

CIVILIAN POLICE REVIEW BOARD

OFFICE OF PROFESSIONAL STANDARDS

December 12, 2023

MEETING MINUTES

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

The next meeting will be held via WebEx

<https://cityclevelandoh.webex.com/cityclevelandoh/j.php?MTID=m1d33399dc7219eb4e936d8c4d23942c5>

CPRB MEMBERS

Billy Sharp, Chair

Mike Hess, Vice Chair

Ken Mountcastle

Dave Gatian

Sherall Hardy

Brandon Brown

Michael Graham

Chenoa Miller

Diana Cyganovich

LEGAL COUNSEL

David Frantz

Lillian Hall

OPS

Marcus Perez, Administrator

Art Bowker, Investigator

Vincent Funari, Interim Sr. Investigator

Hercules Harris, Investigator

Joe Szymanski, Investigator

Susan Lanman, Investigator

Kristen Traxler, Investigator

Jermaine Smith, Investigator

Abby O'Neill, General Manager

BOLD: IN ATTENDANCE

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|-------|--|--------------------------------|
| I. | APPROVAL OF MINUTES | Billy Sharp |
| II. | PUBLIC COMMENT | |
| III. | NEW BUSINESS | |
| IV. | PRESENTATION OF INVESTIGATIONS | Vince Funari, Sr. Investigator |
| V. | OPS REPORT | Vince Funari, Sr. Investigator |
| | A. REVIEW OF CHIEF DISCIPLINARY DECISIONS | Vince Funari, Sr. Investigator |
| VI. | POLICY UPDATES | Vince Funari, Sr. Investigator |
| VII. | COMMITTEE REPORTS | |
| VIII. | UNFINISHED BUSINESS | |
| IX. | ADJOURNMENT | |

Next Meeting: January 9, 2024

I. MEETING CALLED TO ORDER AT (34:57)

ROLL CALL AND INTRODUCTIONS: 9:06 A.M. (35:10)

II. APPROVAL OF MINUTES: (36:17)

III. PUBLIC COMMENT: Dakota Kennedy states that she reached out to the board chair for a comment on Marcus Perez and had not received a response, so she was hoping to hear from the board to with the public about what's happening regarding the ongoing HR investigation and Perez's voluntary leave. Chair Sharp responded that the board's comment at this time is that we are in an ongoing investigation and we'll have no further comment until the investigation is complete(37:18-38:04).

IV. PRESENTATION OF INVESTIGATIONS: (NO COMPLAINANTS PRESENT)

1. 2023-0214: P.O. Bailey Gannon #1579 (38:38-50:00)

Allegation: Unprofessional Behavior/Conduct

Recommendation: *Unfounded*

Motion: Michael Graham

Second: Brandon Brown

Motion: Carried

Allegation: Improper Entry

Recommendation: Unfounded

Motion: Mike Graham

Second: Sherall Hardy

Motion: Carried

Allegation: Improper Warrant Service

Recommendation: Unfounded

Motion: Mike Graham

Second: Sherall Hardy

Motion: Carried

P.O. Adam Hayes #2163

Allegation: **Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Mike Graham

Second: Sherall Hardy

Motion: Carried

Allegation: Improper Procedure

Recommendation: Unfounded

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Motion: Mike Graham
Second: Sherall Hardy
Motion: Carried

Allegation: Improper Warrant

Recommendation: Unfounded
Motion: Mike Graham
Second: Sherall Hardy
Motion: Carried

The preponderance of the evidence which includes WCS shows that the conduct did not occur.

2. 2020-0195: Lt. Edward Lentz #8519 (50:19-1:42:51)

Allegation: Excessive Force

Recommendation: Sustained

Motion: Billy Sharp

Second: Chenoa Miller

Abstain: Diana Cyganovich (due to knowing the family)

Abstain: Dave Gatian (due to just entering the meeting)

Abstain: Mike Graham (due to having prior dealings with officers)

Motion Carried

Motion carried. Member Hardy questioned why do policy recommendations have to be posted to the OPS website, prior to the board reviewing it because this is something that hasn't been done before. Investigator Bowker responded that this is something new. Member Hardy questioned if this is something that has been approved by the Law Department. Sr. Investigator Funari responded that when speaking to the Administrator in the past, policy recommendations will be posted 72 hours prior to the meeting. After a lengthy discussion amongst the board members, Chair Sharp motioned for a Group Three (3) Violation for Excessive Force, 2nd by Sherall Hardy. Abstained: Cyganovich, Gatian and Graham for the reasons stated above.

