

Twitter Thread by Documenter_Keith



Documenter_Keith

[@DocumenterK](#)



Hi, I'm Keith and I'll be live-tweeting today's Tuesday, June 8, 2021, the City of Cleveland's Civilian Police Review Board Hearings ("CPRB") starting at 10:00 AM for #CLEDocumenters & @NeighborUpCle

The CPRB is a 9 member body, appointed by the Mayor & the City Council, that reviews misconduct complaints investigated by Office of Professional Standards and makes recommendations for resolution to the Chief of Police.

Sources: <https://t.co/Aq8q2B7YYr>

<https://t.co/B6apiPFHPv>

Civilian Police Review Board

The CPRB is comprised of 9 members. The Mayor appoints five members and the City Council appoints the remaining four members.

In an effort to be representative of all of Cleveland's diverse communities, each of the police districts is represented by at least one member who resides in that district. Additionally, at least one member of the Board is between the ages of 18 and 30 at the time of appointment.

As required by the Charter of Cleveland, no member of the Board is employed currently as a law enforcement officer and no member is a current or former employee of the Cleveland Division of Police.

The CPRB has a full-time employee, a Private Secretary, to handle the administrative duties of the Board

CPRB holds meetings the second Tuesday of each month.

The meetings are hosted live via youtube. Join us and watch today's CPRB meeting,

<https://t.co/YDtOYpWoch>

The agenda for June 8, 2021 CPRB meeting and past meetings may be accessed here,

<https://t.co/58EIESkmey>



OFFICE OF PROFESSIONAL STANDARDS
205 West St. Clair Avenue, Suite 301, Cleveland, Ohio 44113
CIVILIAN POLICE REVIEW BOARD

****ONLINE WEBEX MEETING****

Tuesday, June 8, 2021
MEETING AGENDA

- | | |
|---|---|
| I. CALL TO ORDER | Michael Graham, Chair |
| II. ROLL CALL & INTRODUCTIONS | |
| III. APPROVAL OF MINUTES | CPRB |
| IV. PUBLIC COMMENT | |
| V. FOR BOARD VOTE ONLY – NO PRESENTATION | Roger Smith, Administrator |
| VI. ADMINISTRATIVE DISMISSAL APPEAL | Roger Smith, Administrator |
| VII. PRESENTATION OF INVESTIGATIONS | Roger Smith, Administrator
OPS Investigative Staff |
| VIII. ANNOUNCEMENTS AND COMMUNICATIONS | |
| IX. OPS REPORT | Roger Smith, Administrator |
| A. REVIEW OF CHIEF DISCIPLINARY DECISIONS | |
| B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS | |
| X. POLICY UPDATES | Michael Graham, Chair |
| XI. COMMITTEE REPORTS | |
| XII. UNFINISHED BUSINESS | |
| XIII. NEW BUSINESS | |
| XIV. ADJOURNMENT | |

Next Meeting Date: Tuesday, July 13, 2021, 10:00am

COUNT

OPS#

COMPLAINANT - person who made

INVESTIGATOR - official investigating

ALLEGATION - type of misconduct

CPRB DISPOSITION - identifies police officer under investigation

@cledocumenters hosts a slew of great resources concerning CPRB which may be accessed here,

<https://t.co/xgMx5leS1q>

A roster of Cleveland Police officers

<https://t.co/ofqJ5oMLTc>

A roster of Cleveland Police civilians (e.g. dispatchers)

<https://t.co/6xwKHuRY9x>

2020 Office of Professional Standards complaints, pt. 1

<https://t.co/ULzUSfTHWp>

2020 Office of Professional Standards complaints, pt. 2

<https://t.co/kiVx7a1ykw>

The Cleveland Office of Professional Standards is live. Come join us and access the meeting directly here,

<https://t.co/BV11I64dxr>

While we are waiting for them to start, here is a list of the CPRB appointed board members referenced earlier.

Source: <https://t.co/PGedfC5igL>

Board Members



Michael P. Graham, CPRB Chairperson

Michael P. Graham is owner and partner of Cleveland-based Strategy Design Partners, LLC, which is a strategy and communications consulting firm that works with non-profits, public agencies, and businesses. Mr. Graham is also a former assistant Cuyahoga County prosecutor. He still practices law. Mr. Graham was appointed by Cleveland City Council. Mr. Graham resides in the Second Police District.



Ashley Mostella, CPRB Vice-Chairperson

Ashley Mostella was born and raised in the 7th Ward on Cleveland's east side. She was introduced at a very young age to community and volunteer service by her father, Benny Mostella, a manager for many years with the Cleveland Department of Parks and Recreation. Ms. Mostella has volunteered for numerous community initiatives such as the Cleveland Food Bank, Karamus House (painting murals), school supply drives, and community awareness marches. Ms. Mostella has worked in banking, the insurance industry, and as a certified medical sales representative. Ms. Mostella attended the University of Akron.



Mary Clark

Mary Clark has spent more than thirty years working in banking and finance. She graduated from high school in Lexington, Mississippi and has since worked in Cleveland at Huntington Bank, the UPS Store, and KeyCorp. Ms. Clark resides in the Fourth Police District.



