

MEETING OF THE CIVILIAN POLICE REVIEW BOARD THE OFFICE OF PROFESSIONAL STANDARDS



September 26, 2023



CLEVELAND, OHIO

Tuesday, September 26, 2023



CITY OF CLEVELAND

Mayor Justin M. Bibb

Marcus A. Perez, Administrator
Office of Professional Standards

Billy Sharp, Chair
Civilian Police Review Board

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

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

www.clevelandohio.gov/ops

Tuesday, September 26, 2023

**CIVILIAN POLICE REVIEW BOARD
MEMBERS OF THE BOARD**

Billy Sharp, Chair
Michael Hess, Vice Chair
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 at the following date and time at the location identified below and via WebEx & YouTube:

Tuesday, September 26, 2023, at 0900 am

Location:

City Hall
601 Lakeside Avenue, Room 514,
Cleveland, Ohio 44114

To join this meeting via WebEx:

<https://cityclevelandoh.webex.com/cityclevelandoh/j.php?MTID=m1d33399dc7219eb4e936d8c4d2e952c5>

Join the meeting number

Meeting number (access code): 2307 804 6387

Meeting password: 1234

Join from a mobile device (attendees only)

+1-415-655-0003, 23078046387# US Toll

You can view the meeting via YouTube:

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

Tuesday, September 26, 2023**MEETING AGENDA**

- I. CALL TO ORDER** Billy Sharp, Chair
- II. APPROVAL OF MINUTES** CPRB
MR. SHARP WILL PRESENT SPECIAL COMMENDATIONS
- III. PUBLIC COMMENT** Billy Sharp, Chair
- IV. PRESENTATION OF INVESTIGATIONS** Marcus Perez, OPS Administrator
OPS Investigative Staff
- V. EXECUTIVE SESSION** Billy Sharp, Chair
- VI. PRESENTATION OF INVESTIGATIONS (Cont.)** Marcus Perez, OPS Administrator
OPS Investigative Staff
- VII. OPS STATUS REPORT** Marcus Perez, OPS Administrator
 - A. REVIEW OF CHIEF DISCIPLINARY DECISIONS**
 - B. REVIEW OF DIRECTOR DISCIPLINARY DECISIONS**
 - C. UPDATES ON POLICY RECOMMENDATIONS**
- VIII. COMMITTEE REPORTS**
- IX. NEW BUSINESS**
 - A. THE BOARD VOTES WHETHER TO ACCEPT THE RESIGNATION OF OPS PERSONNEL MARYAM ALI AND JULIE DELANEY**
 - B. THE BOARD WILL VOTE WHETHER TO PROMOTE INVESTIGATOR FUNARI TO SR INVESTIGATOR.**
 - C. NACOLE UPDATE.**
- X. ADJOURNMENT**

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COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
1	21-298	Zeitler	Harris	Unprofessional Behavior Bias Policing Unprofessional Behavior Bias Policing Unprofessional Behavior Bias Policing	P.O. Angela Owens #878 Unprofessional Behavior Recommendation: Motion: Second: Bias Policing Recommendation: Motion: Second: P.O. Lamar Heath #817 Unprofessional Behavior Recommendation: Motion: Second: Bias Policing Recommendation: Motion: Second: P.O. Angela Renshaw #413 Unprofessional Behavior Recommendation: Motion: Second: Bias Policing Recommendation: Motion: Second:
2	23-015	Balak	Harris	Lack of Service/No Service	P.O. Anthony Shumpert #1773 Lack of Service/No Service Recommendation: Motion: Second:
3	23-032	Ibrahim	Harris	Lack of Service/No Service	Det. Joseph Markey #613 Lack of Service/No Service Recommendation: Motion: Second:
4	22-075	Hall-Battle	Harris	Lack of Service-Failure to Investigate	Sgt. Roger Stoudmire #9168 Lack of Service-Failure to Investigate Recommendation: Motion: Second: Unprofessional Behavior/Conduct

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				Unprofessional Behavior/Conduct	Recommendation: Motion: Second: P.O. Jacob Strehle #658 (resigned)
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COUNT	OPS#	COMPLAINANT	INVESTIGATOR	ALLEGATION	CPRB DISPOSITION
5	22-068	Bryant	Funari	Unprofessional Behavior/Conduct Lack of Service/No Service WCS Violation	P.O. David Morova #1117 Unprofessional Behavior/Conduct Recommendation: Motion: Second: Lack of Service/No Service Recommendation: Motion: Second: WCS Violation Recommendation: Motion: Second:
6	23-011	Cacho	Funari	Unprofessional Behavior/Conduct Lack of Service/No Service WCS Violation	P.O. Sabrina Sudberry #1703 Unprofessional Behavior/Conduct Recommendation: Motion: Second: Lack of Service/No Service Recommendation: Motion: Second: WCS Violation Recommendation: Motion: Second:
7	22-291	Bacchus	Funari	Lack of Service/No Service	P.O. Diamond Murphy #1264 Lack of Service/No Service Recommendation: Motion: Second:

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				Lack of Service/No Service	P.O. Dyland O'Donnell #1280 Lack of Service/No Service Recommendation: Motion: Second:
8	22-312	Bland	Funari	Failure to De-Escalate Failure to De-Escalate	P.O. Brenden Hunt #1201 Failure to De-Escalate Recommendation: Motion: Second: P.O. Jesse Chapman #1040 Failure to De-Escalate Recommendation: Motion: Second:
9	23-001	Hrobat	Bowker	Lack of Service/No Service Lack of Service/No Service	P.O. Mariah Rodriguez #1537 Lack of Service/No Service Recommendation: Motion: Second: P.O. Dominique Anderson #1757 Lack of Service/No Service Recommendation: Motion: Second:
10	22-157	Toth	Bowker	Lack of Service/No Service Bias Policing	Sgt. Daniel Day #9182 Lack of Service/No Service Recommendation: Motion: Second: Bias Policing Recommendation: Motion: Second:
11	22-259	Toth	Bowker	Unprofessional Behavior/Conduct	Sgt. Mathias Varga #9298 Unprofessional Behavior/Conduct Recommendation: Motion: Second:

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11	22-259	Toth	Bowker	<p>Unprofessional Behavior/Conduct</p> <p>Unprofessional Behavior/Conduct</p> <p>Improper Procedure</p>	<p>Lt. Thomas Stacho #8535 Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p> <p>Sgt. Robert Goines #9215 Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p> <p>Improper Procedure Recommendation: Motion: Second:</p>
12	23-066	Hillegas	Bowker	<p>Unprofessional Behavior/Conduct</p> <p>Unprofessional Behavior/Conduct</p>	<p>Gina Smith-Loomis #19 (Dispatcher) Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p> <p>Veronica Hall #133 (Dispatcher) Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p>
13	22-249	Figueroa	Szymanski	<p>Lack of Service/No Service</p> <p>Unprofessional Behavior/Conduct</p> <p>Improper Citation</p>	<p>Sgt. Brian Todd #9129 Lack of Service/No Service Recommendation: Motion: Second:</p> <p>Unprofessional Behavior/Conduct Recommendation: Motion: Second:</p> <p>P.O. Carlos Robles #2283 Improper Citation Recommendation: Motion: Second:</p>

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				Improper Procedure	Improper Procedure Recommendation: Motion: Second:
				Improper Procedure	P.O. Alexander Vencil #554 Improper Procedure Recommendation: Motion: Second:
14	22-276	Linden	Szymanski	Unprofessional Behavior/Conduct	P.O. Molly Madaras #1754 Unprofessional Behavior/Conduct Recommendation: Motion: Second:
				Unprofessional Behavior/Conduct	P.O. Christopher Bosal #57 Unprofessional Behavior/Conduct Recommendation: Motion: Second:

15	22-301	McFarland	Szymanski	Unprofessional Behavior/Conduct	P.O. Brandon Bliss #29 Unprofessional Behavior/Conduct Recommendation: Motion: Second:
				Harassment	Harassment Recommendation: Motion: Second:
				Improper Citation	Improper Citation Recommendation: Motion: Second:
16	22-266	McCoy	Szymanski	Unprofessional Behavior/Conduct	P.O. Anthony Rice #1886 (2022-00086893) Unprofessional Behavior/Conduct Recommendation: Motion: Second:
				Harassment	P.O. Gary Kane #56 (2022-00128872) Harassment Recommendation: Motion: Second: Lack of Service/No Service

