

**CIVILIAN POLICE REVIEW BOARD  
OFFICE OF PROFESSIONAL STANDARDS  
August 8, 2023  
MEETING MINUTES**

**\*\*\*The times reflected in the minutes are a reflection of the time on the video\*\*\***

**THE NEXT CPRB BOARD MEETING IN ROOM 514 AT CITY HALL**

**CPRB MEMBERS**

**Michael Hess, Chair**  
**Dave Gatian, Vice Chair**  
**Ken Mountcastle**  
**Billy Sharp**  
**Sherall Hardy**  
**Brandon Brown**  
*Michael Graham*  
*Chenoa Miller*  
***Diana Cyganovich***

**OPS**

**Marcus Perez, Administrator**  
**Julie Delaney, Investigator**  
**Art Bowker, Investigator**  
**Vincent Funari, Interim Sr. Investigator**  
**Hercules Harris, Investigator**  
***Joe Szymanski, Investigator***  
*Maryum Ali, Community Officer*  
***Bold: In Attendance***

**LEGAL COUNSEL**

**Christopher Heltzel**

- |              |  |                             |
|--------------|--|-----------------------------|
| <b>I.</b>    | <b>APPROVAL OF MINUTES</b>                       | Michael Hess                |
| <b>II.</b>   | <b>PUBLIC COMMENT</b>                            |                             |
| <b>III.</b>  | <b>NEW BUSINESS</b>                              |                             |
| <b>IV.</b>   | <b>PRESENTATION OF INVESTIGATIONS</b>            | Marcus Perez, Administrator |
| <b>V.</b>    | <b>OPS REPORT</b>                                | Marcus Perez, Administrator |
|              | <b>A. REVIEW OF CHIEF DISCIPLINARY DECISIONS</b> | Marcus Perez, Administrator |
| <b>VI.</b>   | <b>POLICY UPDATES</b>                            | Marcus Perez, Administrator |
| <b>VII.</b>  | <b>COMMITTEE REPORTS (None)</b>                  |                             |
| <b>VIII.</b> | <b>UNFINISHED BUSINESS (None)</b>                |                             |
| <b>x.</b>    | <b>ADJOURNMENT</b>                               |                             |

**Next Meeting:** September 12, 2023

**MEETING CALLED TO ORDER AT 9:14 am (30:25)**

**ROLL CALL AND INTRODUCTIONS: 9:15 am (28:55)**

**I. APPROVAL OF MINUTES (29:43-31:17) Minutes held in abeyance**

**Hess: We will be moving to executive session. Note for the record that board member, Brandon Brown is here as well. Is anybody here to make a public comment? Our next order of business is going to be to move into executive session. I'm going to make a motion that the board's going to enter into executive session to complete some on-going conversations that we're having about employment matters. We're going to invite our friends from Human Resources and our Staff Attorney, Chris to stay with the board while we enter executive session. Motion on the table, 2<sup>nd</sup> by Gatian. All in Favor. Motion carried to enter into executive session.**

**II. PUBLIC COMMENT (NONE)**

**III. NEW BUSINESS**

**IV. PRESENTATION OF INVESTIGATIONS:**

**1. 2022-0255: Det. Darryl Turner #2200 (1:43:24- 2:22:56)**

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

Recommendation: *Unfounded*

Motion: Brandon Brown

Second: Ken Mountcastle

Motion: Carried

**Allegation: Lack of Service/Failure to Investigate a Threat**

Recommendation: Sustained

Motion: Brandon Brown

Second: Billy Sharp

Motion: Carried

**Sherall Hardy:** I am abstaining because I did not get the cases.

**Motion for a Group I Violation by Mike Hess. 2nd by Brandon Brown. Motion carried.**

**Mr. Bey's Statement: (1:46:51-1:53:16)**

**Dave Gatian:** As a board we don't determine what your criminal case will be. We take a look at the police misconduct. There's two things, did they investigate the case thoroughly in what you found and you kind of outlined. The second is what his complaint is, that somebody that had a gun threatened him and the officer did nothing whether he was there or not.

**(1:53:26-2:21:13)-** There is discussion amongst the board members as to whether or not there should be a second charge against Det. Turner #2200 when he failed to investigate a threat made to him against the complainant by a suspect on the scene in violation of Manual Rule 4.01.