Allegation: Improper Procedure/Avoid Impropriety Violation

Recommendation: Sustained

Motion: Billy Sharp

Second: Sherall Hardy

Abstain: Diana Cyganovich, Dave Gatian and Mike Graham (for the reasons stated above)

Motion Carried

Det. Thomas Barnes #38

Allegation: Excessive Force

Recommendation: Exonerated

Motion: Billy Sharp

Second: Sherall Hardy

Abstain: Diana Cyganovich, Dave Gatian and Mike Graham (for the reasons stated above)

Motion Carried

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3. 2023-0163: P.O. Timothy Hannon #2065 (1:43:08-1:51:00)

Allegation: Improper Procedure

Recommendation: Unfounded

Motion: Mike Hess

Second: Sherall Hardy

Motion: Carried

P.O. Mason Sefcik #539

Allegation: Improper Procedure

Recommendation: Unfounded

Motion: Mike Hess

Second: Sherall Hardy

Motion Carried

The preponderance of the evidence including WCS footage and follow-up reports of the Incident indicate that the alleged conduct did not occur. The questioning of the complainant's son was consistent with CDP policy.

4. 2023-0244: P.O. Rodney Davis #298 (1:51:21-1:55:42)

Allegation: Harassment

Recommendation: Insufficient Evidence

Motion: Billy Sharp

Second: Mike Hess

Motion: Carried

Based on the preponderance of the evidence of no WCS footage and the officer's statements.

5. 2022-0197: P.O. Joshua Howe #1190 (1:56:01-2:08:46)

Allegation: Unprofessional Behavior

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Motion: Carried

P.O. Brandon Betley #1790

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Motion: Carried

Sgt. David Harris #9146

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

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Motion: Billy Sharp
Second: Mike Hess
Motion Carried

Based on the preponderance of the evidence and statements that were taken.

P.O. Gregory Barnett #2119
Allegation: Unprofessional Behavior/Conduct
Recommendation: Insufficient Evidence
Motion: Billy Sharp
Second: Mike Hess
Motion Carried

Based on WCS footage, reports and statements given.

P.O. Kyle Bachman #1996
Allegation: Unprofessional Behavior/Conduct
Recommendation: Exonerated
Motion: Billy Sharp
Second: Mike Hess
Motion Carried

Based on the preponderance of the evidence, WCS footage and statements that were given.

P.O. Dylan Coda #1927
Allegation: Unprofessional Behavior/Conduct
Recommendation: Sustained
Motion: Billy Sharp
Second: Mike Hess
Motion Carried

Based on WCS footage, Officer Coda was in violation of Manual Rule 5.09. Member Graham motioned for a Group I Violation, 2nd by Member Miller. Motion carried. Motion for a Letter of Re-Instruction by Member Graham, 2nd by Chair Sharp. Motion carried.

6. ***2022-0316: P.O. Katie Medwid #1184 (2:09:06-2:20:24)***
Allegation: Excessive Force
Recommendation: Exonerated
Motion: Brandon Brown
Second: Sherall Hardy
Motion: Carried

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P.O. Lawrence McGervey #2352

Recommendation: Excessive Force

Motion: Brandon Brown

Second: Sherall Hardy

Motion: Carried

Member Brown questioned if there was a way to know if the handcuffs were actually double locked or not because the officer said he didn't really remember. Investigator Harris responded that there was really no way to know and this is why the officer said he didn't remember. There was discussion that this was not an extraordinary circumstance but more of a crises situation because the complainant was hitting her head inside of the zone car. The handcuffs may not have been tight when the officer first put them on her, but as she moved around in the rear of the zone car, the cuffs may have become tighter

7. 2023-0055: P.O. Zachary Banks #645 (2:20:41-2:25:17)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

P.O. Anthony Estremera #799

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Brandon Brown

Motion: Carried

Based on WCS footage, officers were in compliance with Manual Rule 5.09.