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				Lack of Service/No Service	Recommendation: Motion: Second:
				Improper Arrest	Improper Arrest Recommendation: Motion: Second:
				Harassment	P.O. Andrea Renshaw #413 (2022-00128872) Harassment Recommendation: Motion: Second:
				Lack of Service/No Service	Lack of Service/No Service Recommendation: Motion: Second:
				Improper Arrest	Improper Arrest Recommendation: Motion: Second:
				Excessive Force	P.O. Cody Hutchinson #2238 (2022-00128872) Excessive Force Recommendation: Motion: Second:

COUNT	OPS#	COMPLAINANT	INVESTIGATOR	RECOMMENDATION	CHIEF'S DECISION
1	21-206	Gary	Funari	The CPRB recommended that the allegations of Improper Procedure be Sustained against Det. Daniel Florentz #2586 when he failed to have a supervisor present during his interview with a complainant's juvenile son in violation of CDP Detective Unit Manual-Procedures of Juvenile Offenders (Group II Violation).	On June 23, 2023, a pre-disciplinary hearing was held before Deputy Chief Dorothy Todd. Chief Drummond departed from the recommendation of the CPRB and Dismissed the charges in Specification 1, Improper Procedure against Det. Florentz. Chief Drummond cited that the Detective Responsibilities portion of the CDP Detective Unit Manual states: "Conducting interviews and obtaining statements from all victims and witnesses using the current procedures. Statements shall be taken from juveniles as long as the juvenile is of a reasonable age and has the ability to understand the procedures. If no responsible adult or parent is present while obtaining a juveniles statement,

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					<p>a supervisor must be present". (Emphasis added)</p> <p>Nowhere else in the section Detective Responsibilities does the Cleveland Division of Police Detective Manual address obtaining statements from juveniles.</p> <p>Conflicts within the CDP Detective Unit Manual will be addressed in the next version of the Manual.</p> <p>The juvenile's mother and adult sister were present and the language in the CDP Detective Unit Manual would indicate to a detective that a supervisor is not required when obtaining a statement from a juvenile.</p>
2	22-255	Bey	Funari	<p>The CPRB recommended that the allegation of Lack of Service/Failure to Investigate be Sustained against Det. Darryl Turner #2200 when he failed to actively investigate a threat made against the complainant in violation of Manual Rules 4.01 (Group I Violation).</p>	<p>On September 18, 2023 a pre-disciplinary hearing was held before Deputy Chief Dorothy Todd.</p> <p>Chief Drummond departed from the recommendation of the CPRB and Dismissed the charges in Specification 1, Lack of Service/Failure to Investigate against Det. Turner.</p> <p>Chief Drummond cited that the violation occurred on April 12, 2022; however, the complaint was not filed until October 17, 2022. This delay is problematic in that it prohibits discipline as it is beyond the six-month time frame allowed in the Collective Bargaining Agreement (CBA) between the City of Cleveland and the Cleveland Police Patrolmen's Association (Bill of Rights, Article 7, Section M).</p> <p>Chief Drummond also cited that Detective Turner was about to have another detective complete a photo array with the victim of serious felony crimes when he happened upon the victim's uncle. The uncle told Detective Turner, "Now listen ... if the 'N' keeps fucking with my people, I'm going to bury him. You have this on tape and I will give you my name." The uncle later</p>

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					states: "I'm strapped!" and he lifts up his shirt to reveal a gun in his waistband. Because the suspect was not aware of the threat, he could not be the victim of Aggravated Menacing. Further, should something have happened to the suspect, Detective Turner would have been able to identify the uncle as a possible suspect.
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Summary Investigation Out-Brief

Investigator: Hercules Harris

OPS Case #: 2021-0298 - Complainant (Matthew Zeitler)

Subject Officers: Lamar Heath #817, Angela Owens #878, Andreaa Renshaw #413

Administrative/Case Information:

Status: Open (11/29/2021) / Closed (8/21/2023) (Open 630 days – Case was transferred to Investigator Harris on 5/12/2023)

Investigation Type: Complex

Initial Allegation #1: Unprofessional Behavior

Initial Allegation #2: Biased Policing

Other Matters: N/A

References: Manual Rule & Regulations 5.09 – Personnel shall be courteous and respectful in their speech, conduct, and contact with others.

General Police Order - 1.07.08 – BIAS-FREE POLICING Members shall make decisions related to law enforcement activities based upon observed behavior, reasonable suspicion, and/or probable cause.

Evidence Collection: WCS Footage, Walmart Surveillance Footage, LERMS Incident Report 2023-00361419

Case Summary: On 11/29/2021, the Office of Professional Standards (OPS) received a complaint from Matthew Zeitler. In his OPS complaint, Mr. Zeitler stated on 11/26/2021, at approximately 1805 hours, officers improperly detained him and didn't allow him to leave the store with the items he paid for. Also, the officers were unprofessional and racially profiled him.

Key Findings:

Narrative: Mr. Zeitler stated Officer Owens told him to “shut the f**k up” and to “figure it out” when he asked for her Sergeant’s name. OPS interviewed Officer Owens and asked her if she made that statement. Officer Owens replied “I don’t recall.”

Mr. Zeitler said he told Officer Heath that he felt like he was being strong armed robbed and he replied “Actually, I have a gun, it’s Agg Robbery.” Mr. Zeitler alleged Officer Heath made that comment while patting his gun. Officer Heath acknowledged making the statement, but said the comment was meant to be a joke. Also, he didn’t pat his gun and feels he was professional to Mr. Zeitler.

Mr. Zeitler said Officer Renshaw told him he did “in fact shoplift the large items.” If Officer Renshaw made that statement, it would’ve been due to information she received from the staff at Walmart, since they investigated Mr. Zeitler’s purchases. OPS was unable to determine if Mr. Zeitler paid for all of the items he exited the store with. Officer Domnori’s WCS and the Walmart footage shows items were taken from Mr. Zeitler by the Walmart staff and a refund was issued to him.

OPS reviewed the Walmart Security footage, but there isn’t any audio associated with the footage. The officers never physically detained Mr. Zeitler and no one patted their gun. Officers aren’t required to activate their WCS when working Secondary Employment.

When Mr. Zeitler refused to show his receipt and became irate, that’s when the staff asked for Officers Owens, Heath, and Renshaw to assist. The officers spoke to Mr. Zeitler and he refused to show them the receipt as well, even after they advised him it is Walmart’s policy for customers to show their receipt for items that aren’t in a bag. Mr. Zeitler had a receipt, but refused to show it.

- 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: Hercules Harris

OPS Case #: 2023-0015 - Complainant (Oksana Balak)

Subject Officer: P.O. Anthony Shumpert #1773

Administrative/Case Information:

Status: Open (1/26/2023) / Closed (5/5/2023) (Open 99 days)

Investigation Type: Standard

Initial Allegation #1: Lack of Service

Other Matters: N/A

References: Manual Rule 4.18 - Officers shall investigate all reports of suspected criminal activity requiring police action that come to their attention. GPO 8.1.02 - Officers shall complete an OH-1 for all motor vehicle crashes investigated by the Division. When possible, officers shall identify the unit at fault and issue a citation, make a physical arrest when appropriate, or warn the motorist based on probable cause developed from physical evidence and/or witness information present at the time.

Evidence Collection: WCS Footage, Pictures of Damage, Traffic Crash Report, CDP Incident Report (2023-00010867)

Case Summary: Ms. Balak stated a vehicle caused significant damage to her property. She went to the Fourth District Police Station and was told the officer didn't see any damage and was unable to locate the vehicle involved in the accident. Yet, he requested to have the vehicle towed. She believes the officer reported false information and was negligent.

Key Findings:

Narrative: A review of Officer Shumpert's WCS showed he did locate the vehicle involved in the crash. Officer Shumpert looked for a license plate on the vehicle, but was unable to locate one. Officer Shumpert did not locate a driver or witness. He asked Dispatch to contact EMS, since they arrived on scene first, and they informed him the driver was gone upon their arrival. Officer Shumpert towed the vehicle because it was left abandoned in the middle of the intersection. When the Fire Department arrived, they pushed the vehicle up against the curb and wrapped it in Caution Tape, so it didn't create a hazard to other motorists.

