

# **OFFICE OF PROFESSIONAL STANDARDS**

**January 14, 2025**

## **MEETING MINUTES**

### **CPRB MEMBERS**

**Billy Sharp, Chair**

**Brandon Brown, Vice Chair**

**Michael Graham**

**David Gatian**

**Glen Parker III**

**Kenneth Mountcastle**

**Diana Cyganovich**

**Sherall Hardy**

**Chenoa Miller**

### **OPS**

**Kristen Traxler, General Manager**

**Vincent Funari, Sr. Investigator**

**Joe Szymanski, Investigator**

**Tammi Lampkin, Investigator**

**Kimberly Maxwell, Investigator**

**Art Bowker, Investigator**

**Adam Eisen, Investigator**

**Jessyca Watson, Investigator**

**Jermaine Smith, Investigator**

**Hamza Khabir, Investigator**

**Lachikia Green, Investigator**

**James Ouk, Investigator**

### **LAW DEPARTMENT**

**Lillian Hall**

**Michael Hess**

**Delante Thomas**

**I. CALL TO ORDER**

**Billy Sharp**  
*Chair*

**II. ROLL CALL**

Member. Hardy joined the CPRB meeting during the executive session. Upon entering the executive session, Ms. Hardy was having difficulties with her computer, which would not allow her display her image within the WebEx meeting. Per the Law Department, Ms. Hardy must be visible online in order to participate in the CPRB meeting. As a result, Ms. Hardy was unable to offer opinions, input or vote on cases during this meeting.

**III. APPROVAL OF MINUTES**

**Billy Sharp**  
*Chair*

Member Cyganovich made a motion to approve the December 2024 minutes. Member Mountcastle approved the minutes.

**IV. EXECUTIVE SESSION**

Member Gatian made a motion to go into an Executive Session to discuss personnel, employment, and discipline matters. The session also included training from Tiffany Fishbach in the Law Department regarding Labor and Civil Service. Member Mountcastle seconded the motion.

**V. PRESENTATION OF INVESTIGATIONS**

**Vince Funari**  
*Senior Investigator*

**1. 2023-0279 Sgt. Andrew Harhay, #9136 (02:49:59-02:58:39)**

**Summary:** On 11/30/2023, the Office of Professional Standards received a phone complaint referral from the Cleveland Division of Police from L Jones. Ms. Jones stated that on 11/29/23, she had an altercation with her son, E Kern. Ms. Jones called the police. The police had the son leave the house. When Officers returned to Ms. Jones's home, they threw her on the ground and infected her with something. Ms. Jones said she was transported to University (UH) Hospital.

**Allegation: Improper Procedure-Arrest**

**Recommendation: Exonerated** – Based on the preponderance of the evidence to include WCS and GPO 5.11.03 supports the finding that the alleged conduct occurred but was consistent with Law and GPO’s.

Motion: Billy Sharp

Second: Dave Gatian

Motion: Carried

**Allegation: Excessive Force**

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

Motion: Billy Sharp

Second: Dave Gatian

Motion: Carried

**2. 2023-0293 P.O. Albert Buccini #2130 and P.O. Steven Webb #1624 (02:59:05-03:04:59)**

**Summary:** On December 18, 2023, the Office of Professional Standards received a complaint from Mr. J. Cousins while detained at Cuyahoga County Jail. On or about December 14, 2023, Mr. Cousins was arrested by P.O. Albert Buccini #2130 and P.O. Steven Webb #1624 after they received a radio assignment for a sex offense at 9502 Kennedy Avenue in Cleveland, OH. Mr. Cousins states that he was handcuffed and arrested without cause.

**P.O. Albert Buccini #2130**

**Allegation: Improper Procedure- Arrest**

**Recommendation: Exonerated-** Based on the preponderance of the evidence to include CDP police report 2023-373051, Manual Rule 4.18 and GPO 3.04.01, supports a finding that the alleged conduct occurred but the Officer’s actions were consistent with the law, GPOs, training, or Procedures.

Motion: Billy Sharp

Second: Glen Parker III

Motion: Carried

**P.O. Steven Webb #1624**

**Allegation: Improper Procedure- Arrest**

**Recommendation: Exonerated-** Exonerated- Based on the preponderance of the evidence to include CDP police report 2023-373051, Manual Rule 4.18 and GPO 3.04.01, supports a finding that the alleged conduct occurred but the Officer’s actions were consistent with the law, GPOs, training, or Procedures

Motion: Billy Sharp

Second: Glen Parker III  
Motion: Carried

**3. 2022-0156 P.O. Xavier Lynch (03:05:05-03:33:45)**

**Summary:** On Tuesday, July 5, 2022, the Office of Professional Standards received a complaint from T Johnson, via OPS in-person filing. In his complaint, Mr. Johnson alleged that CDP P.O. X. Lynch #730 exhibited unprofessional conduct/behavior when P.O. Lynch yelled at him as Mr. Johnson sold merchandise in front of Mr. C's Liquor Store. Mr. Johnson further alleged that after yelling at him, P.O. Lynch ordered him to leave the area, though he had been permitted to be there by the store's manager.