David Gatian

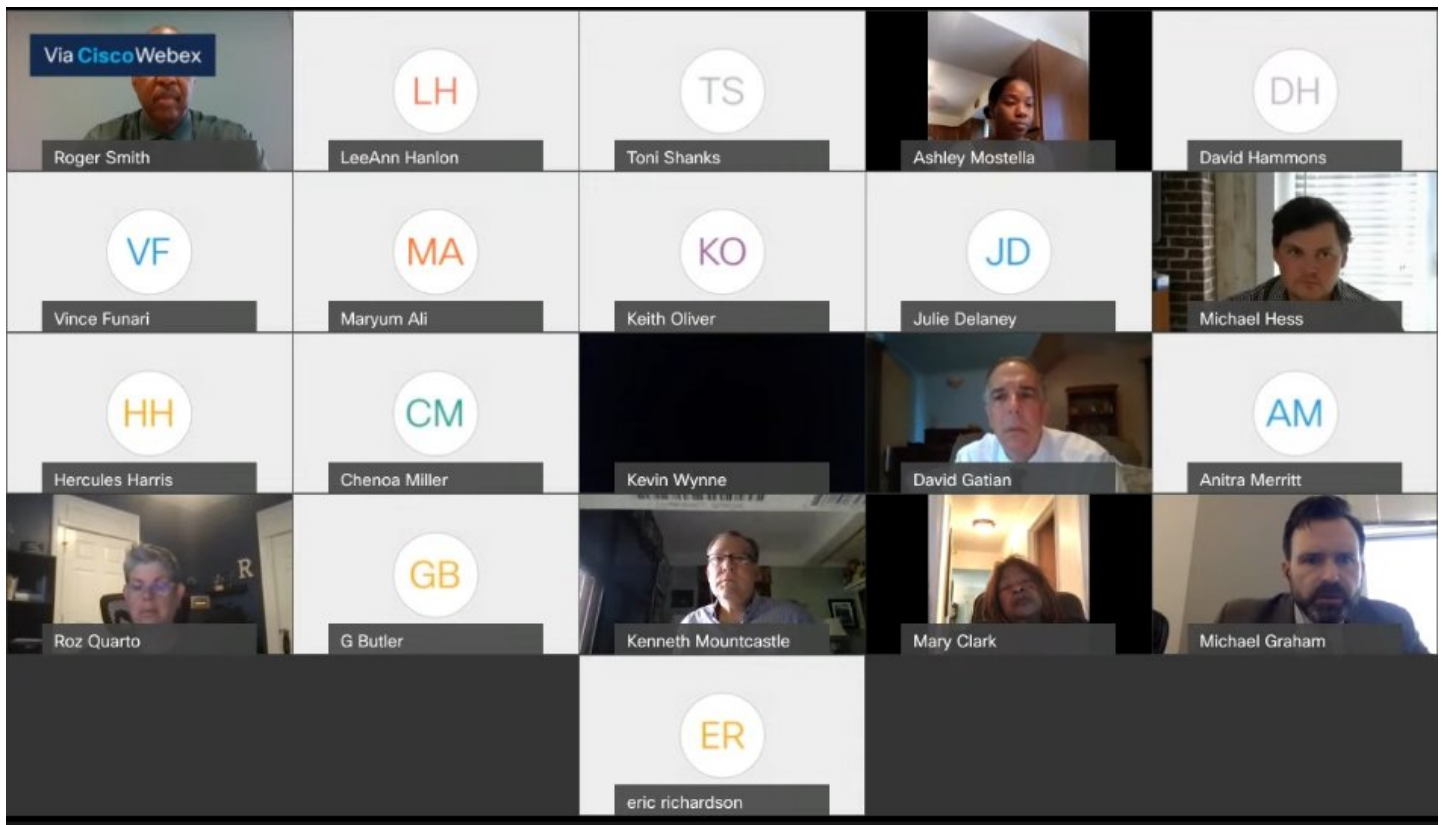
David Gatian has resided with his family in Cleveland's first police district since 1989. He is currently a commercial roofing consultant, is a U.S. Green Building Council LEED Accredited Professional and previously served in various human resources management roles. Mr. Gatian is a certified State of Ohio MMA judge and remains active in amateur wrestling. He has provided volunteer services for The Guiding Eyes for The Blind and was an active volunteer supporter of the Cleveland Gay Games. He holds a Bachelor's Degree in Finance and Human Resources Management from California State University at Long Beach.

Roll call has occurred.

There is new member present, Mrs. Chenoa Miller.

There are no public comment but they did ask if anyone wanted to make a public comment.

2 complainants are present.



Michael Graham is talking and has informed the public that board member Earnest Turner passed away.

"He was an accomplished man who served CMSD for 30 years and was a coach. ... He served for a number of years in a vital capacity."



Ernest G. Turner

Ernest G. Turner retired from the Cleveland Municipal School District in 2009 with more than 30 years' experience in teaching elementary and secondary education. Mr. Turner also served as a basketball, football and track coach during that time. He received his Bachelors of Arts Degree from Central State University in Comprehensive Social Studies and his Master's Degree from Cleveland State University, with a concentration in Diagnosis & Remediation of Reading Disorders. Mr. Turner has also served as a community advocate in his roles as a

Precinct Committeeman for Ward 6, a member of the Buckeye Minsters in Mission Alliance, and the Acting President of the Hulda Avenue Street Club, to name but a few. Mr. Turner was appointed by the Cleveland City Council and resides in the Fourth Police District.

Chairperson Michael Graham continues,

"He was a thoughtful and considerate board member. He always sought the truth. He will be dearly missed...He was a sincerely kind person and a true gentleman...I'd like to make a motion to adopt a resolution on his legacy for his family."

A moment of silence to remember CPRB Board Member Ernest G. Turner.

Michael Graham continues, "The happy news we have is that we are excited to welcome new member Mrs. Chenoa Miller.

Appointed by Cleveland City Council. She is a student at Cleveland State University."

Chairperson Graham offers other details about Mrs. Miller,

"She has a keen interest in Criminal Justice....She is from the Glenville neighborhood and has been involved there in a number of community efforts."

Mrs. Chona Miller, "Thank you and I am here to truly observe the process."

Chairperson Graham, "Thank you Mrs. Miller. Am I correct that you will just observe today or will you participate in our deliberations?"

Member Miller, "I have no problem deliberating,"

Chairperson Graham, "You were able to review the cases?"

Member Miller, "No, I was not. This will be a learning lesson."

Chairperson Graham, "Ok, there will be some training by the office of personal Standards."

Mrs. G Butler comments Member Miller should not vote today until she reviews the cases.



Minutes from the last meeting have been approved.

Access those minutes here,

<https://t.co/sa3b1FzGUX>

Complainant Cook is present and describing the lack of service by Patrol Officer Longer #2452, who when requested by Cook to talk to P.O. Longer #2452's Sergeant, he was reluctant to do so.

5	20-149	Cook	Oliver	Lack of Service	P.O. Longer #2452 Lack of Service Recommendation: _____ Motion: _____ Second: _____
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Board members have no questions for Complainant Cook.

Chairperson Graham is seeking clarification for Investigator Oliver, "Did Officer Longer complete his report? Did he add a subsequent report?"

Investigator Oliver, "He made the first report but was not aware of the second incident."

Chairperson Graham, "Mr. Cook, were you aware of the report filed?"