Officer Shumpert stated in his OPS interview that the vehicle had "heavy front-end damage." However, he was unable to determine how the vehicle became damaged. Officer Shumpert said the vehicle was in the middle of the intersection, so he wasn't aware the vehicle caused damage to Ms. Balak's property. Officer Shumpert stated several of the businesses have damage to their property and motor vehicle accidents occur in that area frequently, so he couldn't determine when or how the damage happened. Also, the initial call was a vehicle crashed into a pole, not a structure.

Officer Shumpert completed a Traffic Crash Report (OH-1) based on the information he had available to him at that time.

- 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: Hercules Harris (Investigation completed by former OPS Investigator Eric Richardson)
OPS Case # 2023-0032 - Complainant (Mozella Ibrahim)
Subject Officer: Det. Joseph Markey #613

Administrative/Case Information:

Status: Open (2/14/2023) / Closed (3/23/2023) (Open 37 days)

Investigation Type: Standard

Initial Allegation #1: Lack of Service

Other Matters: N/A

References: Manual Rule 4.18 – Officers shall investigate all reports of suspected criminal activity requiring police action that come to their attention. Detective Manual – Detectives shall diligently and thoroughly investigate all cases assigned to them, and will be held responsible for every case assigned to them.

Evidence Collection: WCS Footage, CDP Report 2023-00028457, CALM Program Description

Case Summary: Ms. Ibrahim stated there was a Domestic Violence incident at her residence and she was told a Detective would follow-up with her. Ms. Ibrahim reported as of the date of her OPS complaint, she had not been contacted by a Detective.

Key Findings:

Narrative: In his OPS interview, Det. Markey said he became aware of the assignment on 1/31/2023. He reviewed the case and saw it was referred to the CALM program, so he sat the case to the side. Det. Markey believed it was not necessary to contact the complainant, because the only task that he needed to perform was a cleanup report.

Det. Markey was on vacation from 2/4/23 to 2/13/2023. He returned to work 2/14/2023, one day after the complainant filed her OPS complaint.

The CDP Report stated the complainant’s son was referred to the CALM program and placed with his aunt.

Officer McCarthy’s WCS revealed he informed the complainant that her son would be referred to the CALM program. The complainant didn’t overtly refuse the referral. The CALM program is a diversion program intended to keep juvenile offenders out of the court system.

Once Det. Markey became aware the complainant wanted her son prosecuted through juvenile court, he interviewed her and filed Domestic Violence charges against him.

Despite Det. Markey’s off / vacation days, as well as the CALM program referral, only 15 days passed from the date of assignment, until the filing of the instant OPS complaint.

- 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: Hercules Harris (Investigation completed by former OPS Investigator Anitra Merritt)

OPS Case #: 2022-0075 - Complainant (Alice Hall-Battle)

Subject Officer: Sgt. Roger Stoudmire #9168

Administrative/Case Information:

Status: Open (3/28/2022) / Closed (6/30/2022) (Open 94 days)

Investigation Type: Standard

Initial Allegation #1: Lack of Service

Initial Allegation #2: Unprofessional Behavior

Other Matters: N/A

References: GPO 4.03.06 - Protocol for CMHAPD – CMHAPD will use best efforts to investigate all crimes occurring on CMHA property.

Manual Rule 4.18 – Officers shall investigate all reports of suspected criminal activity and non-criminal incidents that come to their attention.

Evidence Collection: WCS Footage, Recorded Interview, Police Report (2021-00113669)

Case Summary: On 3/28/2022, Ms. Hall-Battle alleged extortion and fraud against employees of CMHA. Ms. Hall-Battle reported P.O. Jacob Strehle #658 failed to file a police report upon request and Sgt. Roger Stoudmire #9168 was unprofessional, lacked sensitivity and failed to investigate.

Key Findings:

Narrative: The complainant alleged that Sgt. Stoudmire failed to investigate her case. At the 2 minute and 7 Second mark of Sgt. Stoudmire’s OPS interview, he said he discovered the complainant alleged theft against CMHA employees. Per CDP’s policy, CMHA Police have felony investigative responsibility for felony drug investigations, Section 8 fraud, internal theft, and contract fraud involving their properties. In accordance with CPD’s policy, Sgt. Stoudmire determined the complainant’s allegations fell under CMHA’s jurisdiction, and the case was transferred to CMHA for further investigation.

The complainant alleged Sgt. Stoudmire was unprofessional and continuously ignored her. At the 4 minute and 14 second mark of Sgt. Stoudmire’s OPS interview, he acknowledged receiving a phone call from the complainant. Sgt. Stoudmire stated the complainant refused to identify herself or provide him with any information, so he could answer her questions. Sgt. Stoudmire stated as a result of the complainant’s failure to identify herself and her erratic behavior, unbeknownst to the complainant, he began recording their conversation. Sgt. Stoudmire reported the complainant eventually gave him a police report number which allowed him to better assist her. A review of the recording submitted by Sgt. Stoudmire, revealed he explained to the complainant why the case was transferred to CMHA. Absent the recording of the entire conversation, OPS is unable to determine if Sgt. Stoudmire lacked sensitivity or was unprofessional.

- 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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Case Review Brief

2022-0291 – Honesty Bacchus

Subject Officer: Dimand Murphy #1264, & Dylan O'Donnell #1280

Allegations: Lack of Service

Key Observations

- Per policy, officers are to investigate all reports of suspected criminal activity that come to their attention and report, in writing, any violation of state law. Here, although Officers Murphy and O'Donnell fully investigated the reports of criminal damaging, the officers did not investigate Ms. Bacchus' reports that she had been choked or threatened with a gun. This was information that was reported directly to Officer Murphy by Ms. Bacchus and she failed to conduct any further investigation into this report. She didn't ask Ms. Bacchus for any additional information although she informed Sgt. Bechtold that she had tried to but Ms. Bacchus had been evasive with her.
 - Although the officers asked Mr. Wells and his mother whether they had a gun and whether they had threatened Ms. Bacchus with a gun, they didn't take any further investigative action on this claim nor did they ask Mr. Wells any questions regarding Ms. Bacchus' claims that he had choked her. Additionally, the officers failed to ask Ms. Bacchus any questions about Mr. Well's mother's report that she had slapped her and pinned her against her vehicle.
 - Moreover, Officer O'Donnell, who generated the criminal damaging reports, failed to include in the reports the other crimes that not only had been reported to him by Officer Murphy but also those directly reported to him by Ms. Fair. The WCS footage shows officers on scene suggesting to Officer O'Donnell that these criminal reports be include in the report that he was to generate for this incident.
- ▼ Policy or Training Recommendation: None
 - ▼ Briefed to Complainant:
 - ▼ Did Complainant Request Additional Support: NA
 - ▼ Briefed to CDP Officer or Employee: NA

CUI

22

Status: Open (November 15, 2022) / Closed (May 22, 2023)

Case Summary:

On November 15, 2022, the Office of Professional Standards (OPS) received a complaint from Honesty Bacchus. She stated that on November 10, 2022 at 1:50 AM, when she arrived at Andre Wells' residence, he shot two bullets into her vehicle while she was still sitting inside of it. She stated that after she got out of her vehicle and saw the bullet holes, she grabbed her pink bat and hit the downstairs window on his house. She stated that Mr. Wells came outside, grabbed the bat, and smashed the windows in her car and windshield. She stated that while this was happening, Mr. Wells mother pulled up and began walking toward her with a gun in her hand. She stated that Mr. Wells prevented his mother from shooting her but he then came up behind her and choked her. Ms. Bacchus stated that when the police arrived, they detained her and put her in the back of the police car. She stated that 10 – 15 minutes later, a female police officer told her that she and Mr. Wells were both being charged with criminal damaging; her car was getting towed; and she was being issued a ticket for illegal parking. She stated that the officers gave her the police report numbers and took her home.

