



CITY OF CLEVELAND

Mayor Justin M. Bibb

Civilian Police Review Board Agenda

Tuesday, March 12, 2024

Billy Sharp, Chairman

Marcus Perez, Administrator

**Civilian Police Review Board &
Office of Professional Standards**

205 West St. Clair, 3rd Floor
Cleveland, Ohio 44113

www.clevelandohio.gov/ops

CIVILIAN POLICE REVIEW BOARD
MEMBERS OF THE BOARD

Billy Sharp	Chairman
Michael Hess	Vice Chairman
Dave Gatian	Board Member
Sherall E. Hardy	Board Member
Kenneth Mountcastle	Board Member
Chenoa C. Miller	Board Member
Michael Graham	Board Member
Brandon Brown	Board Member
Diana Cyganovich	Board Member

MEETING NOTICE & AGENDA

The Civilian Police Review Board will hold a public meeting on the following date and time:

Tuesday, March 12, 2024 at 9:00 am

Location:

City Hall

**601 Lakeside Avenue, Room 514
Cleveland, Ohio 44114**

The meeting can be viewed via YouTube:

<https://www.youtube.com/channel/UCjvji5gYnraY74Emrj6N5wg>

Tuesday March 12, 2024

MEETING AGENDA

- I.** CALL TO ORDER Billy Sharp, *Chairman*
- II.** APPROVAL OF MINUTES CPRB
- III.** PUBLIC COMMENT Billy Sharp, *Chairman*
- IV.** PRESENTATION OF INVESTIGATIONS WITH CITIZENS PRESENT Vince Funari
OPS Senior Investigator
- V.** EXECUTIVE SESSION CPRB
 - A.** EMPLOYMENT, DISCIPLINE AND INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST AN EMPLOYEE(S)
- VI.** PRESENTATION OF INVESTIGATIONS Vince Funari
OPS Senior Investigator
OPS Investigative Staff
- VII.** TRAINING SESSION
IA INVESTIGATION OF POLICE MISCONDUCT Christopher Viland
IA Superintendent
- VIII.** OPS STATUS REPORT Vince Funari
OPS Senior Investigator
 - A.** REVIEW OF CHIEF DISCIPLINARY DECISIONS
 - B.** REVIEW OF DIRECTOR DISCIPLINARY DECISIONS
 - C.** UPDATES ON POLICY RECOMMENDATIONS
- IX.** NEW BUSINESS Billy Sharp, *Chairman*
- X.** OLD BUSINESS Billy Sharp, *Chairman*
 - A.** UPDATE ON THE RULE AS IT APPLIES TO VOTING TO DISCIPLINE AN ENTIRE UNIT Law Department
- XI.** ADJOURNMENT Billy Sharp, *Chairman*

Presentation of Investigations

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	23-196	Radio	Szymanski	Unprofessional Behavior Lack of Service	Dispatcher Debra V Brewer Allegation: Unprofessional Behavior Recommendation: Motion: Second: Allegation: Lack of Service Recommendation: Motion: Second:
2	23-282	Durham	Szymanski	Unprofessional Behavior	P.O. DeAngelo L. Rembert #1574 Allegation: Unprofessional Behavior Recommendation: Motion: Second:
3	23-288	Daniels	Szymanski	Unprofessional Behavior Unprofessional Behavior	P.O. Zhane' Mills #323 Allegation: Unprofessional Behavior Recommendation: Motion: Second: P.O. Diovanni R Smith #285 Allegation: Unprofessional Behavior Recommendation: Motion: Second:
4	23-289	Pollard	Harris	Bias Policing Bias Policing	Detective David L. Oliver #808 Allegation: Bias Policing Recommendation: Motion: Second: P.O. Peter A. Sains #497 Allegation: Bias Policing Behavior/Conduct Recommendation: Motion: Second:
5	23-105	Sanders	Traxler	Unprofessional Behavior	Sergeant Anthony McMahan #9093 Allegation: Unprofessional Behavior Recommendation: Motion: Second:
6	22-288	Mooney	Khabir	Unprofessional Behavior	Sergeant Albert D. Oliver #9220 Allegation: Unprofessional Behavior