**Next Meeting:** September 12, 2023

**2. 2022-0304: Det. Lawrence Smith #882 (2:23:02-2:51:20)**

**Allegation: Lack of Service**

*Recommendation: Exonerated*

*Motion: Sherall Hardy*

*Second: Billy Sharp*

**Det. Matthew Randolph #2372**

*Allegation: Lack of Service*

*Recommendation: Exonerated*

*Motion: Sherall Hardy*

*Second: Billy Sharp*

**Miss Jackson's Statement (2:28:22-2:40:05)**

*(2:23:16-2:48:00)- There is discussion amongst the board as to whether police officers have a duty to assist, advise, or refer complainant's in the correct manner to regain their forfeited property. Investigator Delaney explained the process when money or property is confiscated during an arrest as it relates to Manual Rule 3.02. Currently, there isn't a policy in place to direct officers on how to guide complainant's in this manner. Board member Brandon Brown recommended that OPS specifically draft language for a policy recommendation as it relates to forfeited property. 2<sup>nd</sup> by Sherall Hardy. Motion carried.*

**3. Motion: Carried 2022-0005: P.O. Daniel McGinty #850 (2:52:07-3:03:30)**

**Allegation: Lack of Service**

*Recommendation: Exonerated*

*Motion: Dave Gatian*

*Second: Ken Mountcastle*

*Motion: Carried*

**P.O. Shannon Scaggs #636**

**Allegation: Lack of Service**

*Recommendation: Exonerated*

*Motion: Dave Gatian*

*Second: Ken Mountcastle*

*Motion: Carried*

**P.O. Matthew Dickerson #786**

**Allegation: Lack of Service**

*Recommendation: Sustained*

*Motion: Dave Gatian*

*Second: Ken Mountcastle*

*Motion: Carried*

**P.O. Cory Beckwith #1363**

**Recommendation: Sustained**

**Next Meeting:** September 12, 2023

*Motion: Dave Gatian*  
*Second: Ken Mountcastle*  
*Motion: Carried*

***Motion by Dave Gatian for a Group I violation of GPO 4.18. 2<sup>nd</sup> by Ken Mountcastle.***  
***Motion carried.***

***Investigator Delaney recommended a policy implementation regarding transporting children in car seats in zone cars.***

**4. 2022-0174: P.O. Carlos Robles #2283 (3:03:47-3:08:56)**

***Allegation: Bias Policing***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Dave Gatian*

*Motion: Carried*

***Billy Sharp discussed Officer Robles was acting and performing his duties according to the Manual of Rules.***

***Allegation: Improper Citation***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Dave Gatian*

*Motion: Carried*

**5. 2021-0242: P.O. Carlos Robles #2283 (3:10:03-3:22:44)**

***Allegation: Improper Procedure***

*Recommendation: Exonerated*

*Motion: Dave Gatian*

*Second: Billy Sharp*

*Motion: Carried*

***Allegation: Damage to Property***

***Recommendation: Unfounded***

*Motion: Dave Gatian*

*Second: Billy Sharp*

*Motion: Carried*

***Allegation: Unprofessional Behavior/ Did not provide badge number***

***Recommendation: Unfounded***

*Motion: Dave Gatian*

*Second: Billy Sharp*

*Motion: Carried*

***P.O. Eric Rost #1587***

***Allegation: Improper Procedure***

*Recommendation: Exonerated*

*Motion: Dave Gatian*

*Second: Billy Sharp*  
*Motion: Carried*

***Allegation: Damage to Property***  
*Recommendation: Unfounded*  
*Motion: Dave Gatian*  
*Second: Billy Sharp*  
*Motion: Carried*

***There is discussion on whether or not the damage to property was the front or back door. Investigator Funari clarified that the back door was unlocked and open. No damage was done even though the complainant stated the door jam and door was damaged.***

6. **2022-0009 P.O. Anthony Leisure #1546 (1:00-5:51) *NOTE: YOTUBE VIDEO RE-STARTED***  
***Allegation: Lack of Service/No Service***  
*Recommendation: Exonerated*  
*Motion: Billy Sharp*  
*Second: Kenneth Mountcastle*  
*Motion: Carried*

***P.O. Arthur Fessler #759***  
***Allegation: Lack of Service/No Service***  
*Recommendation: Exonerated*  
*Motion: Billy Sharp*  
*Second: Ken Mountcastle*  
*Motion: Carried*