Case Investigator: Julie Delaney

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 – Joseph Szymanski

OPS Case # 2022 - 0249 - Complainant – Martha Figueroa

Subject’s – Sgt. Brian Todd #9129; P.O. Carlos Robles #2283; P.O. Alexander Vencill #554

Administrative/Case Information

Status: Open (October 11, 2022) / Closed (November 30, 2022) / # of Days (50)

Classification: Complex

Initial Allegation #1: Improper Citation, Lack of Service, Unprofessional Behavior/Conduct

Other Matters: Improper Procedure

References: *Manual Rule 1.07, 4.01, 4.02, 4.03, 5.01, 5.02, 5.08, 5.09, 9.05, 9.12, General Police Order 5.05.01, OPS Administrative Closure 22-250.*

Evidence Collection: LERMS Reports, LERMS Screenshots, Copy of Citation Provided by Cleveland Clerk of Courts & Complainant, Correspondence w/ Det. Carmen Messina of the Domestic Violence Unit, 4 WCS videos, Officer and Complainant Interviews; Clerk of Courts Employee Interview

Case Summary: The complainant filed two complaints in connection with the date of incident of September 29, 2022. Therefore, the complaints were merged and consolidated into OPS 22-249. She alleged that on September 29, 2022, her daughter, Yolanda Figueroa, received a citation for a residential noise complaint, was told it was waivable, and said the box on the ticket was marked waivable. However, when she contacted the Cleveland Clerk of Courts, it was said, “the police filed it un-waivable” and “the officers gave them a non-waivable ticket.” Later, alleged making a call to Sgt. Brian Todd #9129, to make a complaint against two officers stating the officers changed the codes on the citation. She alleged Sgt. Todd did not want to take her complaint, she was hung up on, had to call back to acquire his badge number, and an unprofessional behavior/conduct allegation against Sgt. Todd.

- ▼ **Policy or Training Recommendation:** None
- ▼ **Briefed to Complainant:** NA
- ▼ **Did Complainant Request Additional Support:** NA
- ▼ **Briefed to CDP Officer or Employee:** NA

Key Findings

P.O. Carlos Robles # 2283 and P.O. Alexander Vencill #554 responded to the calls for service. The preponderance of evidence showed P.O. Robles was not in compliance with *Manual Rule 4.03*. He improperly filled out the citation, checking both boxes, which one box ordered one to appear and the box the citation could be waived. It was verified “playing a sound device” was an M4 and required a court appearance and is not waivable. The obvious and acknowledged error, can be attributable to P.O. Robles not giving full attention to his duties. He stated in his **OPS interview** he regularly fills out citations in the same manner as in this instance. If this position is accepted, being justification for the error, he did not comply with *Manual Rule 1.07*; as he is charged with the responsibility of having a thorough understanding of criminal law. P.O. Robles belief was that it was appropriate to check both boxes, demonstrating him not having this understanding.

When reviewing the WCS of the officers, it was learned and shown the officers were in a Domestic Violence situation. They failed to arrest the suspect on scene, who was identified, had prior history of Domestic Violence, and deemed the primary physical aggressor. They tried to mediate with the family and come to an agreement, avoiding an arrest. No new evidence or reported evidence was collected on scene. Neither was any photographs taken of reported injuries, and evidence corroborate the subject's statement. Photos of the reported pictures frames, paperwork, and complainant's injury were not taken as evidence. P.O. Vencill's report showed no positive identification of the suspect or how he positively identified the suspect. He did not include why an arrest was not made, what medical treatment options were offered, provided or refused, nor notating the previous Domestic Violence incidents that the suspect was involved in, being reported. He did not get an “*Injury Assessment Form Completed*” by the complainant and *did not upload the Misdemeanor Complaint Statement (Form C of C 71-2141) to LERMS*, the “*Injury Assessment Form*”, or photographs of the alleged injury and/or the destruction of the reported property. P.O. Vencill and P.O. Robles failed to follow the mandates of *GPO 5.05.01*, and *Manual Rules 4.01, 4.02*. P.O. Vencill did not comply with *9.05* and *9.12*, as he did not promptly complete the report with current Divisional procedures, did not follow *IV. Reporting of 5.05.01* or submit his report through the chain of command in a complete and timely manner following procedures of *5.05.01*.

There is a lack of evidence to determine the allegations against Sgt. Brian Todd #9129. It was determined the communication was an undocumented phone call. No independent evidence was available to support either party's side.

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

Investigator – Joseph Szymanski

OPS Case # 2022-0276 - Complainant - Richard Linden

Subjects – P.O. Molly Madaras #1754 & P.O. Christopher Bosak #57

Administrative/Case Information

Status: Open (November 2, 2022) / Closed (December 5, 2022) / # of Days (33)

Classification: Standard

Initial Allegation #1: Unprofessional Behavior/Conduct

References: *Manual Rule 5.01 & 5.09*

Evidence Collection: CDP Incident Report 22-320501 & 22-320509; Global Subject Activity Report, 4 WCS Videos; Officer and Complainant Interviews

Case Summary: The complainant alleged that on November 2, 2022, members of 2B35 responded to 3248 W. 32nd for a report of loud music (CDP Incident 22-320501). The complainant stated he had filed several reports on his co-inhabitant for threats and loud music complaints, and that they lived in a "rooming house." He alleged when officers responded, P.O. Madaras, told him he would be arrested in the future if he called 911 again for misuse of the 911 system. On November 3, 2022, the complainant in his OPS interview stated the officers were polite and professional. He understood why they got upset as he kept on cutting them off when they talked. However, provided she right away was going jump on him and arrest him.

Key Findings

WCS showed P.O. Molly Madaras #1754 and P.O. Christopher Bosak #57, responded to two calls for service at the complainant's address. P.O. Madaras did not tell the complainant he would be **"arrested"** in the future if he called 911 again for misuse of the 911 system. P.O. Madaras said, "If you continue to call when it's not an emergency, ***I'm going to cite*** you for inducing panic and for abusing 911."

WCS showed P.O. Madaras told the complainant "there [was] no reason to act like a child," and "look, look we're not going to come back here all night. If we both have to keep coming back here tonight, you both are going to jail, both of you. Not just him, not just you, both of you. Do you understand?" When she spoke to him about his age and how he made comments, her responses were disrespectful and non-courteous. Telling him, "that was even worse, [that] your 65", "shame on you," referencing him, and what he would do with his grandkids, and argued with the complainant.

WCS showed P.O. Bosak making unprofessional statements stating, "So, how about I take you both for violating them, huh, sound good?" The complainant responded, "His is civil, you actually can't." P.O. Bosak responded he couldn't. P.O. Bosak returned appearing to get upset, stating, "You, I'm getting to the point," and hit his WCS. He used profanity by saying "fucking" in front of the complaint. P.O. Bosak interacted with Mr. Alvin (citizen involved), stating to him "You are a common theme," and told him he didn't know what was going on and didn't care to. In ***P.O. Bosak's OPS Interview***, he was asked if he felt that he was professional dealing with this incident and upheld the esteem of the Cleveland Division of Police. P.O. Bosak responded, "No, I don't believe I was professional."

P.O. Madaras and P.O. Bosak did not comply with *Manual Rules 5.01* and *5.09*. They were not courteous and respectful in their speech, conduct, and contact. They did not conduct themselves in a respectful manner to gain respect back and expressed a disparaging tone.

- ▼ **Policy or Training Recommendation:** None
- ▼ **Briefed to Complainant:** NA
- ▼ **Did Complainant Request Additional Support:** NA
- ▼ **Briefed to CDP Officer or Employee:** NA

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 – Joseph Szymanski

OPS Case # 2022-0301 - Complainant – Aja McFarland

Subjects – P.O. Brandon Bliss #29 & P.O. Logan Pudlinski #892

Administrative/Case Information

Status: Open (December 6, 2022) / Closed (December 29, 2022) / # of Days (29)

Classification: Complex

Initial Allegation #1: Unprofessional Behavior/Conduct, Harassment, Improper Citation

References: Manual Rule 4.01, 5.09 and Law Enforcement Code of Ethics, City of Cleveland, Ohio – Codified Ordinances - § 605.03 Disorderly Conduct; Intoxication

Evidence Collection: Global Subject Activity Report, CDP Incident Report 22-341345, Citations Provided by Complainant, Citation Provided by Cleveland Municipal Court, Cleveland Municipal Court-Magistrate Decision/Judgement Entry (12-7-22), Cleveland Municipal Court Case Summary Docket-Case No. 22-CRB-010143; 4 WCS Videos; Officer and Complainant Interviews

Case Summary: The complainant alleged that on November 22, 2022, she was sitting inside her vehicle, parked in the driveway, playing music. P.O. Bliss and his partner approached, informing her they had received a call that her music was too loud. She stated the officers said, "To turn it down or she would receive a citation." She reported that P.O. Bliss, "Got smart" with her during the conversation, causing an argument between her and the officer. She said the officers walked away as she went inside her residence. Then, the officer knocked on the door of her residence telling her to sign a citation for "Disorderly Conduct-Intoxication" (Ticket #: A797308). The complainant stated she refused to sign the citation because the officers couldn't have known if she had been drinking. She alleged the officer's threatened to tow her vehicle out of the driveway. She stated that after a period of time, the officers left the citation in her mailbox. She provided P.O. Bliss has come to her residence previously and said, "Her music was too loud. She believes her neighbors know P.O. Bliss personally, thus the reason why he keeps on coming to her residence. The complainant alleges harassment, unprofessional behavior, and Improper Citation.