8. 2023-0154: P.O. Jordan Tooley #954 (2:25:34-2:34:43)

Allegation: Excessive Force

Recommendation: Exonerate

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

Allegation: Bias Free Policing

Recommendation: Unfounded

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

P.O. Claire Fredriks #562

Allegation: Excessive Force

Recommendation: Exonerate

*Motion: Mike Hess
Second: Billy Sharp
Motion: Carried*

Allegation: Bias Free Policing
*Recommendation: Unfounded
Motion: Mike Hess
Second: Billy Sharp
Motion: Carried*

Sgt. Carma Crosby
Allegation: Excessive Force
*Recommendation: Unfounded
Motion: Mike Hess
Second: Billy Sharp
Motion: Carried*

Allegation: Bias Free Policing
*Recommendation: Unfounded
Motion: Mike Hess
Second: Billy Sharp
Motion: Carried*

The preponderance of the evidence which includes WCS footage of the incident indicates that force was used, but the force used was consistent with the Use of Policy, GPO 2.01.03.

9. 2022-0271: P.O. Maria Rodriguez #1537 (2:35:04-2:38:30)

Allegation: Unprofessional Behavior/Conduct
*Recommendation: Unfounded
Motion: Mike Graham
Second: Billy Sharp
Motion: Carried*

P.O. Melissa Marquard #1760 (Retired)

WCS recordings revealed that the unprofessional behavior conduct did not occur.

10. 2023-0004: STO Avery Edge #38 (2:38:55-2:53:57)

Allegation: Lack of Service/No Service
*Recommendation: Sustained
Motion: Sherall Hardy
Second: Mike Hess
Motion: Carried*

P.O. Bryan Peters #1300
Allegation: Lack of Service/No Service

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Recommendation: Sustained
Motion: Sherall Hardy
Second: Mike Hess
Motion Carried

Allegation: WCS Violation
Recommendation: Sustained
Motion: Sherall Hardy
Second: Billy Sharp
Motion Carried

Motion for a Group I violation with a Letter of Re-Instruction for by Member Hardy, 2nd by Member Miller. Motion carried.

11. 2022-0293: P.O. Gregory Barnett #2119 (3:18:33-3:29:08)

Allegation: Lack of Service/No Service
Recommendation: Exonerated
Motion: Sherall Hardy
Second: Billy Sharp
Motion: Carried

Allegation: Unprofessional Behavior/Conduct
Recommendation: Unfounded
Motion: Sherall Hardy
Second: Billy Sharp
Motion: Carried

12. 2022-0300: P.O. Cody Ratliff #375 (3:29:23-3:49:10)

Allegation: Lack of Service/No Service
Recommendation: Exonerated
Motion: Mike Hess
Second: Billy Sharp
Motion:

P.O. Sean Donovan #1084
Allegation: Lack of Service/No Service
Recommendation: Exonerated
Motion: Mike Hess
Second: Billy Sharp
Motion: Carried

Allegation: Unprofessional Behavior/Conduct
Recommendation: Unfounded
Motion: Billy Sharp
Second: Chenoa Miller
Motion: Carried

Sgt. Cody Sheets #9322

Allegation: WSC Violation

Recommendation: Sustained

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

Chair Sharp voiced concerns with giving out WCS Violations and CDP is going to 12 Hour shifts and mandatory second shifts. Chair Sharp questioned where the gun was found In the car. Investigator Smith it doesn't say in the report where the gun was confiscated from. Group Level I violation for Sgt. Sheets for not putting the WCS in his duty report. 2nd by member Hardy. Motion carried. Chair Sharp states that if shifts are going to be 12 hour shifts, there should be an update regarding the WCS policy.