Complainant Cook, "Yes, I am aware of the first report but I came back for a second incident and [P.O. Longer #2452] said "He already made a report." Additionally, both times I asked to speak to the sergeant."

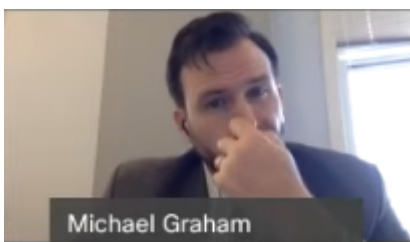
Chairperson Graham, "Is your main issue that he did not let you speak to his supervisor or that he did not file a second report?"

Complainant Cook, "I would say a compilation of both. ... He was very rude and he wouldn't let me speak to the Sergeant."

Chairperson Graham, "Did you ever speak to the Sergeant?"

Complainant Cook, "No, but I did find out the Sergeant was a woman."

Chairperson Graham, "[Investigator] Mr. Oliver, the first date with a longer video a report was generated. The second video does not capture the initial interaction. Can you explain this?"



Investigator Oliver, "I believe it captures the majority of their interaction...when the video started they were already interacting..."



Investigator Oliver's recommendation to the CPRB is that Complainant Cook's allegations of misconduct against P.O Longer #2452 are unfounded as he abruptly left during the second incident before a report could be filed.

Investigator Oliver continues to describe the video and the interaction between Complainant Cook and P.O Longer #2452. Oliver states the video reveals that Cook asked "Who is your supervisor?" to P.O Longer but did not request to see the Sergeant.

Roz Quarto motions, "As to the allegation by Mr. Cook, the preponderance of the evidence including video evidence & the report support a finding that alleged misconduct did not occur. P.O Longer filed an initial report and attempted to file a second report before Mr. Cook left."



Chairperson Graham seconds the motion.

CPRB attempts to vote but pauses as Member Mary Clark is having audio issues.



Mary Clark

Mary Clark has spent more than thirty years working in banking and finance. She graduated from high school in Lexington, Mississippi and has since worked in Cleveland at Huntington Bank, the UPS Store, and KeyCorp. Ms. Clark resides in the Fourth Police District.

Graham thanks Mr. Cook, "We do take your complaint seriously. We looked at the evidence we had available...We largely based our decision on the evidence...If you want to look at the videos you can make a request to do so. I appreciate you making the time to make the complaint."

Mr. Cook, "Thank you for allowing me to rebuttal and I am apologetic for wasting your time."

Chairperson Graham, "It is not a waste of time. This is what we are here to do. Even if we find no misconduct, it does not mean the interaction was perfect."

Investigator Kevin Wynne reads the next allegation of misconduct brought fourth from Complainant Gottschalt made against P.O Leyva #2415 for an improper tow of her vehicle.



Investigator Kevin Wynne describes the interaction of Complainant Gottschalt and P.O Leyva #2415. Officer towed the vehicle upon discovering Gottschalt has more than 5 unpaid tickets.

CPRB has no questions for Investigator Wynne.
Complainant Gottschalt is not present to question.

Member Quartos with a second by the Chairperson Graham motions,

"The preponderance of evidence...supports a finding that the officer actions were consistent with GPO & codified ordinances in that the complainant had more than 5 unpaid parking tickets at the time of the tow."

Mr. Smith notifies CPRB (1) another complainant is present and (2) that the next case is for administrative vote only.

V: FOR BOARD VOTE ONLY – NO PRESENTATION

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	21-011	Jones	Funari	Unprofessional Conduct	P.O. Varkonyi #680 Unprofessional Conduct Recommendation: _____ Motion: _____ Second: _____

Chairperson Graham comments he rewatched the video and motions that,

"The video evidence does not support a finding of misconduct occurred."

CPRB carries the motion.

Mr. Smith introduces the administrative dismissal appeal. The complainant referenced earlier is present for this case.

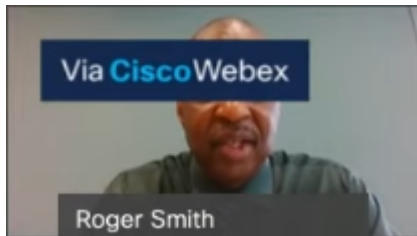
Complainant Boone alleged that two white police officers were sitting in the middle of the street and that he questioned the the officers why they were then.

VI: ADMINISTRATIVE DISMISSAL APPEAL

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	20-215	Boone	Wynne	Excessive Force	Unknown Officer Excessive Force Recommendation: _____ Motion: _____ Second: _____

Mr. Smith continues describing the allegation, "Then the POs departed their vehicle and slammed him on the hood of his car causing him pain and injuries."

Investigator Wynne was unable to identify the officers the Complainant interacted with due to a lack of reports.



Present is Ms. Jane Berry, a counselor for Complainant Boone,

"I am concerned that there were no findings. Mr. Boone was issued a ticket. I do have an electronic photograph of it that is more legible. I do not know if that can be supplied."

Ms. Berry continues, "I was never contacted despite filling out the information for the investigator. Mr. Boone has disabilities that make communication difficult at time for him."

A conversation about the ticket & its contents occur.

Ms. Berry continues, "I believe the officers do not want to be associated with this interaction...My client did describe, 'Hey, how are ya doin'?' Then he tapped the Officer's car. My client has intellectual disabilities."

David Gatian addresses CPRB,

"Yes, we see a copy of this ticket in the case file other than that it is clear the ticket # is identifiable. My layman's understanding is that they're issued to an officer and should be, I would expect someone logs the book."

David Gatian continues, "My expectation is that we should know which Officer had this ticket unless is fraudulent."

Mr. Wynne states, "They could not find it their electronic system...There is no name associated with that citation number."



Mr. Smith interjects, "Whether ticket books are issued sequentially, at this time we do not have information that suggest that is the case though logically it would appear so."

Mr. Graham, "MetroHealth confirms the method of arrival was Cleveland Police...Someone at MetroHealth believes they saw police officers. Additionally, complainant provides details about their physical descriptions. I just wonder can we see who worked that zone that day?"

Chairperson Graham continues, "Can we work through process of elimination to identify the officers?"

After some deliberations, CPRB motions to grant the appeal of OPS#21-011 and asks OPS to review the details of the case.

When an administrative appeal is granted the investigation continues.