Key Findings

P.O. Brandon Bliss #29 and P.O. Logan Pudlinski #892 complied with Manual Rule 5.09. During the officer's encounter with the complainant, they were courteous and respectful in their speech, conduct, and contact with her. The complainant yelled and used profanity against the officers. WCS showed the officers did not tell her she would receive a citation if she didn't turn down her music. P.O. Bliss and P.O. Pudlinski attempted to de-escalate the situation. They gave the complainant warnings before issuing a citation. P.O. Bliss did make a question-based statement about towing her vehicle; not directed to the complainant or around. The complainant and male named Thomas were not compliant, thus P.O. Bliss made the statement to get her to come out of the residence. P.O. Bliss reported that he learned this technique in his training and experience, had no intention of towing the car, has done this technique many times, and just wanted her to come outside the residence to give her the citation.

No evidence was located that involved P.O. Bliss regarding "Playing of Sound Devices, Loud Noise, and/or Loud Music" nor a pattern of P.O. Bliss responding to incidents at the complainant's residence. P.O. Bliss reported to OPS that he does not know any of the complainant's neighbors. After review, no evidence was established that P.O. Bliss # 29 harassed the complainant. Instead, the evidence showed that P.O. Bliss followed the Law Enforcement Code of Ethics and complied with Manual Rule 4.01. He determined the offender [complainant] and enforced the law by citing the offender as he was serving the community against disorder and attempting to preserve public peace.

P.O. Bliss # 29 complied with Manual Rule 4.01 by determining the offender and attempting to preserve the public peace by enforcing City of Cleveland Ohio – Codified Ordinances - § 605.03 Disorderly Conduct; Intoxication. He cited the complainant for "Disorderly Conduct; Intoxication;" and abiding by City of Cleveland Ohio – Codified Ordinances - § 605.03 Disorderly Conduct; Intoxication as he wrote his citation because he observed her emitting the indicators of being intoxicated and smelled the presence of alcohol on her breath. Also, she continuously yelled and screamed; causing a disturbance. Two citations were issued for the same incident as he lost a copy of Citation # A797306. He was instructed by his OIC/Supervisor to reissue a second citation, which was Citation # A797308.

- ▼ Policy or Training Recommendation: None
- ▼ Briefed to Complainant: NA
- ▼ Did Complainant Request Additional Support: NA
- ▼ Briefed to CDP Officer or Employee: NA

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

Investigator – Joseph Szymanski

OPS Case # 2022-0266 - Complainant – Lonnie McCoy

Subjects – P.O. Gary Kane #56 & P.O. Andreaa Renshaw #413 (22 – 128872); P.O. Anthony Rice #1886 (22 - 086893); P.O. Cody Hutchinson #2238 (22 – 120284) - Resigned 06-29-23

Administrative/Case Information

Status: Open (October 26, 2022) / Closed (January 2, 2023) / # of Days (68)

Classification: Complex

Initial Allegation #1: Harassment, Lack of Service/No Service, Improper Arrest, Excessive Force, Unprofessional Behavior/Conduct

References: *Manual Rules 4.01, 4.18, and 5.09; Ohio Revised Code – Section 2903.21 – Aggravated Menacing; General Police Orders 3.04.01, 4.06.04, and 5.05.02.*

Evidence Collection: Global Subject Activity Report; CDP Arrest Report #789817; CDP Division of Police Detail and Incident Reports: 22-128872, 22-120284, 22-112047, 22-101777, 22-087341, 22-086893, 22-010756, and 22-002047; Cleveland Police Department Evidence Audit Trail (22-128872); Civil Protection Order FORM 10-C & 10.03-F (Case No. CV-22-963045); 11 WCS Videos; 2 Recorded Statements; 3 Officer Interviews; Complainant Interview; Duty Reports and DDA's.

Case Summary: The complainant filed a complaint with OPS on October 26, 2022; alleging he was arrested for an Aggravated Menacing charge that was not true and his neighbor called the 5th district on several occasions to report a weapon being used. He alleged police failed to ask him about a weapon and entered his apartment every time. The complainant alleged he was cuffed, placed up against the wall, was arrested for Aggravated Menacing, and taken to the Justice Center. He alleged police overstepped their boundaries with harassment. The complainant reported convicted felons do not have right, understanding the police's response [and] it was harassment, but they can't cover the situation up. On October 28, 2022, pursuant to the complainant's OPS interview, he reported in May of 2022 of being arrested for Aggravated Menacing. He confirmed the police inquired about the weapon, entered his apartment and placed him in handcuffs. He provided there was three officers; however, did not obtain badges or names.

Key Findings

The preponderance of evidence showed P.O. Gary Kane #56 and P.O. Andreaa Renshaw #413 did not show any form of harassment during their encounter with the complainant on 05-10-22, ICW **CAD 22-128872**. They responded to the call of service, made a lawful arrest pursuant to **G.P.O. 3.04.01** and **5.05.02**. They arrested the complainant for "*Violation of a TPO*," and "*Aggravated Menacing*," pursuant to **ORC 2903.21 - Aggravated Menacing** and **G.P.O. 5.05.02**. Both officers had justified probable cause to make the arrest and was approved by their Sergeant. They complied with *Manual Rules 4.01, 4.18, and 4.08*. They responded to the call for service, investigated the incident, detected the offender (complainant), enforced the law and made an arrest to preserve the public peace. They were courteous and respectful in their speech, conduct, and contact with the complainant.

The excessive force allegation was found to be against P.O. Cody Hutchinson #2238. As of 06-29-23, he has resigned from the Cleveland Division of Police; no longer being a member of the division. OPS has no jurisdiction to make a recommendation.

P.O. Anthony Rice #1886 complied with Manual Rule **4.18**. He responded to the incident on 03-31-22, ICW **CAD 22-086893** and investigated the complainant reporting his neighbor threatening him during a verbal agreement. During the encounter, P.O. Rice complied with Manual Rule **5.09**. He was courteous and respectful in his speech, collected the complainant's information for a "*Menacing*" report, and fulfilled his duty as a police officer.

- ▼ **Policy or Training Recommendation:** None
- ▼ **Briefed to Complainant:** Yes
- ▼ **Did Complainant Request Additional Support:** NA
- ▼ **Briefed to CDP Officer or Employee:** NA

Lack of Service / No Service	Improper Arrest	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Case Review Brief

2022-0312 – Mary Bland

Subject Officer: Brenden Hunt #1201 & Jesse Chapman #1040

Allegations: Lack of Service - Failure to De-Escalate

Key Observations

- This was a call for service by EMS requesting assistance for a psych patient who was being uncooperative with the medics. This patient was OPS Complainant Mary Bland. After arriving on scene, the officers were briefed by the medics who told them that shelter staff had informed them that Ms. Bland had expressed suicidal idealizations to them. The medics also told the officers that Ms. Bland didn't like them and that she was going to keep calling 911 until she got a crew that she liked
- The WCS footage shows that despite receiving this information about Ms. Bland, minimal de-escalation techniques were deployed by the officers which ultimately contributed to Ms. Bland being handcuffed and restrained and transported to a hospital that she didn't want to go to.
- The WCS footage shows that the officers failed to rely on their crisis intervention training during their interaction with Ms. Bland. In lieu of slowing things down and establishing rapport, the WCS shows that she was yelled at, threatened with criminal charges, held down and restrained.
- During their interviews with OPS, both officers expressed concerns regarding their law enforcement actions and decisions during this incident. Officer Chapman stated that some of the words that he used left a "bad taste in his mouth" while Officer Hunt alluded that they could have handled things differently. Both officers cited a lack of training in crisis intervention regarding their delivery of police services.
- ▼ Policy or Training Recommendation: None
- ▼ Briefed to Complainant: N/A
- ▼ Did Complainant Request Additional Support: NA
- ▼ Briefed to CDP Officer or Employee: NA

CUI

33

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Case Review Brief

2023-0001 – Valerie Hrobat

Subject Officer: Mariah Rodriguez #1537 & Dominique Anderson #1757

Allegations: Lack of Service

Status: Open (January 4, 2023) / Closed (June 20, 2023)

Case Summary:

On January 4, 2023, the Office of Professional Standards (OPS) received a complaint from Valerie Hrobat. She stated that on December 19, 2022 she went to the 2nd District to file a supplemental report because on December 2, 2022, Officer Rodriguez put 13 incorrect statements in the police report that she had generated for her. She stated that Officer Rodriguez told her that she would generate a supplemental report but never completed one. She asserted Officer Rodriguez lied to her. She stated that the officers that she spoke to on December 19th (Officer Anderson) never wrote down anything she reported and instead documented that she had said that she had wanted to kill herself. Ms. Hrobat stated that she only made this statement to the sergeant (Sergeant Martin Lentz #9225) that she spoke to so that he would understand the severity of the stalking that she had endured for years.

