



CIVILIAN POLICE REVIEW BOARD

OFFICE OF PROFESSIONAL STANDARDS

March 21, 2018

MEETING MINUTES

- | | |
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| I. CALL TO ORDER – 10:08 | Roslyn Quarto, Chair |
| II. ROLL CALL | Chairperson Quarto |
| <u>CPRB MEMBERS</u> | <u>OPS STAFF</u> |
| ATTENDANCE | ATTENDANCE |
| Roslyn Quarto | Tony Scott, General Manager |
| Stephanie Scalise | Tony Nici, Investigator |
| Michael Graham | Anitra Merritt, Investigator |
| Edwin Santos | Julie Delaney, Investigator |
| Michael Walker | Art Bowker, Investigator |
| Ernest Turner | Eric Richardson, Investigator |
| Michael Hess | Shaunita Lee, Investigator |
| Mary Clark | Kevin Wynne, Investigator |
| LeeAnn Hanlon, Secretary | Vince Funari, Investigator |
| Gerri Butler, Staff Counsel | Dave Hammons, Investigator |
| | Barbara Williams-Bennett, Inv. |
| III. PUBLIC COMMENT | |
| IV. PRESENTATION OF INVESTIGATIONS | Tony Scott, General Manager
OPS Investigative Staff |
| V. ANNOUNCEMENTS AND COMMUNICATIONS | |
| VI. OPS REPORT | General Manager Scott |
| a. REVIEW OF CDP DISCIPLINARY DECISIONS | |
| VII. COMMITTEE REPORTS | |
| VIII. NEW BUSINESS | |
| IX. ADJOURNMENT | |

Next Meeting Date: Wednesday, April 18, 2018, 10:00 am



III. **Public Comment – Ms. Quarto reminds every one of the three (3) minute time limit**

Gwen from **SURJ** read a statement. These comments are in reference to Board decisions made on a complaint by complaint basis and the discovery of an officer's repetitive patterns of behavior.

Board decisions should be made on the basis of facts presented on each specific complaint without prejudice. That is, and should be, the standard that is followed for each complaint made and presented to the Board.

However, in the course of its work, the Board may become aware of an officer's repetitive patterns of behavior based on multiple complaints received. These behaviors may not only reflect the officer's personality, but may provide a window into the officer's deeply held beliefs. These beliefs or personality traits cannot only be harmful to oneself, but to others as well. Such deeply held beliefs may be an indication that the officer in question does not have the personality traits suited to be an effective law enforcement officer.

Mr. Jones' concerns about multiple similar complaints made about the same police officer over time seems to me to be justified and proper consideration by this Board. Tracking of officers by complaint should be done by the Office of Professional Standards and, if patterns emerge, the Board should communicate these observed patterns to the Cleveland Department of Police along with a Board recommendation requesting CDP review. Psychological suitability for being a police officer cannot and should not be overlooked.

Ms. Quarto requests that this letter be given to the Monitoring Team when they arrive, because the CPRB/OPS is stuck when attempting to make decisions. Ms. Quarto believes that it is important to try and recognize patterns, and this letter demonstrates the precise reflection that is needed.

Mr. Dancy, President of the National Black Deaf Advocacy, stated that he was racially profiled while attempting to come to this meeting – that he was detained for a half hour after providing his identification. He asks what will it take for African Americans not to be profiled by the CDP. Mr. Dancy additionally added that his grandmother, who is also deaf, called the police on video phone, and stated that his grandmother told him that the officer told her that they don't take reports from [racial slur].

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Ms. Quarto hopes that Mr. Dancy's grandmother made a complaint to the OPS, because short of a complaint, the CPRB has no jurisdiction. Ms. Quarto also reminds Mr. Dancy that the CPRB has no jurisdiction over the officers downstairs that detained him, but states that his complaints will be brought to the attention of the Director.

Mr. Scott informs the Board that case #17-169 will not be heard because the complainant requested that her case be tabled until the April 18, 2018 meeting because the complainant, Ms. Jones-McFarlane, was not feeling well. OPS wanted to respect her request to participate in the process, although we've acknowledged that Ms. Jones McFarlane has had a tendency to request extensions. We have extended her case to the April 18, 2018, meeting, but informed Ms. Jones-McFarlane that we would have to hear the case at that time.

