



CIVILIAN POLICE REVIEW BOARD OFFICE OF PROFESSIONAL STANDARDS

December 19, 2018

MEETING MINUTES

I. CALL TO ORDER – 10:00

Roslyn Quarto, Chairperson

II. ROLL CALL

Chairperson Quarto

CPRB MEMBERS

ATTENDANCE

Roslyn Quarto
Stephanie Scalise
Michael Graham
Michael Hess
Ashley Mostella
Ernest Turner
Mary Clark
Edwin Santos
Ken Mountcastle
Gerri Butler, Staff Counsel
LeeAnn Hanlon, Secretary

OPS STAFF

ATTENDANCE

Henry Roney, Sr. Investigator
Art Bowker, Investigator
Julie Delaney, Investigator
Keith Oliver, Investigator
Barbara Williams-Bennett, Inv.
Kevin Wynne, Investigator.
David Hammons, Investigator
Eric Richardson, Investigator
Anitra Merritt, Investigator
Toni Shanks, OPS Secretary

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

V. PRESENTATION OF INVESTIGATIONS

VI. CPRB TRAINING

VII. ANNOUNCEMENT AND COMMUNICATIONS

VIII. OPS REPORT

A. REVIEW OF CDP DISCIPLINARY DECISIONS

B. REVIEW OF DIRECTOR DISCIPLINARY DECISION

X. POLICY UPDATES

XI. COMMITTEE REPORTS

XIII. NEW BUSINESS

XIV. ADJOURNMENT



III. APPROVAL OF MINUTES

Ms. Quarto made a motion to approve the minutes. Motion seconded by Ms. Scalise. Motion passes.

IV. PUBLIC COMMENT – Ms. Quarto reminds every one of the three (3) minute time limit

Dave Lima, SURJ

I thought it might be appropriate at this final 2018 Board meeting to summarize a number of concerns expressed throughout the year that still remain issues for consideration in 2019. I know that some of the issues to be mentioned are not the responsibility of OPS or the Board. However, we believe these issues can impact the effective functioning of OPS and the Board.

- Regular CDP attendance at monthly Board meetings.
- Continuing Board education provided by CDP and outside resources.
- Police officer discretion, especially in the area of allegations of domestic abuse.
- The remaining backlog of some 200 complaints assigned to Hillard Heintze.
- The continuation of investigating complaints in a fair, thorough and timely manner.
- Police misconduct and the role of implicit bias.
- Tracking of officers who engage in repetitive patterns of behavior that result in complaints heard by the Board.
- Body worn cameras remain indispensable for data driven deliberations by the Board. CDP should be encouraged by the Board to effect significant disciplinary action when officers fail to activate their body worn cameras.
- Bias-free policing violations need to be identified and determined by OPS and the Board. The consent decree requires that biased policing be tracked as a separate category of complaint. Specific, observable behaviors are listed in the CDP's bias-free policing policy.

A personal observation – OPS, its staff, the investigators, and the leadership and members of the Review Board are to be commended for their professionalism and thoroughness when presenting and reviewing complaints, and especially the respect and dignity that are afforded complainants when they appear before the Board. In the few years I've been attending meetings, I have seen significant and positive change in the operation of OPS and the Board. I look forward to this continued effort in 2019.



V. PRESENTATION OF INVESTIGATIONS

- a. **15-285: McElrath – Complainant is present. The Complainant felt that the OPS investigation was faulty, and that the City of Cleveland concealed information from OPS because she had to tell OPS that OPS was missing 6 videos relevant to her case.**

P.O. Judd #1545

Allegation: Biased Policing
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Unprofessional Conduct: Intimidation by Opening/Closing Zone Car Door
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Unprofessional Conduct: Failure to Report Malfunctioning Zone Car Door
Recommendation: Sustained
Motion: Quarto
Second: Clark
Motion passes

Allegation: Unprofessional Conduct: Incorrect Charges
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Insubordination
Recommendation: Sustained
Motion: Quarto
Second: Mostella
Motion passes with two opposed



Allegation: Unprofessional Conduct: Investigations Violation
Recommendation: Sustained
Motion: Quarto
Second: Mostella
Motion passes with one opposed