**Allegation: Unprofessional Behavior/ Conduct**

**Recommendation: Unfounded-** Based on the preponderance of the evidence, the Officer's conduct occurred but was consistent with law, CDP GPO, training, and/or procedures.

Motion: Diana Cyganovich

Second: Mountcastle

Abstain: Brandon Brown- Not in the room during the case.

Motion: Carried

**Allegation: WCS Violation**

**Recommendation: Exonerated-** Based on the preponderance of the evidence, the Officer's conduct occurred but was consistent with law, CDP GPO, training, and/or procedures.

Motion: Diana Cyganovich

Second: Glen Parker III

Abstain: Brandon Brown- Not in the room during the case.

Motion: Carried

**4. 2023-0084 P.O. Sean Kergan #1511 and P.O. Zachary Scanlon #1339 (03:34:13-03:39:58)**

**Summary:** On Monday April 17, 2023, the Office of Professional Standards received a complaint from K. Jones, who alleged that P.O. Scanlon #1339 and P.O. Kergan #1511 provided insufficient police service by allowing her ex-boyfriend to verbally threaten, physically assault her and throw her belongings during a property escort.

OPS made several attempts to interview Ms. Jones. The methods of contact used were by telephone, e-mail, U.S. standard mail and a delivered certified letter, however, each attempt proved unsuccessful.

**P.O. Sean Kergan #1511**

**Allegation: Lack of Service**

**Recommendation: Exonerated-** Based on the preponderance of the evidence including WCS and Field Case Reports, shows a finding that the officers' actions were consistent with law, GPOs and Manual Rule 3.02, training or procedures

Motion: Billy Sharp

Second: Dave Gatian

Motion: Carried

**P.O. Zachary Scanlon #1339**

**Allegation: Lack of Service**

**Recommendation: Exonerated-** Based on the preponderance of the evidence including WCS and Field Case Reports, shows a finding that the officers' actions were consistent with law, GPOs and Manual Rule 3.02, training or procedures

Motion: Billy Sharp

Second: Dave Gatian

Motion: Carried

**5. 2024-0045 Det. Matthew Hutchinson #728, P.O. Delonzo Goshen #742 and P.O. Michael Schade #290 (03:40:25-03:46:56)**

**Summary:** On 03/07/2024, the Office of Professional Standards was notified by Ms. L. Thurman that she wanted to file a complaint against Cleveland Division of Police. Ms. Thurman alleged that P.O. Schade #290, P.O. Goshen #742, and Det. Hutchinson #728 members of the Nice Unit/NOVFTF (Northern Ohio Violent Fugitive Task Force) entered her home to execute a warrant for a wanted suspect (Davon Kind). Ms. Thurman stated that she felt the search was improper because the CDP members on the task force looked into her dresser drawers, but they were supposed to be looking for the individual name in the warrant.

**Det. Matthew Hutchinson #728**

**Allegation: Improper Procedure- Search**

**Recommendation: Exonerated-** The preponderance of the evidence shows the alleged conduct did occur. The officers checked places within the residence that could possibly hide a physical body that would fall under the scope of the warrant to be searched. The action of the officers was in compliance with G.P.O. 2.2.04 Search Warrants.

Motion: Dave Gatian

Second: Ken Mountcastle  
Motion: Carried

**P.O. Delonzo Goshen #742**

**Allegation: Improper Procedure- Search**

**Recommendation: Exonerated-** The preponderance of the evidence shows the alleged conduct did occur. The officers checked places within the residence that could possibly hide a physical body that would fall under the scope of the warrant to be searched. The action of the officers was in compliance with G.P.O. 2.2.04 Search Warrants.

Motion: Dave Gatian  
Second: Ken Mountcastle  
Motion: Carried

**P.O. Michael Schade #290**

**Allegation: Improper Procedure- Search**

**Recommendation: Exonerated-** The preponderance of the evidence shows the alleged conduct did occur. The officers checked places within the residence that could possibly hide a physical body that would fall under the scope of the warrant to be searched. The action of the officers was in compliance with G.P.O. 2.2.04 Search Warrants.