					Recommendation: Motion: Second:
7	22-269	Murphy	Bowker	Lack of Service	Detective Niccolo Angelino #720 Allegation: Lack of Service Recommendation: Motion: Second:
				WCS Violation	Allegation: WCS Violation Recommendation: Motion: Second:
8	22-310	Watts	Bowker	Lack of Service	Sergeant Kyle Nicolas Campbell #9320 Allegation: Lack of Service Recommendation: Motion: Second:
				Unprofessional Behavior	Allegation: Unprofessional Behavior Recommendation: Motion: Second:
				WCS Violation	Allegation: WCS Violation Recommendation: Motion: Second:
				Lack of Service	P.O. Joshua P. Howe #1190 Allegation: Lack of Service Recommendation: Motion: Second:
				Unprofessional Behavior	Allegation: Unprofessional Behavior Recommendation: Motion: Second:
				WCS Violation	Allegation: WCS Violation Recommendation: Motion: Second:

				<p>Lack of Service</p> <p>Unprofessional Behavior</p> <p>WCS Violation</p> <p>Lack of Service</p> <p>Unprofessional Behavior</p> <p>WCS Violation</p>	<p>P.O. Bruce R. Smith III #2328 Allegation: Lack of Service Recommendation: Motion: Second:</p> <p>Allegation: Unprofessional Behavior Recommendation: Motion: Second:</p> <p>Allegation: WCS Violation Recommendation: Motion: Second:</p> <p>P.O. Logan A. Weber #2425 Allegation: Lack of Service Recommendation: Motion: Second:</p> <p>Allegation: Unprofessional Behavior Recommendation: Motion: Second:</p> <p>Allegation: WCS Violation Recommendation: Motion: Second:</p>
9	22-028	Norman	Smith	<p>Unprofessional Behavior</p> <p>WCS Violation</p>	<p>P.O. Anthony Von Mayhem #2396 Allegation: Unprofessional Behavior Recommendation: Motion: Second:</p> <p>Allegation: WCS Violation Recommendation: Motion: Second:</p>

Departure(s) From the Chief or Director

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	RECOMMENDATION	CHIEF'S DECISION
1	22-116	Khabir	Bowker	The CPRB recommended a Group III discipline level for Sgt. Lance Henderson #9238 - Improper Stop when he improperly stopped a citizen openly carrying a firearm, violating General Police Order 2.02.01, Manual of Rules 1.06, 2.02, 2.03, 2.04, and 5.01, and Divisional Notice 21-026.	Chief Director of Safety Howard Departed from the CPRB recommendation and found Sgt. Henderson Not Guilty of the allegation of Improper Stop , citing that multiple shooting incidents occurred during that time and in close proximity of the location where the "stop" occurred and that it was Sgt. Henderson's responsibility is to investigate these incidents with due diligence.
2	21-044	Hopson	Funari	The CPRB recommended a Group I discipline level for P.O. Jeffrey Simko, #629 – Lack of Service when he failed to properly fill out the complainant's accident report, violating Manual of Rules 4.04	Chief Director of Safety Howard Departed from the CPRB recommendation and found P.O. Simko Not Guilty of the allegation of Lack of Service , citing the delay in filing the complaint. The incident occurred on August 30, 2020. However, the complaint was not filed until March 4, 2021. The delay prohibits discipline as it is beyond the 6-month time frame allowed in the Collective Bargaining Agreement (Bill of Rights, Article 7, Section M). Additionally, P.O. Simko accidentally switched the names of the passenger (complainant) and the motor vehicle driver in the OH-1 Crash Report. Upon the complainant notifying P.O. Simko of the error, he rectified the error by completing the required paperwork the same day. He assured the complainant that he would be willing to assist them if any other issues arose.

Statics on Cases for the March Meeting

INVESTIGATION STATUS:	02/13
Abridged:	4
Standard:	5
Complex:	0
Harassment:	0
Excessive Force:	0
Lack of Service:	6
Unprofessional Behavior/Conduct	11
Bias Policing	2
WCS Violation	6
IMPROPER PROCEDURE:	
Improper Citations	0
Improper Search	0



Summary Investigation Out-Brief

Investigator – Joseph Szymanski
OPS Case # 2023 - 0196 - Complainant – Violet Alice Radio
Subject – Dispatcher Debra Brewer #135

Administrative/Case Information

Status: Open/(Aug. 9, 23)/Closed/(Jan. 16, 24)/# of Days (160)

Classification: Standard.