Case Investigator: Julie Delaney

The policy recommendation referenced in this report was adopted by the CDP on July 11, 2023 in DN 23-191.

Key Observations

The WCS footage shows that on December 2, 2022 Officers Rodriguez and Thompson generated a report that would provide her access to resources that they believed could assist her as outlined in GPO 5.11.03.

The WCS footage shows that Ms. Hrobat was upset when she obtained a copy of the report in that it didn't contain the necessary verbiage for her to pursue criminal charges against her stalker. The footage shows that she reported to the 2nd District on December 19th and wanted the report changed. It appears, based on Officer Rodriguez and Ms. Hrobat's conversation during this interaction, that there might have been some prior communication between them about a supplemental report and that it might have occurred on December 5th as Officer Rodriguez's AVL and Duty Report and the District Visitor's log show both being at the 2nd District at the same time. However, there is no evidence that establishes that an interaction occurred between them as Officer Rodriguez has no WCS footage of the interaction, and the Visitor's Log doesn't denote anyone assisting Ms. Hrobat or what time she left the District.

The December 19th WCS footage shows Officer Rodriguez and Officer Thompson trying to explain to Ms. Hrobat that they had included within the December 2nd report the information that she had provided to them on scene and then obtaining the assistance of a sergeant to de-escalate. The footage shows that Sergeant Lentz also became concerned about Ms. Hrobat's mental health and requested CIT Officer Anderson's assistance to provide an assessment and a solution to her request for a supplemental report.

- ▼ Policy or Training Recommendation: None
- ▼ Briefed to Complainant:
- ▼ Did Complainant Request Additional Support: NA
- ▼ Briefed to CDP Officer or Employee: NA

CU

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Case Review Brief

2022-0157 Catherine Toth

Subject Officer: Sgt. Daniel Day #9182

Allegations: Lack of Service & Biased Policing

Status: Open (July 5, 2022) / Closed (October 17, 2022)

Case Summary:

Catherine Toth alleged that on June 28, 2022, she called the police to report that two vehicle were parked illegally near her residence on Edgewater Drive. She stated that Officer Peysha ticketed these vehicles, but then Sgt. Day voided the tickets. Ms. Toth stated that she believes that Sgt. Day engaged in selective enforcement of the law due to her sexual orientation.

Case Investigator: Julie Delaney

Key Observations

There is no evidence to support that Sgt. Day’s decision to void the parking tickets was motivated by a bias toward Mrs. Toth’s sexual orientation. As observed in the video footage and in Sgt. Day’s statement, both Officer Peysha and Sgt. Day asserted that prior to issuing parking tickets in a residential area, if the owner of the vehicle can be located while on scene and the vehicle moved, no ticket will be issued. This is what occurred in this situation. Although Sgt. Day was made privy to the contentious relationship between Mrs. Toth and her neighbor, there was no discussion regarding Mrs. Toth’s sexual orientation during this conversation. A reasonable conclusion could be made that Mrs. Toth’s phone call to the police to report that her neighbor’s vehicles were illegally parked and her instance that they be ticketed was motivated by her contentious relationship with her neighbor and not her concern for the law. Additionally, officers have the discretion to void tickets under certain circumstances and the documents show that the forms to void out the tickets were completed and submitted in accordance with policy.

- ▼ **Policy or Training Recommendation:** None
- ▼ **Briefed to Complainant:** N/A
- ▼ **Did Complainant Request Additional Support:** NA
- ▼ **Briefed to CDP Officer or Employee:** NA

CUI

23

Lack of Service / No Service	Improper Procedure	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Case Review Brief

2022-0259 - Catherine Toth

Subject Officer: Mathias Varga #9298, Timothy Stacho #8535, Robert Goines #9215

Allegations: Unprofessional Conduct & Improper Procedure – GPO 1.07.04

Status: Open (October 24 2022) / Closed (April 4, 2023)

Case Summary:

On October 24th, Catherine Toth filed a complaint over the phone with Lt. Stacho in which she alleged that on October 21st Sgt. Varga was unprofessional during a phone conversation she had with him.

On October 24th, Catherine Toth filed another complaint over the phone with Sgt. Goines in which she alleged that she wanted to file a complaint against Lt. Stacho. In lieu of taking her complaint, Sgt. Goines transferred her to IA and told Mrs. Toth that she could make a complaint against him as well.

On October 24, 2022, OPS received an email from Internal Affairs Sgt. Elberth Eggelmeyer #9126. He stated that Sgt. Robert Goines had transferred a call to him from Catherine Toth in which she informed him that she had been bounced around to different police officers all morning

OPS did not receive any written complaints regarding Catherine Toth's allegations against Lt. Stacho or Sgt. Goines.

Case Investigator: Julie Delaney

Key Observations

- **Sgt. Varga:** Although the WCS footage shows that Sgt. Varga was trying to accommodate Mrs. Toth, he got frustrated with her and became defensive. He told her that he wasn't the "Toth Police", accused her of being disruptive and unkind; told her he had nothing to learn from her; and questioned whether she knew the definition of belittlement. His frustration resulted in him inadvertently referring to her as "sir", which was not well received.
- **Lt. Stacho:** The WCS footage shows that Lt. Stacho referred to Catherine Toth as Ms. Toth a few times when she specifically told him not to call her Ms. because she was married. During the rest of the conversation, Lt. Stacho was somewhat defensive regarding her accusation that he couldn't acknowledge that a gay person could be a married woman when he cited his work within the LGBTQ community.
- **Sgt. Goines:** The WCS footage shows that Sgt. Goines referred to her as Ms. Toth in lieu of Mrs. Toth after she expressly told him not to do so which led to an accusation that he was violating her LBGQT rights in which Sgt. Goines became defensive. He told her she was talking over him and treating him in the same manner she treated Sgt. Varga. He then asserted that the officers that she had interacted with were not biased, sexist or racist. When Mrs. Toth remarked that this comment hurt her, Sgt. Goines talked over her, told her she had to understand what he was saying, and then referred to her as Ms. three more times before he transferred the call to IA.

- ▼ Policy or Training Recommendation: None
- ▼ Briefed to Complainant: N/A
- ▼ Did Complainant Request Additional Support: NA
- ▼ Briefed to CDP Officer or Employee: NA

CUI

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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 – Art Bowker

OPS Case # 2023-0066 - Complainant: Brenda Hillegas

Subject Officers: Dispatcher Gina Smith-Loomis #19 and Dispatcher Veronica Hall #133

Administrative/Case Information

Status: Open (April 3, 2023) / Closed (April 4, 2023): Total 2 days

Investigation Type: Standard

Initial Allegation #1: Unprofessional Conduct

Other Matters: NONE

References: CCS Policies and Procedures, Logically order the info in the CAD narrative, including race

Evidence Collection: Dispatch Recordings and Complainant Interview

Case Summary: Brenda Hillegas alleged on March 31, 2023, between 6:00 pm to 7:30 pm she called 216-288-5469 seeking assistance of a child custody issue. During these calls one dispatcher inquired about her race, which Hillegas found was improper and another dispatcher indicated officers were not rushing out to help white people.