***Officer Leisure and Officer Fessler acted in accordance with GPO 5-11-03, given the WCS footage as well.***

7. **2022-0016: P.O. Dominique Anderson #1757 (7:00-14:42)**  
***Allegation: Lack of Service***  
*Recommendation: Exonerated*  
*Motion: Billy Sharp*  
*Second: Diana Cyganovich*  
*Motion: Carried*

***Allegation: Unprofessional Behavior/Conduct***  
*Recommendation: Unfounded*  
*Motion: Dave Gatian*  
*Second: Billy Sharp*  
*Motion: Carried*

***P.O. Stephen Johnson #305***  
***Allegation: Lack of Service***  
*Recommendation: Exonerated*  
*Motion: Billy Sharp*

**Next Meeting:** September 12, 2023

*Second: Diana Cyganovich  
Motion: Carried*

***Officers acted in accordance with Manual Rule 4.18 and 5.09 as well as GPO 1.01.03 and also the WCS footage shows there was no Lack of Service or Unprofessional Behavior/Conduct.***

**8. 2022-00018: P.O. Adrian Neagu #1205 (14:55-20:11)**

***Allegation: Unprofessional Conduct/Behavior***

*Recommendation: Unfounded*

*Motion: Michael Hess*

*Second: Ken Mountcastle*

*Motion: Carried*

***Allegation: Improper Search***

*Recommendation: Exonerated*

*Motion: Michael Hess*

*Second: Ken Mountcastle*

*Motion: Carried*

***Statements from the complainant and subject officer as well as WCS footage from several officers of the encounter indicates that there was no unprofessional conduct that occurred. Officer was consistently polite.***

**9. 2022-0108: Det. Kevin Warnock #1719 (20:24-29:45)**

***Allegation: Improper Procedure***

*Recommendation: Exonerated*

*Motion: Mike Hess*

*Second: Dave Gatian*

*Motion: Carried*

***Allegation: Improper Search***

*Recommendation: Exonerated*

*Motion: Mike Hess*

*Second: Dave Gatian*

*Motion: Carried*

***Det. Michael Harrigan #1519***

***Allegation: Improper Procedure***

*Recommendation: Exonerated*

*Motion: Mike Hess*

*Second: Dave Gatian*

*Motion: Carried*

***Allegation: Improper Search***

*Recommendation: Exonerated*

*Motion: Mike Hess*

**Next Meeting:** September 12, 2023

*Second: Dave Gatian  
Motion: Carried*

**Det. Glenn Detrick #2211**  
***Allegation: Improper Procedure***  
*Recommendation: Exonerated*  
*Motion: Mike Hess*  
*Second: Dave Gatian*  
*Motion: Carried*

***Allegation: Improper Search***  
*Recommendation: Exonerated*  
*Motion: Mike Hess*  
*Second: Dave Gatian*  
*Motion: Carried*

***Chair Mike Hess clarified that this was an older case from 2020, but the complaint wasn't filed until 2022 when he was in prison and at the time this incident occurred, the Gang Impact Unit had not yet been issued WCS, so this is why there is no video of the encounter.***

**10. 2022-0073: P.O. Joseph Danczak #1828 (30:15-42:11)**

***Allegation: Harassment***  
*Recommendation: Sustained*  
*Motion: Dave Gatian*  
*Second: Billy Sharp*  
*Motion: Carried*

***Allegation: Improper Tow***  
*Recommendation: Exonerated*  
*Motion: Dave Gatian*  
*Second: Billy Sharp*  
*Motion: Carried*

***Dave Gatian questioned as to why the investigator went with Harassment as opposed to Unprofessional. Investigator Harris explained because of the pattern of the unprofessional Behavior and due to the amount to times (seven instances), all of which P.O. Danczak #1828 was unprofessional was the reasoning.***  
***Motion by Dave Gatian for a Group II Violation. Second by Billy Sharp. Motion carried.***

**11. 2022-0109: Sgt. Vincent Schneider #9237-Motion by Hess, 2<sup>nd</sup> by Sharp to table until next**

***Allegation: Unprofessional Behavior***  
*Recommendation:*  
*Motion:*  
*Second:*  
*Motion:*

**12. 2022-0021: Det. David Hardy Jr. #292 (48:00-56:04)**

***Allegation: Improper Arrest***

*Recommendation: Exonerated*

*Motion: Mike Hess*

*Second: Kenneth Mountcastle*

*Motion: Carried*

***WCS footage and statements from the complainants and subject officer records of the arrest indicate that the arrest did occur, but was consistent with GPO'S 3.04.01 and 8.02.05 because the complainant refused a field sobriety test.***