Initial Allegation(s): Lack of Service. Unprofessional Behavior/Conduct.

References: *Policy and Procedures – Bureau of Communications and Property Control Communications Control: Section - No. 1.1.17 - Call Taking Procedures. City of Cleveland, Ohio Website – Cleveland Division of Police – “When to Call or Text 911 for Police.” Cornell Law – Legal Information Institute – Definition of Emergency.*

Evidence Collection: Citizen Complaint, LERMS Reports, Bureau of Communication Recordings, CDP Event Search Summary, Civilian and Dispatcher Statements, and Correspondence.

Case Summary: 08-09-23, OPS received a complaint from Violet Alice Radio. She alleged placing a call on 08-9-23 at 1:05 P.M. and connected to [Dispatcher Debra Brewer #135]; describing an emergency need for Domestic Violence protection. [Dispatcher Brewer] was degrading, disrespectful, dismissive, yelled at her, and hung up abruptly. 08-14-23, in her OPS interview, [Dispatcher Brewer] told her, "Okay, well, that's not relevant," and used a sharp tone. When [Dispatcher Brewer] had called back, she could have transferred her, said something to her, or provided a pathway or validation instead of hanging up. The complainant stated she had to call and speak to a different dispatcher to receive the needed service.

Key Findings

Dispatcher Brewer **did not** comply with **No. 1.1.17 - Section III. (F.), Section VIII., and Section IX.** She should have provided an adequate referral and assisted with the complainant's concerns by inquiring if she needed to make a report, connected her to the non-emergency number, or provided her the non-emergency number in connection to her 2019 concerns and concerns of her mother's attempts to access her medical records that day. Dispatcher Brewer told the complainant her matter was not a police matter. The complainant attempted to explain. Dispatcher Brewer appeared to act too expeditiously, leaving the call either by leaving or hanging up the call and then ending/terminating the call. She did not advise the complainant on the next course of action that would be taken, as the complainant politely requested for her to remain on the line.

Cleveland Division of Police - "When to Call or Text 911 for Police," provided the police **non-emergency** number should be called when police assistance is needed and there is no immediate danger. The call placed to 911 appeared to be not an **emergency**, as defined above. Dispatcher Brewer **complied** with **No. 1.1.17 – “POLICY”** and **Section “III. (A.)”** as her tone of voice and manner of speech were appropriate as she displayed wanting to expedite the gathering of the facts efficiently and promptly to determine and collect the complainant’s concerns she had on the day of the call. She confirmed that the complainant was alone at her residence and not in immediate danger. She confirmed the complainant’s concerns regarding her parents that occurred in 2019.

Recognition

The complainant requested OPS to make mention of **Dispatcher Lisa L. Carbone #141, P.O. Mark Stahovec #1275, P.O. Ronnie Robinson-Frazier #159, and CIT P.O. Edgar Roque #423.** She wanted them recognized for the service provided to her as they were the most professional individuals. She stated that they gave her the treatment and respect she needed.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service/ No Service	WCS Violation	Unprofessional Behavior/ Conduct	Improper Procedures	Biased Policing	Missing/Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Joseph Szymanski
OPS Case # 2023 - 0282 - Complainant – Crystal Durham
Subject – P.O. DeAngelo Rembert #1574

Administrative/Case Information

Status: Open/(Dec. 04, 23)/Closed/(Feb. 05, 24)/# of Days (63)

Classification: Abridged.

Initial Allegation(s): Unprofessional Behavior/Conduct.

References: *CDP Manual of Rules and Regulations: Section V. Behavior 5.01.*
Cleveland Codified Ordinances: § 604.03 Control of Dogs that Pose a Threat to Public Safety.

Evidence Collection: Citizen Complaint, LERMS Reports, WCS, Complainant Statement, Google Map Canvass – Located Residential Address, and Correspondence.