CPRB reviews Count 2, OPS#19-217, Complainant Ruiz Velez allegations of improper stop, search, and excessive force against 4 patrol officers - Leonardi #1965, Smiley #1138, Det. Soros #1852, & Gonzalez #2001.

2	19-217	Ruiz Velez	Hammons	Improper Search Improper Stop Excessive Force	<p>P.O. Leonardi #1965</p> Improper Search Recommendation: _____ Motion: _____ Second: _____
					Improper Stop Recommendation: _____ Motion: _____ Second: _____
					<p>P.O. Smiley #1138</p> Improper Search Recommendation: _____ Motion: _____ Second: _____
					Improper Stop Recommendation: _____ Motion: _____ Second: _____
					<p>Det. Soros #1852</p> Excessive Force Recommendation: _____ Motion: _____ Second: _____
					<p>P.O. Gonzalez #2001</p> Excessive Force Recommendation: _____ Motion: _____ Second: _____

2 of the officers are active. - Leonardi #1965, Smiley #1138,
 2 are no longer on the force. - Det. Soros #1852, & Gonzalez #2001.

Investigator David Hammons details Complainant Velez allegations that the officers entered her home without a warrant, improperly searched her home, and used excessive force when one of the officer's slammed her son.



Investigator Hammons reviews the defense the officers allege, which is that they were in hot pursuit of the individuals on the porch. A hot pursuit is an exception that permits a warrantless entry.

Investigator Hammons reviews case evidence, case law, and Supreme Court holdings, and finds that the Officers were not in hot pursuit, as in they were not chasing the individuals, but only identified them upon patrol.

A CPRB member asks, "Is there a grey area for hot pursuit?"

Hammon contends there is little grey area.

Member Quarto believes that the Supreme Court of the United States holding in *United States V. Santana* (1976) defines this case more than Ohio case law (*Finch v Columbus?*).

Investigator Hammon argues that Ohio Case law details exceptions to *Santana*.

Member Quarto and Investigator Hammon disagree about the details of OPS#19-217 and which Judicial holdings are relevant.

CPRB motions to table the case to clarify the legal argument.

Re. Hot Pursuit and Warrantless Exceptions.

The following is dated information but is good starting place to learn about the concepts.

Again, is dated circa 2014. 7 years have passed which means Ohio Judicial holding have very likely changed.

<https://t.co/e7VXdXPS3i>

Warrants (the Hot Pursuit Exception): State of Ohio v. Cross

4/16/2014

Question: What is the "hot pursuit" exception, and when does it apply?

Quick Answer: "Hot pursuit" lets you pursue a fleeing suspect into a home, without a warrant, if you have identified yourself as a law enforcement officer and are in actual pursuit of a suspect.

State v. Cross, Fourth Appellate District, Washington County, March 11, 2014

Facts: A deputy observed a car go left of center and turn without signaling. He followed the vehicle until it stopped in a driveway, never turning on his lights or sirens. Bryan Cross, the driver, exited the car and walked toward his garage. As soon he exited his patrol car, the deputy noticed the odor of alcohol on Cross. About 20 feet from the garage, the deputy ordered Cross to stop. Instead of stopping, Cross walked faster into his garage. Cross claimed he never heard the deputy. The deputy entered Cross' garage, stopped him, and administered a field sobriety test. He arrested Cross for OVI. The state argued the stop was proper because he was in "hot pursuit" of Cross and did not need a warrant to enter his property.

Importance: - Instead of ruling on whether the hot pursuit exception applied, the appellate court kicked the case back to the trial court because that court mistakenly thought the deputy had turned on his lights and sirens. But, the court seemed to express some skepticism about the claim of hot pursuit made by the State, considering the deputy said he wasn't "in pursuit" of the suspect and it was more a "lukewarm amble" up the driveway.

The question of whether the pursuit was "hot"—or even a pursuit to begin with—will now go back to the trial court along with the questions of whether the deputy identified himself and whether the suspect was even fleeing. One way to avoid the same kind of torturous litigation is to always keep in mind the three elements of the exception: 1) There must be *pursuit*. 2) You must have identified yourself as a law enforcement officer. 3) The suspect must be *fleeing* from you. If all three of those aren't present, you can't barge into someone's house without a warrant.

Keep in Mind: Entry of a home without a warrant is always presumed unreasonable, and law enforcement has a heavy burden to prove an exception for a warrantless entry. This is especially true when the underlying offense that occurred in public is relatively minor—such as a minor traffic violation. If you are going to use an exception, make sure you do all of the things necessary to make the exception apply.

One More Note: The exception of hot pursuit is very specific to the facts of each circumstance. In Ohio, we have a broader definition of hot pursuit than other states. For example, we extend hot pursuit to misdemeanor offenses. Here are some examples, from the past, of when courts found the exception to apply:

- Police officers' continuous chase of a suspect fell within the hot pursuit exception when the suspect was chased from the scene of the crime. Police attempted to tackle the suspect and chased him over fences and through a courtyard for a period of four minutes. The suspect was never out of the officers' sight until he slammed the apartment door in their faces. [Cleveland v. Shields](#), Eighth Appellate District, Cuyahoga County, July 3, 1995
- Officers observed the suspect driving in a sporadic manner, and when they approached him in his driveway, he ran to the back of his house and entered his kitchen. It was undisputed that officers had probable cause to arrest the suspect for driving under the influence when they entered his home. Because the police officers, having identified themselves, were in hot pursuit of a suspect who fled to a house to avoid arrest, they were able to enter without a warrant even though the offense was a misdemeanor. [Middletown v. Flinchum](#), Supreme Court of Ohio, April 10, 2002
- Officers were driving home in an unmarked city SUV about 5 p.m. after a shift. While in single-lane traffic, a motorcycle rider passed the officers on the right side and drove through a red light. The officers recognized the man and knew where he lived. Once they arrived at his home, they found the suspect straddling the motorcycle, walking it into his detached garage. When he was approximately 15 to 20 feet from his open garage, the officers ordered him to stop several times and called him by name. They followed him into his garage, where they discovered the suspect was slurring his words and smelled of alcohol. The court found the officer was permitted to issue the traffic citations as he was in hot pursuit of the suspect when he entered the garage. Since the attempt to arrest was set in motion while the suspect was outside in public view, the pursuit into his garage was lawful, regardless of whether the garage was considered curtilage. [State of Ohio v. Lake](#), Seventh Appellate District, Columbiana County, June 8, 2009