P.O. Collins #554

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Excessive Force against Complainant Loretia McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Unprofessional Conduct: Demeaning Language
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes

Allegation: Unprofessional Conduct: Investigations Violation
Recommendation: Sustained
Motion: Quarto
Second: Scalise
Motion passes

Sgt. Fitzpatrick #9967

Allegation: Excessive Force against Complainant Ayanna McElrath
Recommendation: Exonerated
Motion: Quarto
Second: Scalise
Motion passes



Allegation: Improper Arrest against Complainant Loretta McElrath

Recommendation: Exonerated

Motion: Quarto

Second: Scalise

Motion passes

Allegation: Improper Citation/Arrest against Complainant Ayanna McElrath

Recommendation: Exonerated

Motion: Quarto

Second: Scalise

Motion passes

P.O. White #1914

Allegation: Excessive Force against Complainant Ayanna McElrath

Recommendation: Exonerated

Motion: Quarto

Second: Scalise

Motion passes

Allegation: Improper Search

Recommendation: Unfounded

Motion: Quarto

Second: Scalise

Motion passes

P.O. Adkins #910

Allegation: Excessive Force against Complainant Ayanna McElrath

Recommendation: Exonerated

Motion: Quarto

Second: Scalise

Motion passes



b. 16-165: Brinton

Dispatcher Burton #154

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

Dispatcher Meyers #130

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Quarto
Second: Mostella
Motion passes

c. 18-018: Hyland

P.O. Smith #493

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

Allegation: Dress Code Violation
Recommendation: Sustained
Motion: Quarto
Second: Clark
Motion passes

d. 18-075: Proctor-Lemon

P.O. Choat #1961

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



e. 18-084: Bochmann

P.O. Dziuba #785

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Santos

Motion passes with one opposed and one abstention

P.O. Jelenich #2504

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Santos

Motion passes with one opposed and one abstention

f. 18-089: Osborne

P.O. Wagner #1802

Allegation: Unprofessional Conduct

Recommendation: Sustained

Motion: Quarto

Second: Santos

Motion passes

Allegation: Improper Citation

Recommendation: Sustained

Motion: Quarto

Second: Clark

Motion passes

P.O. O'Dea #873

Allegation: Improper Citation

Recommendation: Sustained

Motion: Quarto

Second: Clark

Motion passes



g. 18-104: Green

P.O. Anderson #71

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Mostella
Motion passes with one abstention

P.O. Rohal #1809

Allegation: Lack of Service
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Graham
Motion passes with one abstention

h. 18-120: Frizzell

P.O. Barnett #2119

Allegation: Lack of Service
Recommendation: Exonerated
Motion: Quarto
Second: Clark
Motion passes

P.O. Muniz #440

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



i. 18-122: Tenney

P.O. Beckwith #1047

Allegation: Unprofessional Conduct

Recommendation: Unfounded

Motion: Quarto

Second: Clark

Motion passes

j. 18-147: Reyes

Sgt. Norman #9065

Allegation: Lack of Service

Recommendation: Sustained

Motion: Quarto

Second: Scalise

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Insufficient Evidence

Motion: Quarto

Second: Clark

Motion passes

k. 18-163: Alexander – Complainant is present. Complainant stated she feels like her case isn't being investigated by the correct people. The Complainant stated that she has all of the evidence against the alleged perpetrators.

Det. Cramer #346

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Santos

Motion passes



I. 18-167: Gay

Det. Tusing #2370

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

Sgt. Young #9061

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

VIII(A). REVIEW OF DISCIPLINARY DECISIONS

The Board accepted the recommendation of the Chief, and declined to forward the case to the Safety Director for the following cases:

- 18-038 – Officer was issued a two-day suspension
- 18-064 – Officer was issued a six-day suspension

VIII(B). REVIEW OF DIRECTOR DECISIONS

The Board accepted the decision of Director McGrath regarding 16-232.

XII. NEW BUSINESS

New Board Member Kenneth Mountcastle observed today's meeting and will be an active participant in the next meeting.

Mr. Santos tendered his resignation after many years of service. His last meeting will be January 8, 2019.

Meeting adjourned at 14:27 hours.