Case Summary: 12-04-23, OPS received a complaint from Crystal Durham. 12-02-23, she let her dog out and alleged that an officer across the street was unprofessional, yelling at her to put her dog on a leash and placing his hand on his firearm. 12-11-23, in her OPS interview stated the officer was “Just doing too damn much. Bottom line,” and believed the officer was “unprofessional and very obnoxious.”

Key Findings

P.O. Rembert complied with **5.01** of the *CDP Manual Rules and Regulations* and **§ 604.03** of the *Cleveland Codified Ordinances*. WCS didn't reveal P.O. Rembert yelling, screaming, or engaging in conduct, speech, or acts that would diminish the esteem of CDP or personnel in the eyes of the public. P.O. Rembert heightened his tone to lawfully order the complainant to put her dog on a leash as she didn't have a fence on her property. P.O. Rembert's verbiage complied with **§ 604.03**, as while a dog is on the owner's premises, it must be confined indoors, in a locked pen, a structure designed to prevent the dog from escaping, or in a locked fenced yard. Any enclosure that protects the dog from the elements. WCS showed the dog was not leashed, and the complainant did not have a fenced-in yard. P.O. Rembert was concerned as the dog exited. He warned P.O. Tipton, placed his hand on his firearm, appearing as a precautionary measure, and mentioned he would jump in the truck than discharge his firearm.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service/ No Service	WCS Violation	Unprofessional Behavior/ Conduct	Improper Procedures	Biased Policing	Missing/Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Joseph Szymanski

OPS Case # 2023 - 0288 - Complainant – Sabrina Daniels

Subject – P.O. Zhane Mills #323 & P.O. Diovanni Smith #285

Administrative/Case Information

Status: Open/(Dec. 06, 23)/Closed/(Feb. 05, 24)/# of Days (61)

Classification: Abridged.

Initial Allegation(s): Unprofessional Behavior/Conduct

References: CDP Manual of Rules and Regulations: Section V. Behavior 5.01.

Evidence Collection: Citizen Complaint, LERMS Reports, WCS, Complainant Statement, District Lobby Video, and Correspondence.

Case Summary: 12-06-23, OPS received a complaint from Sabrina Daniels; alleging on 12-03-23, officers were unprofessional when filing an OH-1. They were joking around with each other and conversing with the other party, [Lilly Beers], as an officer attempted to gather information for the report, and it had taken approximately over 40 minutes to complete the report.

Key Findings

Lobby Footage and **WCS** revealed that P.O. Mills and P.O. Smith complied by **5.01**. They did not engage in any behavior, acts, or conduct that would diminish the esteem of the division. They did not joke around with each other or another officer, as alleged. P.O. Mills had giggled a few times when an unidentified officer inquired if she would have liked a coffee and something to eat. However, she apologized and immediately assisted once she noticed the complainant had approached the front lobby desk. Her behavior with the officer does not rise to a level of unprofessional behavior/conduct. During her encounter, she immediately acted upon the complainant's request for a police report for an MVA and provided service. Throughout P.O. Mills' interaction with the complainant, there was *no unreasonable delay*, taking her *37 minutes* to provide the complainant with a report.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service/ No Service	WCS Violation	Unprofessional Behavior/ Conduct	Improper Procedures	Biased Policing	Missing/Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator: Hercules Harris

OPS Case # 2023-0289 - Complainant: Mario Pollard

Subject Officers: P.O. Peter Sains #497 & Det. David Oliver #808

Administrative/Case Information

Status: Open (12/12/2023) / Closed (3/1/2024) (Open 80 days)

Investigation Type: Standard

Initial Allegation #1: Bias Policing

Other Matters: N/A

References: GPO 1.07.08 - Members shall make decisions related to law enforcement activities based upon observed behavior, reasonable suspicion, and/or probable cause.

Evidence Collection: Surveillance video from Jack Entertainment

Case Summary: On 12/11/2023, the Office of Professional Standards (OPS) received a complaint from Mario Pollard. In his complaint, Mr. Pollard said he entered Jack Casino to use the restroom. After several minutes, Cleveland Police Officers knocked on the stall door and accused him of smoking marijuana in the restroom. When he exited the stall, the officers escorted him out of the building for smoking inside of the facility. Mr. Pollard stated he wasn't smoking inside the restroom and doesn't smoke at all.

