



**CIVILIAN POLICE REVIEW BOARD
OFFICE OF PROFESSIONAL STANDARDS**

March 12, 2019

MEETING MINUTES

- I. CALL TO ORDER – 10:00** Roslyn Quarto, Chairperson
- II. ROLL CALL** Chairperson Quarto

CPRB MEMBERS

ATTENDANCE

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

OPS STAFF

ATTENDANCE

Roger Smith, Administrator
Keith Oliver, Investigator
Kevin Wynne, Investigator
Vince Funari, Investigator
Dave Hammons, Investigator
Julie Delaney, Investigator
Eric Richardson, Investigator
Anitra Merritt, Investigator
Henry Roney, Senior Investigator
George Coulter, General Manager
Spyridon Kodellas, Research Analyst

- III. APPROVAL OF MINUTES**
- IV. PUBLIC COMMENT**
- V. PRESENTATION OF INVESTIGATIONS**
- VI. CPRB TRAINING**
- VII. HILLARD HEINTZE CASES** Roger Smith
- VIII. ANNOUNCEMENTS AND COMMUNICATIONS**
- IX. OPS REPORT**
A. REVIEW OF CDP DISCIPLINARY DECISIONS
- X. POLICY UPDATES**
- XI. COMMITTEE REPORTS**
- XIII. NEW BUSINESS**
- XIV. ADJOURNMENT**



III. APPROVAL OF MINUTES

Ms. Quarto request a motion to approve the minutes. Motion seconded by Mr. Mountcastle. Motion passes.

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

Dave Lima, SURJ

It is well known that in order for the reform of policing in Cleveland to be successful, there needs to be a substantial change in the culture of the Department. The cultural changes, if they occur, will have a direct impact on the use of force, bias-free policing, community and problem-oriented policing activities, search and seizure practices, as well as other aspects of the Department's activities.

We believe that the Board can play a substantial role in that change. From my review of the Board's oversight mandate, there is nothing that requires the Board to advance cultural change within the CDP, and neither is there anything that would prevent the Board from actively participating with the idea of promoting cultural change.

I refer to last month's case – 2015-0270 – where the officer called the Complainant an "asshole." There was substantial discussion about the word, some wanting to take a firm stand against the use of profanity, and others expressing a more moderate view. I am not one to advocate a "Zero Tolerance" policy in most instances. I believe that discretion is most important, given that there are few things in life that are absolute. However, in certain instances a "Zero Tolerance" policy may result in the greater good. This is one of those instances. We believe that taking a "Zero Tolerance" position against the use of profanity in each and every case where it appears, making it clear that such language is unacceptable, can have an impact on the cultural change within the Department. We would be the first to agree that the word "asshole" is a mild form of profanity and, as such, may have little impact on the complaint in question. However, the message from the Board that such language is unacceptable may contribute to a small but important step toward cultural change within the Department.

Brenda Bickerstaff

Ms. Bickerstaff stated that she wrote a letter Roger Smith, to the Department of Justice, and to Judge Oliver. Ms. Bickerstaff stated that she filed a complaint with OPS back in 2017, and she spoke with Chad McGinty, who is dealing with Hillard Heintze, and she has two concerns. Number one is that in the Consent Decree, it states that Cleveland Police cannot perform the investigation, which is understandable because it presents a conflict. However, Hillard Heintze is a private investigative company who employs former police officers to work for them. Ms. Bickerstaff stated that you still have the

Next Meeting Date: Tuesday, April 9, 2019 at 10:00 am



police investigating the police. Ms. Bickerstaff stated that Mr. McGinty tried to tell her that her concerns didn't matter, as his former officers had not been employed by Cleveland police.

Ms. Bickerstaff stated, in regards to her complaint, when she spoke with Mr. McGinty, he informed her that he received her complaint with all of the other complaints last spring. Mr. McGinty also indicated to her that he was not given permission per the contract to contact any citizens who made the complaint with OPS. Ms. Bickerstaff stated that currently she is in litigation with the City and with police officers in Federal court, and she could use that information with her case, but she is unable to use the information, because Hillard Heintze has not completed the investigation.

Ms. Bickerstaff further stated that even at one of the status meetings that Judge Oliver advised OPS to move on the backlogged cases, as information can get stale and "go cold." Ms. Bickerstaff is concerned that her case is going to get dismissed because nothing has been done on her case, and that Mr. McGinty confirmed that, because his agency was not given permission to contact the OPS complainants. Ms. Bickerstaff stated that she had to contact Mr. McGinty, because she is trying to figure out why her case hasn't been investigated. Ms. Bickerstaff stated that the contract that the City has with Hillard Heintze is not doing the citizens of Cleveland any good, especially because you have the police investigating the police.

Ms. Quarto informed Ms. Bickerstaff that the CPRB is not a party to the Hillard Heintze contract, as that was approved by Judge Oliver under the Monitoring Team and Consent Decree. There is nothing that the CPRB can do about this, as the CPRB is following orders from Judge Oliver. The judge approved this contract, and this is the way it is going, and this was the only way to catch up. Otherwise, the backlog would never have caught up.