13. 2021-072: P.O. Thomas Bowser #262 (3:49:30-4:25:19)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Sustained

Motion: Billy Sharp

Second: Sherall Hardy

Abstain: Graham **(Knows one of the officers and has a professional relationship with his brother)**

Motion: Motion carried

Allegation: Bias Policing

Recommendation: Unfounded

Motion: Billy Sharp

Second: Sherall Hardy

Abstain: Graham **(for the reason stated above)**

Motion: Carried

Allegation: Improper Procedures/Enforcement of GPO 3.04.08

Recommendation: Sustained

Motion: Billy Sharp

Second: Sherall Hardy

Abstain: Mike Graham **(for the reason stated above)**

Motion: Carried

P.O. Denzel Jones #990

Allegation: Improper Procedures/Enforcement of GPO 3.04.08

Recommendation: Sustained

Motion: Billy Sharp

Second: Sherall Hardy

Abstain: Mike Graham **(for the reason stated above)**

Motion: Carried

Allegation: Improper Procedures/Improper Report

Recommendation: Unfounded

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Motion: Billy Sharp
Second: Sherall Hardy
Abstain: Mike Graham (for the reason stated above)
Motion: Carried

Sgt. Keane #9198
Allegation: Lack of Service/Failure
Recommendation: Unfounded

Motion: Billy Sharp
Second: Mike Hess
Abstain: Mike Graham (for the reason stated above)
Motion: Carried

P.O. Jessica Roubic #2221 (Resigned June 16, 2022)

WCS footage shows that P.O. Bowser chuckled at the complainant's request. There was discussion amongst the board members regarding the confusion between the officers misunderstanding what kind of protection order they were at the incident for. Motion for a Group Level I Violation by Chair Sharp, 2nd by Member Hardy. Motion carried. Chair Sharp requests from Sr. Investigator to find out whether or not it's a legal requirement that policy recommendations from OPS have to be posted within 72 hours of a board meeting or is this something just from OPS.

14. 2023-0093: P.O. John Marincek #1775 (4:25:34-4:36:37)

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Motion: Carried

Allegation: Biased Policing

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Motion: Carried

P.O. Rashaun Searles-Fowler #2157

Allegation: Unprofessional Behavior/Conduct

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Hess

Motion: Carried

Based on Investigative reports and WCS footage officers were not unprofessional in their behavior.

15. 2023-0191: P.O. Joseph Wright #2445 (4:36:31-4:46:13)

Next Meeting: January 9, 2024

Allegation: Improper Procedures

Recommendation: Unfounded

Motion: Billy Sharp

Second: Mike Graham

Abstain: Sherall Hardy (didn't get a chance to look at the case)

Motion: Carried

CHIEF DEPARTURE: Chief Departure received via email at 8:36 on December 12th, right before the CPRB meeting. Chair Sharp questioned if there was anything time sensitive in the departure and questioned if the board members had time look at the case. Vice-chair Hess stated that if the board is going to appeal the departure, it has to be done in a timely manner, but there has to be an expectation of receiving the departure in a timely manner from the Chief's Office. Chris Heltzel responded that requirement of CPRB to review departure letters at the next meeting assumes timely delivery of the departure letter to OPS and the CPRB which was not the case here. Chair Sharp stated that the appeal will be discussed and voted on in the next meeting because the letter was not delivered in a timely manner. All board members agreed. (4:46:35-4:50:59)

POLICY UPDATES: Sr. Investigator Funari stated that there were no policy updates. Chair Sharp stated that there were two policy recommendation that were discussed in today's meeting that will need to be followed up on at the next meeting. (4:51:09-4:51:32)

COMMITTEE REPORTS: None

NEW BUSINESS: There was discussion amongst the board members if they were allowed to play video or audio during the board meeting when there is a question on the floor about something that was said. Member Brown asked if there is a policy or procedure in place that the board can go to. Chair Sharp stated that this was a question that was asked of legal counsel at the last board meeting if the board could do this. Member Hardy stated that maybe the board can go into executive session if this can't be done in the public setting. Chris Heltzel stated a lot of things come down to what is actually being played. If it is a dispatch call, they would need advance notice in order to allow someone in the Law Department to review whatever it is that needs to be played so that pertinent information can be redacted. Chair Sharp stated that that is the problem because the board is not able to listen to recordings during meetings and questions if the board can go into executive session to review these types of audio or video recordings. Council Heltzel stated that he would have to confirm what is exempt from public disclosure with legal under Ohio law. (4:51:44-5:00:52)

Member Hardy questioned if any information was brought back from the NACOLE convention by Member Miller. Chair Sharp stated that it will be put on the next agenda for discussion. (5:01:47-5:03:08)

IX. ADJOURNMENT

Motion to adjourn the meeting by Member Sherall Hardy. 2nd by Member Brandon Brown. Motion carried. (5:04:52)

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