Key Findings:

Narrative: OPS reviewed the surveillance footage from the casino and Mr. Pollard was seen entering the restroom. Two minutes later, a staff member can be seen standing outside of the restroom. Officer Sains arrived at the restroom first followed by Det. Oliver. The officers were inside of the restroom for five minutes before all parties exited. Officer Sains and Det. Oliver escorted Mr. Pollard out of the casino without incident.

All law enforcement decisions were made according to the facts presented to the officers on scene. Mr. Pollard was in the same stall as the janitorial serves, Environmental Services, (EVS) said they saw someone smoking. Mr. Pollard and the officers all agreed there was tobacco and other paraphernalia on the floor of the same stall Mr. Pollard was in. Officer Sains saw smoke coming from above Mr. Pollard's stall and smelled burnt marijuana in the restroom. Mr. Pollard picked up the paraphernalia from the floor and flushed it down the toilet as he exited. Mr. Pollard was the only one in the restroom during the incident. Based on this information, it is reasonable for the officers to believe Mr. Pollard was smoking in the restroom, even though he denied it. The officers said it is the casino's policy to remove anyone that's believed to be smoking, especially when it is marijuana. There are signs posted throughout the casino stating the smoking of marijuana is prohibited. For this reason, Mr. Pollard was asked to leave the casino. Mr. Pollard was on private property and the casino has the right to choose who they allow inside their establishment. There wasn't any evidence discovered throughout the investigation that indicated the officers' decision to have Mr. Pollard removed from the casino was based on race. Lastly, Mr. Pollard stated the officers were professional and didn't use any force.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Kristen Traxler
Case # OPS 2022-0105 - Complainant Sonya Sanders
Subject: Sgt. Anthony McMahan, #9093

Administrative/Case Information

Status: Open 5/10/2023 / Closed 2/26/2024 (292 Days)

Investigative Report

Initial Allegation #1: Unprofessional Behavior/Conduct

Other Matters: N/A

References:

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police

5.01 Personnel shall not engage in any conduct, speech or acts while on duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.

5.09 Personnel shall be courteous and respectful in their speech, conduct and contact with others.

Evidence Collection:

OPS Interview with Sgt. Anthony McMahan DURATION: 00:04:10
OPS Interview with Ms. Sonya Sanders DURATION: 00:09:00

Case Summary: On 5/10/2023, Ms. Sonya Sanders filed a complaint with OPS alleging unprofessional behavior/conduct on the part of Sgt. Anthony McMahan, #9093. Ms. Sanders stated that she called the District 3 police station on the date, to inquire about the date and time for the next CPC meeting. Sgt. McMahan was the OIC that day and took Ms. Sander's call. Ms. Sanders alleges that Sgt. McMahan was rude and unprofessional and ultimately hung up on her. Ms. Sanders added that she was not provided with Sgt. McMahan' name and badge number when she requested it.

Key Findings:

Narrative:

Ms. Sanders stated she called the 3rd District on 5/10/2023 but had difficulty recalling the reason, as much time had elapsed. After some discussion, Ms. Sanders could recall contacting the police to obtain a date for the next CPC meeting. Ms. Sanders stated that Sgt. McMahan answered the phone and was rude and unprofessional to her. She said that he would not provide his name or badge number. Upon review the OPS complaint form, Ms. Sanders did in fact indicate the Officer's name and badge number, which suggests that the information was provided to her. Sgt. McMahan stated that he was trained to always provide his name and badge number as soon as he answers the phone and reiterated that several times during his OPS interview. While Sgt. McMahan did not recall hanging up on Ms. Sanders, he did admit that he had disconnected calls in the past when the conversation became hostile, vulgar and no longer a productive experience.