More on Warrants

Warrantless arrest of a co-conspirator. While on surveillance, you see a package containing known drugs being delivered. Five minutes later, a guy we'll call Driver 1 arrives, takes the package, and drives away. As you tail the car, it stops, allowing a second car to pull beside it. The two drivers have a conversation and both drive away, with Driver 2 in the lead. You follow them to a gated community, where Driver 2 uses a keycard to enter. Making it through the gate, you find the cars in the parking lot and approach the suspects. They take you to an apartment with marijuana, large amounts of money, and packing materials. You arrest both. Was the warrantless arrest of Driver 2 proper? The court in *Mowler* said yes. A warrantless arrest is valid if an officer has sufficient knowledge to support a reasonable belief that a suspect has committed an offense. At the time of arrest, officers knew Maurice Mowler (Driver 2) had watched the marijuana delivery and assisted with entry to the gated apartment complex. Any reasonable officer observing this coordinated activity would have a reasonable belief that Mowler was aware of and involved in the transportation of the package containing the marijuana. [State of Ohio v. Mowler](#), Eighth Appellate District, Cuyahoga County, March 6, 2014

Mistakes in a Warrant Affidavit. You receive a tip from an anonymous caller saying a suspect has drugs in a storage facility. Based on the information, the K-9 is called in and alerts on a unit. You write up the information for the warrant, accidentally stating the information came from a "reliable source." The warrant is granted. Before you can get back, the suspect shows up at the storage unit. In response to questions from the officer waiting at the storage unit, the suspect admits he has drugs inside. When you arrive, the unit is searched and you find the drugs. Is your warrant good even though you mistakenly characterized the caller as being reliable? The court in *Johnson* said the mistake of calling the individual a reliable source did not make the warrant invalid. This is because there was other information to show probable cause that the drugs were in the unit. Specifically, probable cause came from the results of the K-9 sniff and the confession by suspect John Johnson. [State v. Johnson](#), Tenth Appellate District, Franklin County, Feb. 25, 2014

CPRB moves on & reviews Count 4, OPS#20-057, Complaint Elder alleges P.O Tylka #1772 improperly cited him for not displaying his vehicle plates and the P.O engaged in unprofessional conduct & biased policing.

4	20-057	Elder	Oliver	Improper Citation Unprofessional Conduct Biased Policing	P.O. Tylka #1772 Improper Citation Recommendation: _____ Motion: _____ Second: _____ Unprofessional Conduct Recommendation: _____ Motion: _____ Second: _____ Biased Policing Recommendation: _____ Motion: _____ Second: _____
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Chairperson Graham moves to exonerate P.O Tylka #1772 for the allegation of improper citation as the ticket cited the codified ordinance, and the interview of the complaint in which Elder admitted he did not have plates on as it was new car.

Chairperson Graham moves to sustain the allegation of unprofessional conduct as a codified ordinance permits citizens to display plates on their rear windows & are not legally required to place them on the bumper. P.O Tylka admitted he told Elder to place the plate in said area."

Member Gatian entertains discussion on this case, "The P.O was incorrect in his direction about the location of the temp tag. ... Unprofessional conduct rises to another level. P.O remained the same demeanor.

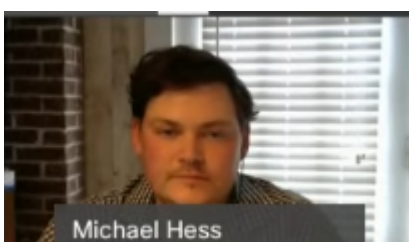
Member Gatian continues, "My concern is that we are tagging this as unprofessional conduct, that said I don't see where else we can check a box for his actions."

Chairperson Graham offers Professional Misconduct.

Correction: Past tweet stated, "Chairperson Graham offers Professional Misconduct."

Chairperson Graham offered Procedural Misconduct.

Member Hess disagrees with Gatian, "It was pretty reckless to make Elder stand on the side of the road."



Chairperson Graham comments, "If you going to enforce the law, you must know the law. It is unprofessional because he doesn't know the law. Though I tend to agree with Mr. Gaitan that his tone was not confrontational."



Member Gatian against comments and notes that a balance in the interpretation of unprofessional conduct, noting the spectrum does exist between behavior and procedural practice.

CPRB motions to sustain the Unprofessional Conduct.

CPRB carries the motion to discipline P.O Tylka for Unprofessional Conduct.

CPRB motions that there is sufficient evidence to sustain the allegation of Biased Policing.

CPRB reviews Count 3, OPS#20-025, Complainant Karim alleges T.C. Shaw #7060 engaged in unprofessional conduct and racial discrimination.

Investigator Barbara William-Bennett reviewed the case.

3	20-025	Karim	William-Bennett	Unprofessional Conduct Racial Discrimination	T.C. Shaw #7060 Unprofessional Conduct Recommendation: _____ Motion: _____ Second: _____ Racial Discrimination Recommendation: _____ Motion: _____ Second: _____
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Investigator William-Bennett informs CPRB that Karim operates a limousine business and alleges that he was parked at the curb side of the airport when there was no traffic when traffic controller approached him and told him to get the F out of the way.



Investigator William-Bennett states that there are no findings to the allegations.

Kenneth Mountcastle notes, "In the video the traffic controller can observe he skipped several vehicles to approach Karim's limousine, why?"