Mr. Roney stated that OPS has nothing to do with the Hillard Heintze investigations by direction. Mr. Roney stated that if they're told they can't investigate a case, they were probably instructed by the courts. But OPS has nothing to do anymore with the ongoing Hillard Heintze investigations.

Ms. Bickerstaff asked, so she could be clear, that all the cases that Hillard Heintze has now, does Hillard Heintze do the final disposition? How does information come back to OPS?

Ms. Quarto said yes, the cases come back to OPS from Hillard Heintze as a final product, and OPS brings the cases to the Board, and the Board decides to approve or not approve the recommendations, and OPS sends out the letter.

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V. PRESENTATION OF INVESTIGATIONS

- a. **18-030: Jones – Complainant is present. The Complainant stated that the officers violated his rights, and he wanted to know what the Board was going to do about it.**

P.O. McCoy #531

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

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

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

Allegation: Biased Policing
Recommendation: Insufficient Evidence
Motion: Quarto
Second: Clark
Motion passes

Allegation: Failure to Cooperate in an OPS Investigation
Recommendation: Sustained
Motion: Quarto
Second: Clark
Motion passes



P.O. Katynski #1199

Allegation: Improper Stop
Recommendation: Exonerated

Motion: Quarto
Second: Mountcastle

Motion passes

Allegation: Improper Search
Recommendation: Exonerated

Motion: Quarto
Second: Mountcastle

Motion passes

b. 18-046: Jones

P.O. Bartell #166

Allegation: Lack of Service
Recommendation: Unfounded

Motion: Quarto
Second: Clark

Motion passes

P.O. Nycz #2114

Allegation: Lack of Service
Recommendation: Unfounded

Motion: Quarto
Second: Clark

Motion passes

c. 18-125: Chaney

P.O. Miller #1583

Allegation: Unprofessional Conduct
Recommendation: Exonerated

Motion: Quarto
Second: Turner

Motion passes



P.O. Reaves #2014

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

Sgt. Kortan #9105

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

d. 18-156: Smith

P.O. Webb #2064

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

Allegation: Lack of Service: Suspect Information
Recommendation: Exonerated
Motion: Quarto
Second: Hess
Motion passes



- e. **18-159: Farmer. Complainant is present. Complainant stated that she has been having problems with the landlord and the management of the building she lives in for years. She has been calling for police assistance since 2013. The Complainant stated that she believes that the officers have fabricated reports, and that the officers don't respect her. The Complainant further stated that she played phone tag with the officers in this particular report, and that both Sgt. Gomez and Det. Cozart were very disrespectful. The Complainant also stated that she feels like the police don't take her seriously.**

Sgt. Gomez #9135
Allegation: Lack of Service

Det. Cozart #457
Allegation: Lack of Service

****This case was suspended for further investigation and returned to the investigator****

- f. **18-168: Pinkney-Butts**

P.O. Williams #501

Allegation: Harassment
Recommendation: Exonerated
Motion: Quarto
Second: Mountcastle
Motion passes

- g. **18-187: Anonymous**

P.O. Williams #2160

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



h. 18-191: Crosby

Det. Orr #2320

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Mountcastle

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Quarto

Second: Clark

Motion passes

i. 18-192: Vasquez

Det. Orr #2320

Allegation: Lack of Service

Recommendation: Exonerated

Motion: Quarto

Second: Hess

Motion passes

Allegation: Unprofessional Conduct

Recommendation: Exonerated

Motion: Quarto

Second: Mountcastle

Motion passes



j. 18-206: McCoy

P.O. Adkins #1504

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

Sgt. Martinez #9055

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

k. 18-219: McNeil

P.O. Rahim #238

Allegation: Excessive Force
Recommendation: Unfounded
Motion: Quarto
Second: Clark
Motion passes

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



VII. HILLARD HEINTZE CASES

Mr. Smith read the following cases into record:

- 14-143
- 14-288
- 14-306
- 15-018
- 15-027
- 15-091
- 15-092
- 15-114
- 15-136
- 15-163.
- 15-167
- 15-171
- 15-173
- 15-185
- 15-197
- 15-209
- 15-211
- 15-219
- 15-225
- 15-228
- 15-230
- 15-242
- 15-243
- 15-268
- 15-282

Ms. Quarto makes a motion to adopt the recommendations of the Hillard Heintze investigators on the above cases. Ms. Clark seconds the motion, motion passes.



IX(A). REVIEW OF DISCIPLINARY DECISIONS

17-229: McGary – Chief Williams dismissed the allegation against Det. Beveridge, citing that the Detective's Manual serves as a guide to CDP members, and detectives must consider the totality of the case.

The Board disagreed with the recommendation of the Chief, and Ms. Quarto moved to appeal the Chief's decision to the City of Cleveland Safety Director. Motion was seconded by Mr. Mountcastle, and the motion passed.

18-147: Reyes – Chief Williams dismissed the allegation against Sgt. Norman, citing that the lack of service was proven false by WCS video footage, and that Sgt. Norman did not refuse service.

The Board disagreed with the recommendation of the Chief, and Ms. Quarto moved to appeal the Chief's decision to the City of Cleveland Safety Director. Motion was seconded by Mr. Hess, and the motion passed.

XIV. ADJOURNMENT

Meeting adjourned at 12:27 hours.