The police districts generally do not record calls on the non emergency numbers.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Hamza Khabir

Case # 2022-0288

Subject Patrol Officer Sgt. Albert Oliver #9220

Administrative/Case Information

Status: Open 11/08/2022 – 02/23/24 (472 days)

Investigative Report

Initial Allegation #1: Unprofessional behavior

Other Matters: N/A

References: (The Manual of Rules for CPD, 5.01, 5.08, and 5.09)

Case Summary: On November 14, 2022, the Office of Professional Standards (OPS) received a complaint from Ms. Monica Mooney alleging that Sgt. Albert Oliver was unprofessional to her during an encounter while she was working as the store manager at Dollar General. Ms. Mooney stated Sgt. Oliver was taking the side of Ms. Fisher, and was not being impartial. Additionally, she stated, that after having a dispute with Ms. Barbra Fisher regarding a cash back transaction of \$10.00, Ms. Fisher contacted the CDP, to help resolve the matter. The store policy is to not issue cash back. However, the option for cash back is available to be selected via the card payment system. Ms. Mooney felt that officer was very rude, aggressive, smart mouthed, and disrespectful with how he handled the situation.

Evidence Collection:

WCS footage from Sgt. Oliver: Duration [00:13:16](#)

Complainant interview Duration: [00:23:22](#)

Key Findings:

Narrative:

OPS reviewed Sgt. Oliver’s WCS and the Incident Report for the encounter. According to Sgt. Oliver’s WCS, he was professional and polite, during the entire encounter. OPS interviewed Ms. Mooney and it was determined that the encounter was consensual. Ms. Mooney acknowledged she could have ended the interaction at any time. However, Ms. Mooney felt that Sgt. Oliver was only advocating on Ms. Fishers behalf. Sgt. Oliver was trying to understand why Ms. Fisher could not get her money back and he was operating under good faith. Several questions about store policy and how to prevent this issue from occurring again were discussed. Lastly, there was some reasonable frustration by Sgt. Oliver that nothing could be done for Ms. Fisher who needed that \$10.00 to purchase her medication as she is on a fixed income.

Sgt. Oliver was in compliance with Manual Rule 5.01, which reads, “Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Cleveland Division of Police or its personnel in the eyes of the public.” 5.08, “Personnel shall conduct themselves in such a manner as to command the respect of the public,” and 5.09, “Personnel shall be courteous and respectful in their, speech, conduct, and contact with others.

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / Insufficient	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Art Bowker

OPS Case # 2022-0269 - Complainants: Jan Leszczak and Victor Murphy

Subject Officer: Niccolo Angelino #720

Administrative/Case Information

Status: Open (August 1, 2022) / Closed (January 30, 2023): Total 182 days

Investigation Type: Standard

Initial Allegation #1: Lack of Service

Other Matters: 2#: WCS Violation

References: The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police (Manual) Sections 3.12, 4.03, 4.18, General Police Order (GPO) 8.1.01, 4.06.04 WCS

Evidence Collection: Complainants' interview, Officer Interview, OH-1 Report

Case Summary: On October 27, 2022, the complainants allege that Officer Niccolo Angelino #720 incorrectly reported an August 2, 2022 the accident location on an OH-1 Report and failed to correct the report when requested.

Key Findings:

Narrative: On August 1, 2022, Frank Leszczak's vehicle was struck from behind at the intersection of Bridge Avenue and West 65th Street.

On August 2, 2022, he and his wife went to the 2nd District to report the accident. They met with Officer Angelino in the lobby, who did not have his WCS on. Officer Angelino took the report and completed an OH-1 Report.

Upon later reviewing the report Leszczak observed the accident location was listed as Lake and Clifton.

Leszczak and his daughter Victoria Murphy attempted to get Officer Angelino to create a supplement report but he refused, noting the Hit-Skip Unit would address it.

- Briefed to Complainant:
- Did Complainant Request Additional Support:
- Briefed to CDP Officer or Employee:
- Policy or Training Recommendation:

Lack of Service / No Service	Improper Procedure (WCS)	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Art Bowker

OPS Case # 2022-0310 - Milton Watts

Officers: Bruce Smith #2328, Kyle Campbell #2355, Logan Weber #2425, and Joshua Howe #1190

Administrative/Case Information

Status: Open (December 14, 2022) / Closed (February 8, 2023): Total 56 days

Investigation Type: Standard

Initial Allegation #1: Lack of Service, **#2:** Failure to Activate WCS

References: The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police (Manual) Sections 4.11, 4.18, 9.01, and 9.05. General Police Order (GPO) 4.6.04

Evidence Collection: WCS footage and Incident Report 2022-00623022

Case Summary: On December 14, 2022, the complainant alleged in a written document that unnamed officers refused to provide emergency services, swore false statements about him breaking and entering, failed to activate their WCS, failed to file a police report, and took his “unconscious body” for one and half hours before putting him in jail.