**13. 2022-01112: P.O. Brendan Russell #155 (56:12-1:03:34)**

***Allegation: Unprofessional Behavior/Conduct***

*Recommendation: Insufficient Evidence*

*Motion: Billy Sharp*

*Second: Kenneth Mountcastle*

*Motion: Carried*

***Board member Sharp questions if the officer had his WCS on during his encounter with the complainant and if there was video anywhere else. Investigator Szymanski replied that he was on secondary employment and wasn't required to have it.***

**14. 2021-0249: P.O. Nicholas Lombardi #1130 (1:04:21-1:13:03)**

***Allegation: Improper Arrest***

*Recommendation: Exonerated*

*Motion: Billy Sharp*

*Second: Dave Gatian*

*Motion: Carried*

***Allegation: Improper Seizure***

*Recommendation: Exonerated*

*Motion: Billy Sharp*

*Second: Dave Gatian*

*Motion: Carried*

***P.O. Dennis Meehan #2439 (resigned)***

***P.O. Brian Sabolik #1021***

***Allegation: Improper Arrest***

*Recommendation: Exonerated*

*Motion: Billy Sharp*

*Second: Dave Gatian*

*Motion: Carried*

***Allegation: Improper Seizure***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

**Next Meeting:** September 12, 2023



Second: Dave Gatian  
Motion: Carried

**Officers were acting in accordance with Manual Rule 4.11, 4.18 and GPO 2.02.01, 2.02.05 and Cleveland codified ordinance 405-40512**

**15. 2022-0071: P.O. Alex Parente #1221 Motion by Gatian to table due to case not in file (1:13:16-1:14:15)**

**Allegation: Harassment**  
Recommendation:  
Motion:  
Second:  
Motion:

**P.O. Mark Peysha #1340**  
**Allegation: Harassment**  
Recommendation:  
Motion:  
Second:  
Motion:

**Discussion of the Chief's departure for OPS case 2022-0200: P.O. Joseph Danczak #1828. Case will not be appealed. (1:14:51- 1:17:39).**

**Discussion of the Chief's departure for OPS case 2021-0074: P.O. Greer #1065. Case will not be appealed (1:17:44-1:37:20)**

**1:37:30-2:10:04) Discussion regarding a second session in August. Billy Sharp requested information on backlog. Mike Hess makes a motion to hold special meeting to hear cases and work on the backlog. Request that board only vote to approve a second session if they can actually attend the meeting. Second by Sherall Hardy. Motion carried. Continued discussion amongst the board regarding the backlog and having a virtual meeting for the second session and the time of the second session. Ken Mountcastle motioned for the second meeting to be held virtually.**

**III. NEW BUSINESS:** Administrator Perez discussed the NACOLE Conference: Any board member interested in attending the conference in Chicago, it will be paid for from the CPRB budget.

Discussion regarding the new staff of OPS. Motion by Mike Hess to authorize OPS Administrator to hire additional staff. Second by Sherall Hardy. Motion Carried.

**V. OPS REPORT:** Administrator Perez had a discussion regarding all three unions are coming in to OPS to assist investigators in getting an understanding of what they should be recommending to the board when they're making certain recommendations.

Administrator Perez displayed charts on open cases, open cases, complainant process, and case review brief.

**Next Meeting:** September 12, 2023

***Election of Chair and Vice Chair of CPRB***

***Nomination for Chair:*** Ken Mountcastle nominated Billy Sharp. 2<sup>nd</sup> by Sherall Hardy. Billy Sharp accepted his nomination. All members present voted yes. Motion passed.

***Nomination for Vice-Chair:*** Sherall Hardy nominated Mike Hess. 2<sup>nd</sup> by Billy Sharp. Mike Hess accepted his nomination. All members present voted yes. Motion passed.

**IX. ADJOURNMENT**

**Motion to adjourn the meeting by Diana Cyganovich, 2<sup>nd</sup> by Brandon Brown at 2:55 P.M. (2:10:25). Motion carried.**

**Next Meeting:** September 12, 2023