Key Findings:

Narrative: On March 31, 2023, between 6:00 pm to 7:30 pm the complainant called 911 to obtain police assistance on a child custody issue, specifically her 9 year old step grandchild, who refused to go with his maternal mother, who was knocking on a residence's door.

The complainant called 216-288-5469 and spoke to Dispatcher Gina Smith-Loomis #19. During the call the dispatcher asked the complainant the race of the mother and for the mother's date of birth.

Later the complainant overheard a call made by Billie McKinney, the mother of the 9 year old, to Dispatcher Veronica Hall #133. Dispatcher Hall ask the child's name and race. McKinney advises the child is white and Dispatcher Hall asks whose house the child is inside of. McKinney tells Dispatcher Hall that she is there to get the child. She is advised by Dispatcher Hall that they will send a zone car out as soon as one is available.

CCS Policies and Procedures provide that dispatchers are to obtain physical characteristics, including race.

- 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	Unprofessional Behavior / Conduct	Harassment	Biased Policing	Missing / Damaged Property	Excessive Force
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Tuesday, September 26, 2023

Administrators: The following information reflects the cases within this packet, and that are subjected to being heard today.

INVESTIGATIONS STATUS

Abridge	5
Standard	11
Complex	

COMPLAINTS RECEIVED WITHIN 10 DAYS/6 MONTHS of INCIDENT

Received within	
Received outside of	

COMPLAINTS RECEIVED BY TYPE

Harassment:	2
Excessive Force:	
Lack of Service:	11
Unprofessional Behavior/Conduct:	5
Bias Policing	1
Improper Procedure	6
a. Improper Citations	
b. Improper Search	6
c. Improper Stop	0
d. Improper Tow	1
e. Improper Arrest	4
f. Improper Warrant	
g. Improper Collection of Evidence	
Property:	
a. Missing property	
b. Damage to property	2
Misconduct	
a. Uniform Traffic Ticket (UTT)	
b. Parking Infraction Notice (PIN)	

Tuesday, September 26, 2023

CITIZENS OVERVIEW HIGHLIGHTS

Introduction

Introduction

1. **Purpose.** OPS will implement immediate and enduring solutions necessary to ensure improvements in Community understanding and knowledge in policing oversight and investigative policies, programs, and processes to strengthen the trust, confidence and legitimacy of The Office of Professional Standards (OPS), and The Civilian Police Review (CPRB). OPS will take a proactive and effective approach to citizens' complaints, and those agency charged with policing, and policing oversight to convey a shared understanding and appreciation of true transparency.
2. **This Documents Serves as a Guide.** This guide is designed to serve as a ready reference that will allow a citizen to understand our terminology, provide feedback for common language, and follow step by step of how our investigators conducted their Fact Finding Investigation for the CPRB meeting. Part one of the guide provides key definitions, addresses the complaint function and the resolution of **complaints outside OPS authorities and jurisdiction**. Part Two provides a fact finding summary of each case that may be heard by the CPRB. The formats offered herein provide all individuals a common frame of reference when attending our live streaming or monthly and sometime bi-weekly CPRB meetings. NOTE: OPS Investigators only provide the facts from their investigations to the CPRB members in attendance. At the conclusion of its investigation, OPS will explain its findings using one of the following categories: Sustained, Exonerated, Unfounded or Not Sustained , and Administrative Dismissal (refer to key definitions OPS Findings)
3. **Questions and Comments:** For questions or comments concerning this agenda, please get in touch with the OPS Administrator Marcus A. Perez, headquartered at 205th W. St. Clair Avenue, Suite #301, Cleveland, Ohio 44113, or call (216) 664-4618. Your feedback in needed and wanted.

PART I

Key Definitions: This guide uses numerous OPS-specific terms that require precise definitions. This paragraph addresses those key terms common necessary to ensure the proper understanding of the OPS procedures contained herein.

- a. **Allegation:** The term "allegation" has two specific meanings given the context within which it is used.
 - 1) An allegation is generally a statement or assertion of a violation of a rule, regulation, policy, directive, order, requirement, or law (or similar standard) normally submitted by a

Tuesday, September 26, 2023

third party against an individual. In this general context, an allegation has the same definition as a complaint.

- 2) The term allegation can be used in an OPS-specific context as one of the two possible parts of a complaint (the other being an issue). When used in an OPS-specific context, the allegation may refer to how an Investigator formulates or drafts a violation (specification) of a rule, regulation, policy, directive, order, requirement, or law (or similar standard). No matter how or in what form someone might submit an allegation as part of a complaint, the OPS investigator has complete discretion over how the allegation is ultimately formulated or drafted in the investigative case. An allegation in the Investigator-specific context normally contains four essential elements: (1) who, (2) improperly, (3) did or failed to do what, (4) in violation of an established standard. The Investigator refines the allegations/specification based on evidence gathered during an Investigation Inquiry.
- b. **Assistance:** Assistance is receiving, inquiring into, recording, and responding to complaints or requests for information either brought directly to the OPS or referred to the OPS for action concerning matters of community interest.
- c. **Assistance Inquiry:** An informal fact-finding process used to address or respond to a complaint involving a request for help, information, or other issues outside of OPS authorities or other issues, but not complaints with allegations of a violation of a rule, regulation, policy, directive, order, requirement, or law (or similar standard). (See Part One of this guide)
- d. **Civilian Police Review Board (CPRB):** The CPRB reviews misconduct complaints investigated by OPS and recommends them to the Chief of Police. Before recommending discipline or determining that a complaint warrants no action, the CPRB may hold a public hearing. Upon making its decision, the CPRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition.
- e. **Cleveland Department of Police (CDP):** Cleveland Division of Police officers and employees are subject to OPS investigations to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and timely investigating and resolving misconduct complaints
- f. **Complainant:** A person who submits a complaint, allegation, or other request for assistance to the OPS.
- g. **Complaint:** A complaint is generally a notice of -- or an expression of -- dissatisfaction or discontent with a process or system or the specific behavior or actions of an individual submitted by a third party. Complaints contain one or more issues or allegations or both.
- h. **Independent Investigative Agency (IIA):** An organization, designated by the citizens of Cleveland, normally to provide policing oversight and broad general support to the City of Cleveland in a single, unique discipline not otherwise available elsewhere in the City.
- i. **First Party:** A first party, as used in this guide, is someone whom a second party has aggrieved in the context of violating a rule, regulation, policy, directive, order, requirement, or law (or similar standard) and who reports it, or brings it to the attention of, an appropriate authority that can take action to resolve the matter. In most cases, the first party is often the complainant (see the definition of the complainant).
- j. **IA PRO System (AI PRO):** The Investigator database that documents all evidence within the Agency. Only trained and qualified employees and investigators have access to this database.

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- k. **Information OPSAR:** Information OPSARs are a shorthand method to document certain types of OPSARs for information requests only. The two general types are 1A (Routine Request for Information) and 1B (Request for Support OPS Staff to OPS Investigator). The staff or investigator may also use the Information OPSAR to document workload expended outside Assistance and Investigations utilizing the '18E' series codes. For example, the Investigator may use 18E5 to document time spent conducting community engagement. This approach is useful when conducting personnel power studies.
- l. **Issue:** An issue is a complaint or request for information made to the OPS that does not list a "who" as a standard or policy violator. An issue is resolved by (1) conducting an Assistance Inquiry, in which case it is either "Founded" if it has merit and requires resolution, or "Unfounded" if it does not have merit and requires no additional action, or (2) providing the requested information or referring the complainant to the agency or organization best suited to resolve the problem
- m. **Office of Professional Standards (OPS):** Via Charter Amendment, Sections 115-1 through 115-4, effective August 8, 2008. OPS is an independent agency within the City of Cleveland. It is responsible for receiving and investigating non-criminal complaints filed by members of the public against sworn and non-sworn Cleveland Division of Police employees. OPS is also empowered to make findings and recommend action to the Civilian Police Review Board ("CPRB") regarding those complaints.
- n. **Office of Professional Standards Action Request (OPSAR):** is the term used to refer to receiving, inquiring into, recording, and responding to complaints or requests for information either brought directly to the OPS or referred to them.
- o. **OPS Findings: OPS only provides facts, the CPRB will determine**
 - a. **Sustained:** the preponderance of the evidence establishes that the violation of policy occurred. A complaint may be "sustained in part" if the investigation revealed sufficient evidence to support a finding of a policy violation on one or more, but not all of the complainant's allegations. A complaint may also be "sustained for a violation not based on original complaint" if the investigation reveals evidence of misconduct that was not included in the complainant's original allegation.
 - b. **Exonerated:** the preponderance of the evidence fails to establish a finding of a policy violation and does not warrant any further investigation or action.
 - c. **Unfounded:** the preponderance of the evidence fails to establish whether a policy violation occurred or did not occur.
 - d. **Not Sustained:** the preponderance of the evidence establishes that the alleged conduct did occur, but did not violate CDP policies, procedures, or training.
 - e. **Administratively dismissed.**
- p. **OPS Investigation:** A formal fact-finding examination by an Investigator into allegations, issues, or adverse conditions that provides the CPRB a sound basis for making decisions and taking action. At the conclusion of its investigation, OPS will explain its findings using one of the following categories: Sustained, Exonerated, Unfounded or Not Sustained , and Administrative Dismissal
- q. **Second Party:** A second party, as used in this guide, is someone alleged to have affected a first party when violating a rule, regulation, policy, directive, order, requirement, or law (or similar standard). Second parties are normally the subjects and suspects in an Investigations (see the definition of subject/suspect).