Key Findings

Narrative: Three attempts to reach the complainant for further details were unsuccessful. OPS identified a single incident, 2022-00-263-033 which occurred on September 8, 2022 which involved the complainant being arrested for breaking and entering and being transported to St. Vincent Charity Hospital for treatment.

WCS footage for officers reflect them arresting a female at the site of a break-in. She indicates her address is 3075 East 67th Street.

While transporting the female, officers receive a dispatch report identifying the complainant, who was seen at the break-in scene, at 3075 East 67th Street, the same address provided by the arrested female.

Officers arrive at 3075 East 67th Street and place the complainant under arrest. Upon taking him into custody he complains that he fell and broke his arm.

WCS footage reflects officers immediately transporting him to the hospital where he was treated. Officers remained at the hospital and upon him receiving treatment he was immediately transported to the Cuyahoga County Jail.

The break-in victim provided a statement to police as well as a video and photo identifying the complainant as being the individual who had broke into his business. The complainant was later indicted for the offense.

- Briefed to Complainant:
- Did Complainant Request Additional Support:
- Briefed to CDP Officer or Employee:
- Policy or Training Recommendation:

Lack of Service / No Service	Improper Procedure (WCS)	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Summary Investigation Out-Brief

Investigator – Jermaine A. Smith
OPS Case # 2022-0028 - Complainant: Cynthia Norman
Subject Officer: P.O. Anthony VonMayhem #2396

Administrative/Case Information

Status: Open August 17, 2022/ Closed October 16, 2022, (64 days)

Investigation Type: Standard

Initial Allegation #1: Unprofessional Behavior/ Conduct

Other Matters #2: P.O. A. VonMayhem- WCS Violation

References: The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police Section V: Behavior, 5.01, 5.09 Cleveland Division of Police (CDP) General Police Order 1.01.03 Standards of Conduct and Courtesy, 4.06.04 WCS

Evidence Collection: CDP Duty Report, CDP Daily duty Assignment, CDP Incident Report, WCS Video, Recorded Statements, Email,

Case Summary: On January 28, 2022, OPS received a complaint (via mail) from Cynthia Norman. In her complaint Ms. Norman alleged CDP P.O. A. VonMayhem #2396 was rude and unprofessional to her during their encounter at CDP District 3 station, on January 27, 2022.

Key Findings:

Narrative:

On January, 27, 2022, Ms. Norman met with P.O. VonMayhem, upon arrival to CDP District 3. Ms. Norman advised P.O. VonMayhem of her intent to file a police report of Telecommunications Harassment against her sister-in-law. However, P.O. VonMayhem advised Ms. Norman she should report the offense to CDP District 4 officers, because Ms. Norman’s residential address is located in District 4. After learning Ms. Norman’s residence was located in CDP District 4.

Ms. Norman voiced her displeasure with his response and P.O. VonMayhem’s conversation intensified. Subsequently leading to Ms. Norman requesting to speak with P.O. VonMayhem’s supervisor.

Upon request CDP Sgt. McMahan intervened and assigned P.O. Small to speak with Ms. Norman. Ms. Norman references P.O. VonMayhem’s poor attitude to both P.O. Small and Sgt. McMahan. Ms. Norman also referenced P.O. VonMayhem’s mention of Norman being sassy. P.O. Small filed Ms. Norman’s complaint without further incident.

During the investigation, an email correspondence from CDP Deputy Chief D. Todd noted the reported incident occurred just as Ms. Norman stated. Deputy Chief Todd’s email followed her review of District 3 lobby video, as P.O. VonMayhem did not activate his WCS during his encounter with Ms. Norman. Additionally, now Chief Dorothy Todd, again stated via email, that her statement was “in support of the citizen.”

- Briefed to Complainant: N/A
- Did Complainant Request Additional Support: N/A
- Briefed to CDP Officer or Employee: N/A
- Policy or Training Recommendation: N/A

Lack of Service / No Service	Improper Procedure (WCS)	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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