Motion: Dave Gatian  
Second: Ken Mountcastle  
Motion: Carried

**6. 2024-0203 Sgt. Daniel Day #9182 (03:47:17-03:59:51)**

**Summary:** N. Whitlow reported to OPS that she wanted to file a complaint against Sgt. Daniel Day #9128 of the Cleveland Division of Police. On 08/06/24, Following a tornado, Sgt. Day was putting up traffic cones around downed trees and closing roads due to hazardous conditions. Ms. Whitlow did not know that the road was being blocked and entered a blocked area. At this point Sgt. Day made contact with Ms. Whitlow to explain that the road was closed. Ms. Whitlow stated that the tone of Sgt. Day and the way he spoke to her was unprofessional. There was no body footage of the verbal interaction between Ms. Whitlow and Sgt. Day. When the conversation became adversarial, Sgt. Day activated his WCS.

**Allegation: Unprofessional Behavior/Conduct**

**Recommendation: Insufficient Evidence-** The preponderance of the evidence fails to establish whether the alleged conduct did or did not occur.

Motion: Diana Cyganovich  
Second: Ken Mountcastle  
Abstain: Glen Parker III- Not in the room during the hearing of the case  
Motion: Carried

**7. 2024-0252 P.O. Megan Hollenbeck #187 (04:00:15-04:06:14)**

**Summary:** On September 13, 2024, Robert E. Grant requested P.O. Megan Hollenbeck #187 complete a kidnapping report against his ex-wife, alleging that she had made false statements in his domestic violence case in 2015 which caused her to receive custody rights of their children. P.O. Hollenbeck declined, noting his allegation did not meet the elements of kidnapping and his issue was a custody dispute. She made a statement that Ohio was a “mother state” which the complainant believed represented a bias on her part and attempt to persuade him from pursuing a report. P.O. Hollenbeck’s refusal to complete a kidnapping report was justified as the complainant had misconstrued the Ohio Kidnapping statute and her statement concerning mothers in Ohio pertained to unwed mothers and initial custody decisions.

**Allegation: Lack of Service**

**Recommendation: Exonerated-**The preponderance of the evidence to include the WCS footage, OPS interview, and documents supports the recommendation of Exonerated. The officer complied with ORC 2905.01. P.O. Hollenbeck #187 also provided the Complainant with the contact information to the DV unit who investigated his 2015 case and directed him to seek legal guidance concerning his child custody concerns. This is consistent with Manual Section 4.18 requirements.

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

**Allegation: Harassment-Bias**

**Recommendation: Unfounded-** The preponderance of the evidence to include the WCS footage, OPS interviews, and 3<sup>rd</sup> district Visitor Logs, supports her interaction and decision not to complete a kidnapping report on September 13, 2024, was not based up gender under GPO 1.07.08 and her statement concerning custody rights did not rise to a level that diminished the esteem of the Division of Police in the eyes of the public as reflected in Manual Section 5.01.

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

**8. 2023-0294 P.O. John Marincek #1755 & Sgt. Phillip Hawkins #9194 (04:06:31-04:12:41)**

**Summary-** Ms. Campbell (Complainant) alleged that on 12-11-23, as she traveled westbound on Lakeshore Blvd, zone car 533 (Driven by P.O. John Marincek) was parked in the old Dave's parking lot. Ms. Campbell stated the zone car exited the lot, cutting her off and almost collided with her vehicle head on, no emergency lights or sirens activated. The zone car then ran red lights, traveled at high speeds and went around a curb.

Ms. Campbell went to a police station between 5:00-7:00 P.M., to receive a piece of paper, which had been sitting up front of her. The officer (Sgt. Hawkins) acted as if he could not get her the paper.

**P.O. John Marincek #1755**

**Allegation: Unprofessional Behavior/ Conduct**

**Recommendation: Insufficient Evidence-**The preponderance of the evidence fails to determine whether the alleged conduct did or did not occur.

Motion: Billy Sharp

Second: Chenoa Miller

Motion: Carried

**Sgt. Phillip Hawkins #9194**

**Allegation: Unprofessional Behavior/ Conduct**

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

Motion: Billy Sharp

Second: Glen Parker III

Motion: Carried

**9. 2023-0041 P.O Lawrence McGervey #2352 (04:13:01-04:18:38)**

**Summary-** On 02/22/23, the Office of Professional Standards received a complaint from N. Rosa. Mr. Rosa alleged he was wrongfully detained and racially profiled, and officers used excessive force on him.

**Allegation: Excessive Force**

**Recommendation: Unfounded-** Based on the preponderance of the evidence including the investigators report, the alleged misconduct did not occur.

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

**Allegation: Improper procedure-Stop**

**Recommendation: Exonerated-** Based on the preponderance of the evidence, the alleged conduct occurred, but the officer's actions were consistent with law, CDP General Police orders, training, and/or procedures.