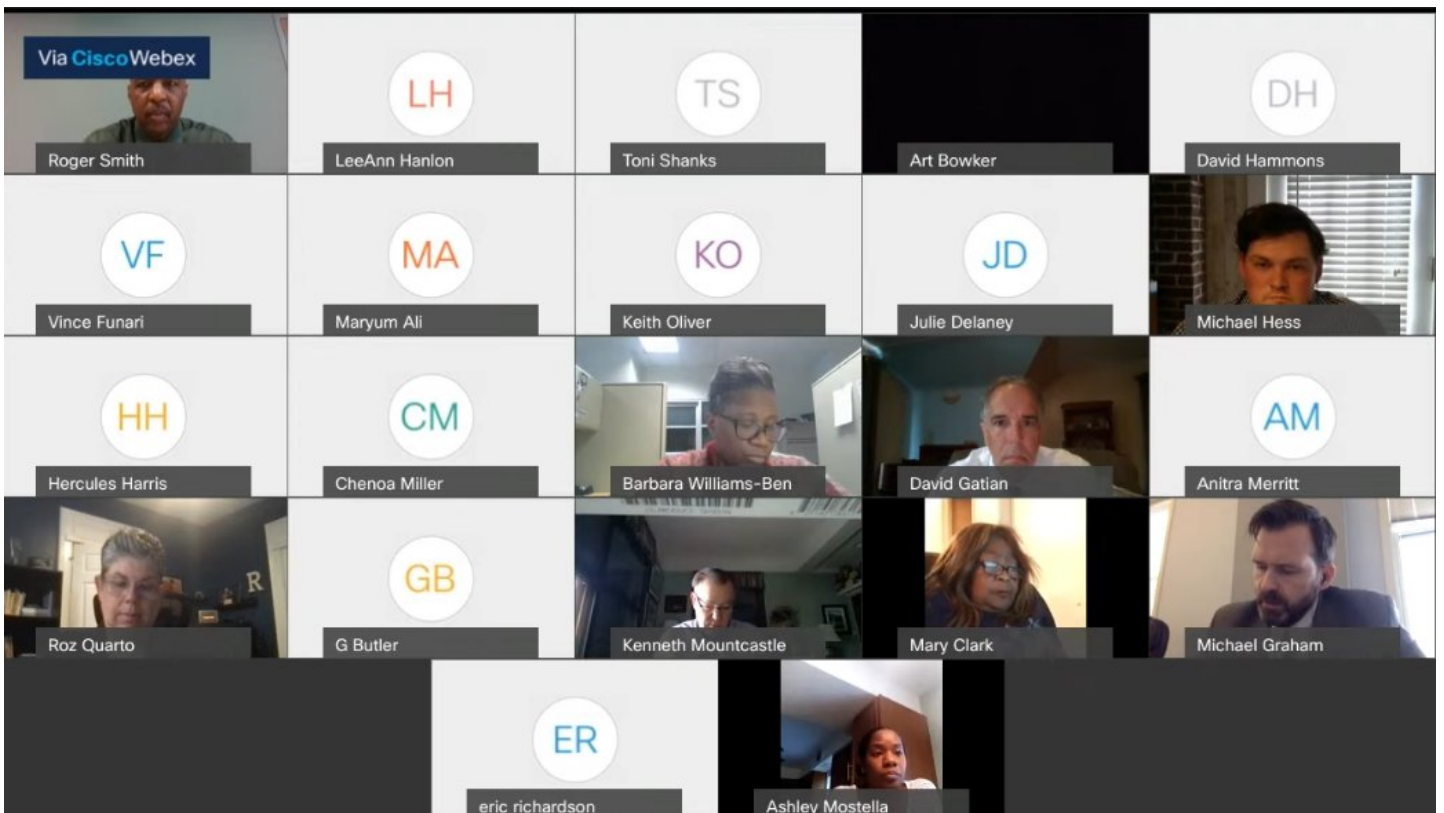
Investigator William-Bennett states that citizens may park while waiting but not limousines who must wait in another area.

Graham inquires "Was Mr. Karim adamant that T.C Shaw #7060 used foul language?"

Investigator William-Bennett, "Yes, but there is none in the video."

Chairperson Graham moves for a finding of unfounded allegations as the video does not indicate unprofessional conduct or of Racial Discrimination.

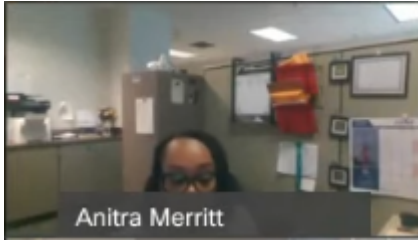
CPRB carries the motion.



CPRB reviews Count 6, OPS# 20-224, Complainant Blatt alleges P.O Rakovec #1695 engaged in unprofessional conduct when P.O posted inappropriate comments online.

6	20-224	Blatt	Merritt	Unprofessional Conduct	P.O. Rakovec #1695 Unprofessional Conduct Recommendation: _____ Motion: _____ Second: _____
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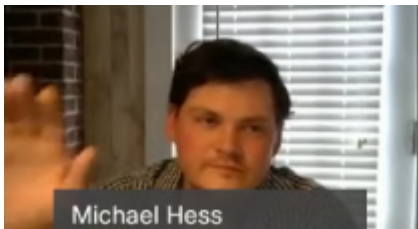
Investigator Merritt shares that she did not interview the complainant but did interview P.O Rakovec #1695. During the interview, Rakovec admitted to engaging in a public dispute on Facebook that could be construed as unprofessional.



Member Hess asks, "Does Rakovec state he his a CPD officer?"

Investigator Merritt states, "He implies it and does not deny it."

Member Gatian recuses himself as he shares a common friend with the officer.



Chairperson Graham moves to sustain the allegations due to the preponderance of evidence and to the P.O Rakovec #1695 confession during the interview due in part to a violation of the social media policy.



CPRB carries the motion that finds P.O Rakovec #1695 engaged in unprofessional conduct when he made public comments and engaged in an argument on Facebook

CPRB motion and carries a Group 1 disciplinary action for Rakovec.

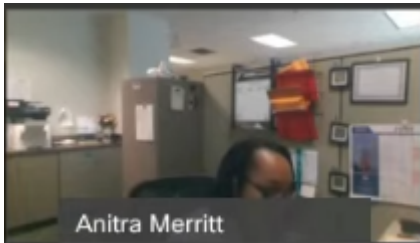
CPRB reviews Count 7, PO# 20-265, Complainant Hayes alleges Sgt. Newton #9233 and Dispatcher Washko #105 engaged in Unprofessional Conduct.

7	20-265	Hayes	Merritt	Unprofessional Conduct	Sgt. Newton #9233 Unprofessional Conduct Recommendation: _____ Motion: _____ Second: _____ Dispatcher Washko #105 Unprofessional Conduct Recommendation: _____ Motion: _____ Second: _____
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Investigator Anitra Merritt reviews the allegations.