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IV. Vote

a. 17-104: Ingram

P.O. Gugliotta #7 (retired)

Allegation: Unprofessional Conduct

Recommendation: ***CPRB refused to adjudicate on this case, citing that the officer involved in this investigation has retired, and the CPRB has no jurisdiction***

Motion: Quarto

Second: Walker

Motion passes

Allegation: Lack of Service

Recommendation: ***CPRB refused to adjudicate on this case, citing that the officer involved in this investigation has retired, and the CPRB has no jurisdiction***

Motion: Quarto

Second: Walker

Motion passes

b. 17-126: Wran

P.O. Gorman #2021 (retired)

Allegation: Unprofessional Conduct

Recommendation: ***CPRB refused to adjudicate on this case, citing that the officer involved in this investigation has retired, and the CPRB has no jurisdiction***

Motion: Quarto

Second: Santos

Motion passes

Allegation: Improper Stop

Recommendation: ***CPRB refused to adjudicate on this case, citing that the officer involved in this investigation has retired, and the CPRB has no jurisdiction***

Motion: Quarto

Second: Santos

Motion passes

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Allegation: Improper Search

Recommendation: ***CPRB refused to adjudicate on this case, citing that the officer involved in this investigation has retired, and the CPRB has no jurisdiction***

Motion: Quarto

Second: Santos

Motion passes

c. 14-423: Heben

P.O. Hart #661 (deceased)

Allegation: Excessive Force

Recommendation: ***CPRB refused to hear this case, with an addendum that every six (6) months OPS checks in to see if the remaining officer returns from sick leave***

Motion: Quarto

Second: Hess

Motion passes

Allegation: Improper Search

Recommendation: ***CPRB refused to hear this case, with an addendum that every six (6) months OPS checks in to see if the remaining officer returns from sick leave***

Motion: Quarto

Second: Hess

Motion passes

P.O. Zoladz #825 (extended sick leave)

Allegation: Excessive Force

Recommendation: ***CPRB refused to hear this case, with an addendum that every six (6) months OPS checks in to see if the remaining officer returns from sick leave***

Motion: Quarto

Second: Hess

Motion passes

Allegation: Improper Search

Recommendation: ***CPRB refused to hear this case, with an addendum that every six (6) months OPS checks in to see if the remaining officer returns from sick leave***

Motion: Quarto

Seconds: Hess

Motion passes

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d. 15-093: Garrett

P.O. Makad #1570

Allegation: Harassment

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Santos

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Santos

Motion passes

Allegation: Biased Policing

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Santos

Motion passes

P.O. Harper #2470

Allegation: Harassment

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Clark

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Clark

Motion passes

Allegation: Biased Policing

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Clark

Motion passes

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e. 15-169: Keener

P.O. McGrath #2219

Allegation: Failure to Identify

Recommendation: Exonerate

Motion: Quarto

Second: Walker

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Clark

Motion passes

Allegation: Improper Citation

Recommendation: Exonerated

Motion: Quarto

Second: Santos

Motion passes

P.O. Potachek #2016

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Walker

Motion passes

Allegation: Improper Citation

Recommendation: Exonerate

Motion: Quarto

Second: Turner

Motion passes



f. 15-214: Brown

P.O. McCoy #531

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Hess
Motion passes

g. 15-233: Harper

Traffic Controller #7001

Allegation: Improper Citation
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Turner
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Santos
Motion passes

h. 16-141 Strickland

P.O. Montague #1227

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Walker
Motion passes

Allegation: Improper Citation
Recommendation: Exonerated
Motion: Quarto
Second: Walker
Motion passes

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- i. **16-202: McQueen – complainant present. Ms. Quarto recommends that the family make a public records request for the video regarding Mr. Kevin McQueen. The WCS video footage was incredibly clear, and Investigator Funari has a great timeline. The video will be incredibly difficult to watch. The officers did not delay in providing service to you son.**

Ms. Murphy would like to see the video. She learned through Channel 5 that CPD requested an ambulance, but that it never showed up. They had to wait for a sergeant to show up to request a police escort to the hospital. Investigator Funari assured Ms. Murphy that as soon as the sergeant arrived on scene, he allowed the officer to transport her son in the van to the hospital.