Motion: Billy Sharp

Second: Ken Mountcastle

Motion: Carried

**VI. DEPARTURES-**

**1. OPS 2022-0217 (04:19:05-04:38:32)**

On August 31, 2022, the Office of Professional Standards received a complaint from Josile Brown. Brown stated that on Monday, August 29, 2022, she came to the CDP 4<sup>th</sup> District to report her one-year-old daughter missing. Brown believed her daughter was missing because the child had not been returned from a visit with the child's paternal grandmother by the agreed-upon date/time. Ms. Brown asserted the officers had no sympathy for the situation, alluded that she was a bad mother, and degraded her as a black woman. She stated that the officers allowed others to decide when her child was going to be returned to her. She stated that the officers told her certain actions would be taken if her child wasn't returned by the timeframe they set, but still, no help was given.

On May 14, 2024, the Civilian Police Review Board heard the case and voted to sustain the allegations of Lack of Service against P.O. Gerald Mooneyham #2214 and Sgt. Albert Oliver #9220.

On November 25, 2024, the Chief departed from this specification. The rationale was that a supervisor ordered P.O. Mooneyham to create an Interference with the Custody report and Sgt. Oliver evaluated the matter and correctly determined that an Interference with Custody report was the proper report to be made. Furthermore, Sgt. Oliver called the Male who was with the complainant's child and successfully arranged for the child to be returned to the mother that same day. The Chief is recommending that the Lack of Service Allegation be Dismissed for P.O. Mooneyham and Sgt. Oliver.

On December 10, 2024, CPRB Members voted to table the case until the next meeting. The Motion was made by Member Gatian and Second by Member Hardy.

**On January 14, 2025, CPRB Members voted to appeal the Chiefs decision to depart from the original ruling.**

**A motion to appeal was made by Vice Chair Brown using the rationale in the original finding. The motion was second by Member Gatian.**

**2. OPS 2024-0038 (04:38:38-04:55:21)**

On February 22<sup>nd</sup>, 2024, CDP received a complaint involving Det. Patrick Bishop #150. The complaint was then forwarded to the Office of Professional standards. The complaint was from concerned citizens who stated after a play at the playhouse square, CDP Det. Bishop was unprofessional in his tone of how he tried to disperse the crowd, placing his hand on his gun as he yelled to empty the theatre after the show. Following the incident Det. Bishop was reassigned by Tim Kilbane, head of security for the Playhouse so he would have no further interactions with the cast or crew during the production. Ms. Holsinger (Complainant) had a meeting with the cast the following day to address their concerns from the previous evening. Also, Ms. Holsinger received emails from 5 people who were in attendance who commented on how they felt about the actions of Det. Bishop.

On July 9<sup>th</sup> 202, the Office of Professional Standards presented the case to the Civilian Police Review Board. After hearing from Investigators, Staff, and the Complainant, the Members of the board decided to sustain both allegations. Allegation A being Unprofessional Behavior/Conduct and Allegation B being Unauthorized secondary employment.

On December 16<sup>th</sup> 2024, CDP held a discipline hearing where Det. Bishop pled not guilty to Allegation 1 and no contest to Allegation 2. The hearing did not convey a preponderance of evidence to find the behavior/conduct of Det. Bishop was unprofessional. There was no evidence provided to suggest that he used foul language or threatened any person. Further, police weapons are generally located in an area where a hand is likely to be near, so it is neither uncommon nor against policy for an officer to have a hand near his weapon, especially when in close quarters to a crowd.

On January 14<sup>th</sup> 2025, The Civilian Police Review Board amend the Chiefs Decision to depart from the original finding. The Board says that while the officer was given a directive to disperse the crown he was unnecessarily aggressive while doing so and that the sustained finding is what they are going with.

**VII. OPS STATUS REPORT (04:55:22-05:09:26)**

**A. Community outreach update**

**Elan Pavlinich**  
*Director of Community  
Engagement*

OPS Community Engagement Director Elan Pavlinich provided an update to the members on recent efforts to stay active within the community. Mr. Pavlinich publicly thanked everyone who contributed to the food and toy drive, which helped many families feel loved and supported during the holiday season.

**B. NACOLE Vouchers**

General Manager Kristen Traxler gives a status update regarding the Vouchers from last year's NACOLE conference. Ms. Traxler also updated the members on the plan for the 2025 NACOLE annual conference.

**VIII. NEW BUSINESS (05:09:51-05:18:48)**

**A. Updates on Policy recommendations**

Policy update on WCS

**Vince Funari**  
*Senior Investigator*

**IX. OLD BUSINESS (05:19:00-05:21:14)**

**A. Attorney/Compliance Officer**

**Billy Sharp**  
*Chair*

A motion to direct the OPS administrator to conduct the process to find candidates for the Attorney/Compliance officer made by Member Mountcastle. Motion Second by Member Gatian

**X. ADJOURNMENT**

Member Parker made a motion to adjourn the meeting. Vice Chair Brown seconded the motion.