397 and that he was rude and would not listen to her explanation.

**Allegation A: Unprofessional Behavior/Conduct**

**Recommendation: Unfounded** - Based on the preponderance of the evidence including WCS recording and officer interview, supports a finding that the alleged conduct did not occur.

Motion: Brandon Brown

Second: Dave Gatian

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

Motion: Carried

**10. 2024-0117 Safety Telephone Operator Nya Brown #013 & Dispatcher Lisa Carbone, #141 (02:59:07-03:09:47)**

**Summary:** On May 28, 2024, the Office of Professional Standards received a complaint from Ms. Spires. Ms. Spires alleged that on May 25, 2024, she was leaving her church parking lot when four teenage suspects ambushed the cars, threw rocks at the cars, hit her car's windshield, and shattered it. And damaged the other vehicles. Ms. Spires alleged that when she contacted the CDP dispatch center, Operator Brown #013 failed to provide her service when she did not properly document the incident. Ms. Spires went on to say she received a call from CDP Dispatcher Carbone #141 contacted her and was unprofessional when she told her dispatch would not be sending an officer to her home for a report that was only about someone holding rocks in their hands.

**Allegation A: Lack of Service-Insufficient Service - Safety Telephone Operator Nya Brown #013**

**Recommendation: Unfounded** - Based on the preponderance of the evidence including BOC radio transmissions and event chronology supports a finding that Operator Brown #013 complied with CDP Policy 1.1.17.

Motion: Brandon Brown

Second: Diana Cyganovich

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

Motion: Carried

**Allegation B: Unprofessional Behavior/Conduct - Dispatcher Lisa Carbone #141**

**Recommendation: Exonerated** - Based on the preponderance of the evidence including BOC radio transmissions and event chronology supports a finding that Dispatcher Carbone complied with CDP Policy 1.1.17.

Motion: Brandon Brown

Second: Diana Cyganovich

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

Motion: Carried

**11. 2023-0269 P.O. Massai Fluker #1098, P.O. Shanay Robinson, #408, (03:10:19-03:17:43)**

**Summary:** On November 16, 2023, the Office of Professional Standards received an email complaint from Ms. Vaughn regarding alleged misconduct by members of the Cleveland Division of Police. Ms. Vaughn alleged that on August 26, 2023, Officer Fluker #1098 and Officer Robinson #408 arrested her, tried to take her keys, bruised her arm, and drew blood. Ms. Vaughn alleged that the Officers then involuntarily committed her for a psychological evaluation at the hospital.

**Allegation A: Improper Procedure-Arrest - P.O. Massai Fluker #1098**

**Recommendation: Exonerated** - Based on the preponderance of the evidence including WCS recordings, and CDP reports shows the officers gathered facts that provided detailed facts that Ms. Vaughn had engaged in conduct that formed the basis for a finding of probable cause that she may be mentally ill and in need of Hospitalization. The officers complied with CDP GPO 5.11.03 (X)(A)(B).

Motion: Billy Sharp

Second: Brandon Brown

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

Motion: Carried

**Allegation A: Improper Procedure-Arrest - P.O. Shanay Robinson #408**

**Recommendation: Exonerated** - Based on the preponderance of the evidence including WCS recordings, and CDP reports shows the officers gathered facts that provided detailed facts that Ms. Vaughn had engaged in conduct that formed the basis for a finding of probable cause that she may be mentally ill and in need of Hospitalization. The officers complied with CDP GPO 5.11.03 (X)(A)(B).

Motion: Billy Sharp

Second: Chenoa Miller

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

Motion: Carried

**Allegation B: Excessive Force - P.O. Massai Fluker #1098**

**Recommendation: Exonerated** - Based on the preponderance of the evidence, including WCS video and CDP reports, the officers only used minimus force to escort Ms. Vaughn to the patrol car and into the hospital therefore complying with CDP GPO 5.11.03 (VI) A.

Motion: Billy Sharp

Second: Brandon Brown

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

Motion: Carried

**Allegation B: Excessive Force - P.O. Shanay Robinson #408**

**Recommendation: Exonerated** - Based on the preponderance of the evidence, including WCS video and CDP reports, the officers only used minimus force to escort Ms. Vaughn to the patrol car and into the hospital therefore complying with CDP GPO 5.11.03 (VI) A.

Motion: Billy Sharp

Second: Brandon Brown

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

Motion: Carried

**Allegation C: Unprofessional Behavior/Conduct - P.O. Massai Fluker #1098**

**Recommendation: Exonerated** - Based on the preponderance of the evidence including WCS, showed officers complied with CDP GPO 5.11.03 (V)(A)(1,6)(2,4,7)

Motion: Billy Sharp

Second: Brandon Brown

Abstain: Glenn Parker III

Motion: Carried

**Allegation C: Unprofessional Behavior/Conduct - P.O. Shanay Robinson #408**

**Recommendation: Exonerated** - Based on the preponderance of the evidence including WCS, showed officers complied with CDP GPO 5.11.03 (V)(A)(1,6)(2,4,7)

Motion: Billy Sharp

Second: Brandon Brown

Abstain: Glenn Parker III

Motion: Carried

**Community Outreach Update – Elan Pavlinich**

OPS Community Engagement Officer Elan Pavlinich provided the Board with an update on OPS's community involvement. Mr. Pavlinich emphasized that staff members, by engaging with the community and encountering individuals in crisis or those who have experienced trauma, effectively act as first responders. As a result, OPS has created a resource guide to support the community.

During the presentation, Mr. Pavlinich introduced the board to the recently developed QR codes, which have been made available to the public to provide various means of accessing our office, particularly as the OPS website is now live.

Mr. Pavlinich discussed OPS's plans to expand branding and launch signage and merchandise, which is still in progress.

**NACOLE Update**

OPS Administrator Perez provided the Board with an update on travel arrangements for the 2024 annual NACOLE conference.

**Resignations**

- A. The motion to accept the resignation of HR/Budget office Gilberto Rivera was made by Member Graham, seconded by Vice Chair Brown.
- B. Motion to accept the resignation of Investigator Shawna Teckmyer, who resigned in August, was made by Member Graham and seconded by Vice Chair Brown.

### **Restructure**

Administrator Perez followed up on the discussion from last month regarding the restructuring of OPS. Mr. Perez informed the board about the meeting scheduled for 9/11/24 to discuss the budget and explore potential restructuring based on the interest expressed in certain positions. Once a cost analysis from the budget is available, there may be some changes to the current structure. Mr. Perez stated that he will present all the options to the board so they could see how these changes would impact the department. After that, the next step would be to articulate this to the city council.

#### **IV. Executive Session (03:27:13)**

A motion was made by Vice Chair Brown and seconded by Member Cyganovich to enter into executive session to discuss personnel employment and discipline matters.

#### **V. Adjournment- (PT.2 00:00:57)**

A motion was made by Member Parker and seconded by Member Miller to adjourn the 9/10/24 CPRB meeting.