Complaint Hayes alleges the Sergeant yelled at her on the phone and hung up on her. Additionally, the Dispatcher Washko failed to identify themselves when he called her back to check on her.

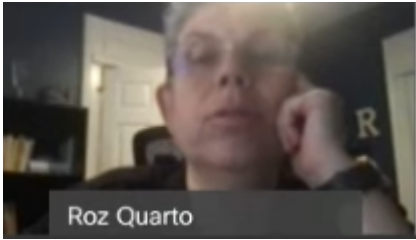


Investigator Merritt finds that the preponderance of evidence that Sgt. Newton #9233 engaged in unprofessional conduct and sustained the allegations that Dispatcher Wasko #105 engaged in unprofessional conduct when they failed to identify themselves.

Quarto moves and CPRB carries the motion to find that the preponderance of evidence supports a finding that

(1) Sgt Newton did not interact with Hayes and did not engage in Unprofessional Conduct

(2) sustains the Dispatcher Washko #105 engaged in unprofessional conduct



CPRB carries a Group 1 disciplinary action for Dispatcher Washko #105.

CPRB reviews Count 10, OPS# 20-058, Complainant Blochowiak alleges Det. Cunningham #1724 engaged in unprofessional conduct when she requested he wear a mask.

10	21-058	Blochowiak	Merritt	Unprofessional Conduct	Det. Cunningham #1724 Recommendation: _____ Motion: _____ Second: _____
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Investigator Merritt describes how Det. Cunningham #1724 drank a cup of coffee in a waiting area and removed his mask to do so and during a testimony removed his mask while sitting behind a plastic screen.

Chairperson Graham abstains from the case.

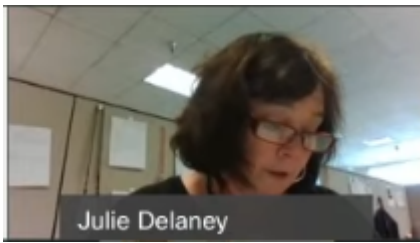
Member Quarto motions that the preponderance of evidence supports the finding that Det. Cunningham properly relaxed his mask according to social distancing guidelines.

CPRB carries the motion.

CPRB reviews Count 8, OPS# 21-014, Complainant Loretta Jewel alleges P.O Sheets #1276 engaged in a lack of service when she filed a police report and Sheets incorrectly added information to the report.

8	21-014	Jewel	Delaney	Lack of Service	P.O. Sheets #1276 Lack of Service Recommendation: _____ Motion: _____ Second: _____
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Investigator Julie Delaney reviewed the case and found that P.O. Sheets correctly included the information in the report from Complainant Jewel as detailed in video evidence. Therefore, P.O Sheets did not engage in the alleged lack of service and should be exonerated.



Chairperson Graham asks if this can be unfounded instead of exonerated.

Investigator Delaney does not agree with this as P.O Sheets did as he to fulfilled his obligated duties.

Furthermore, Complainant Jewell had a hard time grasping she was at fault when she was struck upon making a right turn after stopping at a red light.

Note: You don't have right of way to turn on a red light if the perpendicular traffic has a green light.

Chairperson Grahm motions to find the allegation against P.O. Sheets #1276 as unfounded.

CPRB carries the motion.

CPRB reviews Count 9, OPS# 21-040, Complainant McIntyre alleges three officers engaged in 2 counts of lack of service.

9	21-040	McIntyre	Bowker	Lack of Service – 1 st Encounter Lack of Service – 2 nd Encounter	<p>P.O. Dwulat #581</p> Lack of Service – 1 st Recommendation: _____ Motion: _____ Second: _____
					Lack of Service – 2 nd Recommendation: _____ Motion: _____ Second: _____
					<p>P.O. Cole #517</p> Lack of Service – 1 st Recommendation: _____ Motion: _____ Second: _____
					Lack of Service – 2 nd Recommendation: _____ Motion: _____ Second: _____
					<p>Sgt. Lower #9248</p> Lack of Service – 1 st Recommendation: _____ Motion: _____ Second: _____
					Lack of Service – 2 nd Recommendation: _____ Motion: _____ Second: _____

6

Investigator Art Bowker reviewed the case.

Complainant McIntyre alleges the Officers should have turned over her children based on New York custodial documents and should have arrested two individuals.



Investigator Bowker,

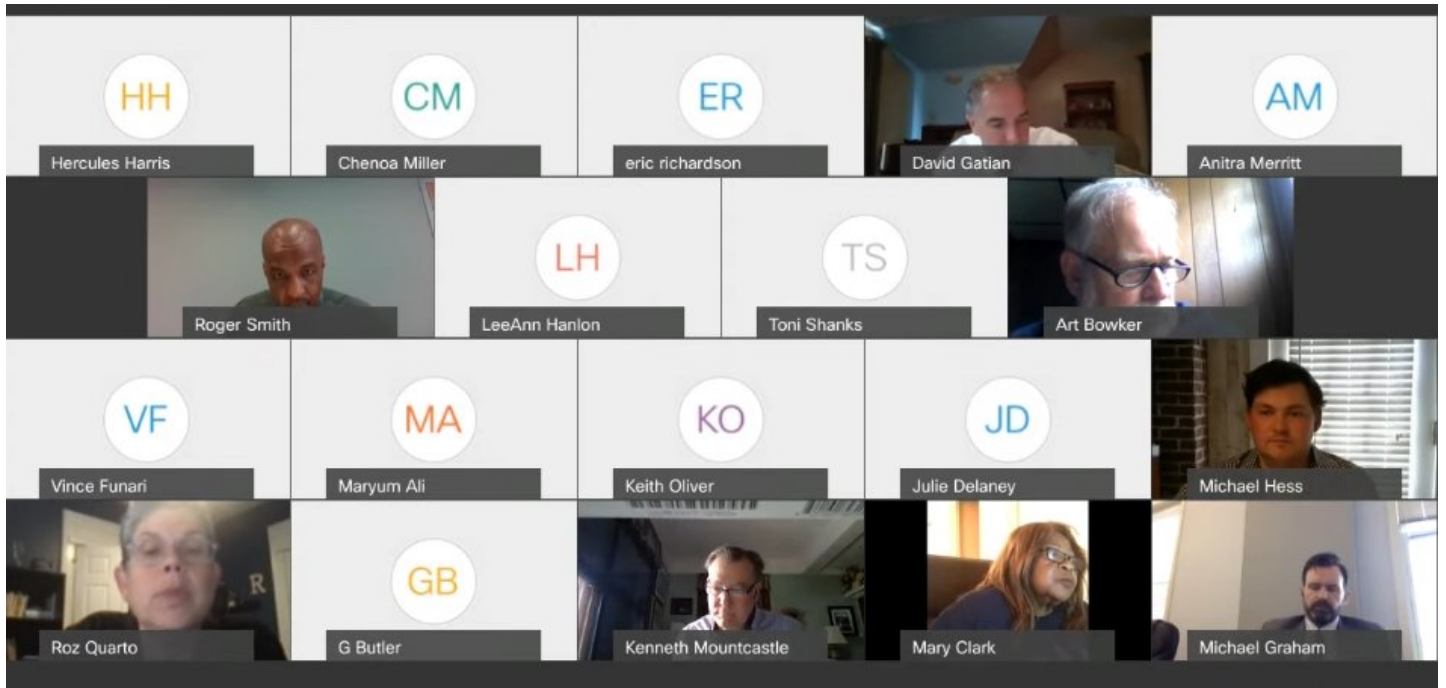
"OPS finds that the Officers should be exonerated for a lack of service as they did provide service ... and were justified to not arrest the two individuals Complainant McIntyre wanted arrested."