Ms. Murphy wanted to know why there wasn't an immediate transport to the hospital once they determined that there was a gunshot wound victim. Ms. Quarto stated that the officers witnessed a speeding car going through red lights from an area where shots been reported as being fired. The officers had probable cause to make sure that a crime was not committed, and that as soon as they saw what was going on, they directly attended to Mr. McQueen

P.O. Evans #1672

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Improper Search
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

P.O. Kloock #1033

Allegation: Improper Stop
Recommendation: Exonerated
Motion: Quarto
Second: Walker
Motion passes

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Allegation: Improper Search
Recommendation: Exonerated
Motion: Quarto
Second: Santos
Motion passes

Ms. Quarto moved that the Board recommend a special commendation for P.O. Evans #1672 and P.O. Kloock #1033 for their service above and beyond on September 15, 2016. Motion was seconded by Mr. Walker, motion passes unanimously

j. 16-233: Lee

P.O. Zubal #2278

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Turner
Motion passes

Lt. McEntee #8503

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes

k. 16-237: Washington

P.O. Frinzl #267

Allegation: Improper Tow
Recommendation: Exonerated
Motion: Quarto
Second: Turner
Motion passes

Next Meeting Date: Wednesday, April 18, 2018, 10:00 am



I. 17-029: Matthews

P.O. Troutman #676

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Quarto

Second: Hess

Motion passes

Allegation: Failure to Activate WCS

Recommendation: Sustained

Motion: Quarto

Second: Santos

Motion passes

Allegation: Failure to Complete Duty Report

Recommendation: Sustained

Motion: Quarto

Second: Santos

Motion passes

P.O. Barnett #2119

Allegation: Failure to Activate WCS

Recommendation: Sustained

Motion: Quarto

Second: Turner

Motion passes

Allegation: Failure to Complete Duty Report

Recommendation: Sustained

Motion: Quarto

Second: Clark

Motion passes

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m. 17-039: Case-Sletvold

Sgt. Steckle #9124

Allegation: Unprofessional Conduct

Recommendation: Sustained in part

Motion: Quarto

Second: Santos

Motion passes

CPRB incorporated both claims into one motion, but cited unprofessional conduct conclusively in only one interaction

n. 17-042: Pippen

P.O. Goshen #742

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Quarto

Second: Clark

Motion passes

P.O. Zone #1285

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Quarto

Second: Santos

Motion passes

P.O. McCandless #644

Allegation: Lack of Service

Recommendation: Unfounded

Motion: Quarto

Second: Clark

Motion passes

Next Meeting Date: Wednesday, April 18, 2018, 10:00 am



P.O. O'Neill #1584

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Turner
Motion passes

- o. 17-157: McDonald – complainant present. Ms. McDonald stated that the officers have never responded to her daughter. These officers have treated them like they are the perpetrators, instead of the victims. Mr. Scofinsky, her witness, had to install cameras on his house to capture all of the problems. Ms. McDonald stated she has been to the prosecutor's office many times. Ms. McDonald stated that the courts have even thrown out protection orders, and that she was told not to call the police anymore regarding these complaints. Ms. McDonald is frustrated because the cases aren't felony, only misdemeanor, and they've all been thrown out when she herself goes to the prosecutor. Ms. McDonald is upset that nothing has been done.**

Mr. Walker referred Ms. McDonald to the Community Relations Board in an attempt to resolve the problem between her and her neighbors. Ms. Quarto stated that she recognizes that Ms. McDonald is frustrated, but that the police and the prosecutors have different authorities. The police did what they could, but it is the prosecutor who makes the ultimate decision, and unfortunately Ms. McDonald is caught in the middle. All the CPRB can do is look at what the officers did.