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- r. **Conflict of Interest (COI):** Includes an investigator's relationship with a current or former CDP officer, employees of the CDP, or complainant to include comparable civil/community appointees.
- s. **Standard Investigation:**
- t. **Subject:** A person against whom non-criminal allegations have been made such as violating a local policy or regulation that is not punitive.
- u. **Suspect:** A person against whom criminal allegations were made. The allegations include violations of CDP punitive articles, punitive regulations, or violations of other criminal laws. A person may also become a suspect due to incriminating information during an investigation or interview or whenever the questioner believes, or reasonably should believe, that the person committed a criminal offense. **All Criminal allegations are referred to CDP Internal Affairs (IA) upon discovery.**
- v. **Third Party:** A third party, as used in this guide, is one who discovers, observes, or otherwise becomes aware of what he or she believes is a violation of a rule, regulation, policy, directive, order, requirement, or law (or similar standard) and who reports it or brings it to the attention of someone other than the person believed to have committed the violation. Furthermore, this third party has not been personally aggrieved by the actions of the person believed to have committed the violation (usually known as the second party).
- w. **Unfavorable Information:** Unfavorable Information is any credible, derogatory information that may reflect on a complainant or CDP's officer or employee's character, integrity, trustworthiness, or reliability.

Special Note: None of the Investigation Summary cards is located in the PowerPoint presentation.

PART II

Step II is a pilot test.

We want your feedback on this. Should we keep the investigative summary cards, make changes, etc.?

NOTICE TO THE PUBLIC

All times indicated are approximate and subject to change. The meeting may be canceled without notice. Agenda items may be discussed, and action taken out of order at the discretion of the Chairperson for convenience, to accommodate speakers, and to maintain a quorum. Identified presenters are subject to change. Action may be taken on any item on the Agenda. In the event a quorum of the Board is unable to attend the meeting or the Board is unable to maintain a quorum once the meeting is called to order, the members present may, at the Chairperson's discretion, continue to discuss items from the agenda and make recommendations to the full Board at a future meeting.

Accessibility: The Board complies with the Americans with Disabilities Act by ensuring that the meeting facilities are accessible to persons with disabilities and providing that this

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notice and information given to the members of the Boards are available to the public in appropriate alternative formats when requested. If you need assistance, including disability-related modifications or accommodations, to participate in this meeting, please make your request by contacting Mrs. Pierson-Shanks at 216-644-4618. Providing your request at least five business days before the meeting will help ensure the requested accommodation's availability.

Public Comment: Members of the public attending will be allowed to comment during the public comment period. The total time allocated for public comment may be limited. Comments will be limited to three (3) minutes per person; however, the Chairperson may decide to shorten or lengthen the public comment period at his discretion. Public members will not be permitted to "yield" their allotted time to other public members to comment.

Rules for public comment**I. General**

- A. Public members shall be afforded time to comment on agenda items and other matters germane to the business of the CPRB by these Rules.
- B. The OPS shall manage the public comment section of CPRB Meetings, including enforcing rules governing public comment. OPS Administration shall support Committee Chairs on public comment management during committees.
- C. The agenda of every CPRB meeting shall include a reservation of time near the beginning of the meeting for public comment.
- D. The Chair shall recognize and allow to speak any person desiring to speak during Public Comment.
- E. The total cumulative time of all public comments shall be limited to 30 minutes unless determined otherwise by the Chair. Suppose all persons desiring to speak during the Public Comment cannot do so within the time limit allowed. In that case, the Chair shall have the option (but not the obligation) of extending the time allocated for Public Comment, either at the point designated on the agenda, at such later point on the agenda or as the Board or Committee may otherwise determine.
- F. Public comment is limited to three minutes per individual unless the Chair designates a longer or shorter period. (Generally, the longer or shorter period will apply to all persons participating in the Public Comment at the same meeting).
- G. The Chair shall enforce speaker time limits.
- H. The Chair can interrupt a speaker to enforce these or other applicable rules.
- I. No Board Member should interrupt a speaker during public comment.
- J. In general, Public Comments will proceed in the following order: (1) Public Comments by individuals in attendance and then (2) Comments by individuals when their OPS case is being heard.

II. Participation

- A. Individuals wanting to speak must indicate before the start of the CPRB meeting.

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- B. Speakers shall be entitled to address the Board or committee on a first-recognized, first-served basis.
- C. It is not the intent of the Board to restrict an individual's right to provide public comment; however, speakers desiring to give their comments in a language other than English, including sign language, are asked to provide OPS with notice identifying the language to be used at least 24 hours before the CPRB meeting at which comment will be made. Upon receipt of such notice, OPS staff will endeavor to engage a professional translator to attend the meeting and provide translation services. It is not the intent of the CPRB to restrict an individual's right to provide public comment.
- D. All questions or statements by a speaker should be directed to the Chair and Members.
 - 1. CBRP has no obligation to answer questions during public comment and may refer to staff to follow up with the speaker after the meeting.
 - 2. When appropriate, matters raised by public comment shall be referred to the appropriate standing committee.
- E. political Comments or those that promote or support a candidate are not permitted.

III. Instructions

- A. Each speaker must state their name (first and last) clearly so that it can be recorded in the meeting minutes.
- B. If a speaker is representing or speaking on behalf of an individual, group, or association, the speaker must state the nature of that representation.
- C. When a physical location has been designated in the meeting room for speakers attending in person to address the Public Body, the speaker must address the Public Body from that location unless the Chair otherwise allows.
- D. Individual comments will be limited to one opportunity per person.
- E. In the interest of promoting the efficient conduct of public business, speakers should refrain from repeating their testimony and comments. They should refrain from repeating testimony and comments previously provided to the Board or committee by other individuals.
- F. No person should interrupt the proceedings of a Board or public meeting or cause any other form of disturbance or disruption. The Chair reserves the right to close public comment if, after issuing a warning, audience members persist in cheering, booing, or otherwise being disruptive.
- G. Persons addressing the public body shall not be permitted to:
 - 1. Make statements or remarks that concern the private activities, lifestyles, or beliefs of individual employees of the City or its appointed and elected officials.
 - 2. Make statements or remarks unrelated to the business of the CPRB.
 - 3. Make statements or remarks unrelated to the professional duties and performance of its employees or the employees of its elected officials.
- H. Persons addressing the Board or committee shall refrain from statements, remarks, or conduct that is considered belligerent, threatening, disparaging, rude, vulgar, profane, or

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otherwise uncivil and disruptive to conducting the Board's business. The Chair may limit the comments of any person who engages in such conduct.

I. No person may continue to speak after the Chair has taken the floor from that person.

J. Any person violating the standards of process and decorum outlined in these rules may be evicted from the meeting premises at the order of the Chair or a majority of the Members or be subject to other action as deemed necessary by the Chair and Members.

K. Although the Public Comment may be used to address questions to the Public Body, a speaker is not entitled to respond to any such question during the Public Comment time.

For the meeting agenda and more information, please access the Board's website at www.clevelandohio.gov/ops or

<https://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/OPS/Hearings>

Please direct requests for further information to Administrator Marcus A. Perez at (216) 664-4618 or by email at Mperez2@clevelandohio.gov.