CPRB has no questions for Investigator Bowker.

Quarto motions to exonerate the officers on all allegations.

Seconded by Chairperson Graham.

CPRB carries all the motions.



CPRB finishes presentation of investigations.

CPRB moves to Director Disciplinary Decisions.

CPRB reviews Count 2, OPS# 20-016, initially filed by Complainant Gubanich against P.O Holcomb #877 for an improper tow of his vehicle due to conflicting signs.



2	20-016	Gubanich	Williams-Bennett	<p>Improper Tow – the CPRB recommended a Group I category for P.O. Holcomb’s #877 failure to observe the contradictory temporary parking signage, resulting in the Complainant’s vehicle being towed after he issued it a citation.</p> <p>Chief Williams dismissed this allegation, citing that P.O. Holcomb was obeying the parking ban in the area.</p>	<p>Director Howard upheld the Chief’s dismissal, citing that the single expired sign was contradicted by several permanent signs banning parking, and that the permanent signs govern and provided citizens with sufficient notice.</p>
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CPRB then sustained the allegation filed against P.O Holcomb and recommended a Group I disciplinary action.

Chief Williams dismissed the allegation and CPBB's disciplinary recommendation.

Director Howard upheld Chief's Williams dismissal.

CPRB now reviews Director Howard's decision to uphold Chief's Williams dismissal.

Chairperson Graham does not agree with Director Howard or Chief Williams decision to uphold and dismiss the allegation but will not fight it.

Quarto also agrees with Graham.

CPRB will not appeal.

CPRB reviews Count 3, OPS# 20-111, Complainant Farmer alleged P.O Sheets #1276 & P.O Fitchwell's #134 failed to cite the person who struck their vehicle for leaving the scene and OVI.

3	20-111	Farmer	Delaney	<p>Lack of Service – The CPRB recommended a Group I category for P.O. Sheets #1276 and P.O. Fitchwell's #134 failure to cite the person who struck the Complainant's vehicle with citations for leaving the scene of an accident and OVI.</p> <p>Chief Williams dismissed this allegation because the officers were called to the scene more than 2.5 hours after the crash, and the officers were made aware of the time lapse and they lacked probable cause.</p>	Director Howard upheld the Chief's dismissal, using the same rationale as the Chief.
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CPRB sustained Complainant Farmer's allegations against the Officers and recommended a Group I disciplinary action.

Chief Williams dismissed the allegations and CPRB recommendations against the Officers due to lacking probable cause due to the time difference of 2.5 hours between the call and the time of the crash.

Director Howard upheld the Chief's dismissal.

Chairperson Graham worries that not taking action encourages intoxicated people to leave the scene of the accident and wait it out as Cleveland Police will not take action due to the lapse of time.

Member Gatian disagrees with him.

Member Mountcastle agree with Graham.

CPRB does not file an objection against Chief Williams' dismissal and Director Howard's decision to uphold the dismissal despite worrying about the decision to not hold the assailant responsible for fleeing the scene of the accident.

Roger Smith puts on record the services for Ernest G. Turner,

viewing today 12:00 PM to 7:00 PM
E. F. Boyd & Son Funeral Home
2165 E 89th St, Cleveland, OH 44106

Tomorrow's Funderal Service 10:30 AM
Providence Baptist Church
12712 Kinsman Rd, Cleveland, OH 44120



Read Ernest G. Turner's obituary here,

<https://t.co/vYU8S7xZ6v>

CPRB adjourns their June 8, 2021 meeting at around 12:45PM.

The Minutes of Civilian Police Review Board's June 8, 2021 meeting will be posted here as well as next meeting's agenda,

<https://t.co/58EIESkmey>

If you are interested in learning about the Cleveland Police Disciplinary Measures review the General Police Orders, pages 59 to 69.

<https://t.co/lhOSC6Esd4>

As referenced in the aforementioned meeting, Group I offenses and disciplinary measures are,

The following are examples of offenses within each disciplinary category.
The offenses listed are not intended to be all inclusive.

1. **Group I Offenses**

- Absence from duty without leave
- Court, Failure to Appear
- Discourtesy
- Equipment, Failure to properly control or maintain
- Equipment, Unauthorized
- Erroneous daily duty report
- Failure to notify supervisor
- Firearms, Unattended, careless handling (no injury)
- Grooming and Uniform regulations, Violations of
- Leaving district, or city without supervisory approval
- Mishandling or improper preparation of criminal or traffic case resulting in prosecutorial declination to prosecute or dismissal
- Parking, Illegal parking of police vehicle

If you need recorded notes of this meeting. They should be posted soon on the site,

<https://t.co/dmdYjEmTAP>

To become involved and for more meeting coverage, check out <https://t.co/rgwG6GSYfV>. Have questions? Think we got something wrong? Send any enquiries on the meeting or these tweets to [@cledocumenters](https://twitter.com/cledocumenters)

Or email us at lcaswell@neighborhoodgrants.org