Sgt. Gomez #9135

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

P.O. Hayduk #349

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Scalise
Second: Quarto
Motion passes

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Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Santos
Motion passes

p. 17-173: Shorts

Det. Gray #813

Allegation: Unprofessional Conduct
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Walker
Motion passes

q. 17-211: Hayes

Dispatcher Rice #89

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Santos
Motion passes with a 4-3 vote, three (3) opposed

- r. 17-220: Mitchell – complainant present. Ms. Mitchell states that what was devastating about [the improper search of her home] was that she was met with a shotgun that was pointed at her face as she was coming down the stairs. She believes that if she had anything else in her hand, it could have [ended badly]. Ms. Mitchell states that she normally carries a cane, because of her limp, [and asserted] if she had turned that corner carrying something else she would not be here today.**

Ms. Mitchell states that after causing chaos all throughout her house, the search warrant wrong. The name on the warrant was Latitia Harris, but the address [on the warrant] was her address. She was confused as to why the officers just didn't knock on the door and ask for a Ms. Harris, like they do on television. She could have told them right away that they had the wrong address, and that the person they wanted was across the street.

Ms. Scalise wanted to clarify that there are two types of warrants – one in which the officers knock on the door, which is the most common warrant and the one most often seen on television, and another one that allows them to enter a house without knocking.

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Ms. Scalise speculated that because of the seriousness of this warrant – a murder warrant – that the officers obtained the type of warrant to enter without knocking. Ms. Scalise opined with that being said, that is why the officers should have been more careful with ensuring the correct address was on the warrant. According to Ms. Scalise, “It is not okay what happened to Ms. Mitchell.”

P.O. Borden #43

Allegation: Improper Search
Recommendation: Sustained
Motion: Quarto
Second: Walker
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Quarto
Second: Santos
Motion passes

Allegation: Damaged Property
Recommendation: Sustained
Motion: Quarto
Second: Turner
Motion passes

Lt. Pillow #8504

Allegation: Improper Search
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes, one abstention

Allegation: Unprofessional Conduct
Recommendation: Sustained
Motion: Quarto
Second: Hess
Motion passes, one abstention

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Allegation: Damaged Property
Recommendation: Sustained
Motion: Quarto
Second: Santos
Motion passes, one abstention

Allegation: Failure to Activate WCS
Recommendation: Sustained
Motion: Quarto
Second: Walker
Motion passes

s. 17-223: Colon

P.O. Ellis #1524

Allegation: Lack of Service
Recommendation: Unfounded
Motion: Quarto
Second: Graham
Motion passes

Allegation: Unprofessional Conduct
Recommendation: Exonerated
Motion: Quarto
Second: Turner
Motion passes

Allegation: Discrimination
Recommendation: Unfounded
Motion: Quarto
Second: Clark
Motion passes

Allegation: Failure to Inform/Request Language Interpreter
Recommendation: Sustained
Motion: Quarto
Second: Santos
Motion passes

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Allegation: Failure to Confirm TPO
Recommendation: Sustained
Motion: Quarto
Second: Walker
Motion passes

P.O. Stamper #1918

Allegation: Discrimination
Recommendation: Unfounded
Motion: Quarto
Second: Clark
Motion passes

Allegation: Failure to Inform/Request Language Interpreter
Recommendation: Sustained
Motion: Quarto
Second: Hess
Motion passes

Allegation: Failure to Confirm TPO
Recommendation: Sustained
Motion: Quarto
Second: Walker
Motion passes

t. 17-234: Rahman

P.O. Buettner #1317

Allegation: Improper Arrest
Recommendation: Exonerated
Motion: Quarto
Second: Turner
Motion passes

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- u. **17-238: Sanders – complainant present. Ms. Sanders stated that she believes that the First District officers have it out for her. Ms. Sanders states that her grandfather has been harassing her since this incident, and the police don't do anything about it. There is constant harassment, and she believes that the First District has no respect for her.**

P.O. Farra #1182

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Santos

Second: Clark

Motion passes, two opposed, and two abstention (3-2-2)

P.O. Sweany #2380

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Santos

Second: Walker

Motion passes

- v. **17-240: Watson**

P.O. Greco #801

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Clark

Motion passes

- w. **18-010: Stewart**

Dispatcher Mizikar #158

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Clark

Motion passes

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Dispatcher Rice #89

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Clark

Motion passes

Sgt. Ross #9160

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Clark

Motion passes

VII. ADJOURNMENT – 15:26 hours

Next Meeting Date: Wednesday, April 18, 2018, 10:00 am