

CIVILIAN POLICE REVIEW BOARD

OFFICE OF PROFESSIONAL STANDARDS

October 10, 2023

MEETING MINUTES

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

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

CPRB MEMBERS

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

OPS

Marcus Perez, Administrator  
Art Bowker, Investigator  
Vincent Funari, Interim Sr. Investigator  
Hercules Harris, Investigator  
Joe Szymanski, Investigator  
*Susan Lanman, Investigator*  
Kristen Traxler, Investigator  
Jermaine Smith, Investigator  
Abby O’Neill, General Manager

LEGAL COUNSEL

Lillian Hall

**BOLD: IN ATTENDANCE**

- |       |  |                             |
|-------|--|-----------------------------|
| I.    | <b>APPROVAL OF MINUTES</b>                       | Billy Sharp                 |
| II.   | <b>PUBLIC COMMENT</b>                            |                             |
| III.  | <b>NEW BUSINESS</b>                              |                             |
| IV.   | <b>PRESENTATION OF INVESTIGATIONS</b>            | Marcus Perez, Administrator |
| V.    | <b>OPS REPORT</b>                                | Marcus Perez, Administrator |
|       | <b>A. REVIEW OF CHIEF DISCIPLINARY DECISIONS</b> | Marcus Perez, Administrator |
| VI.   | <b>POLICY UPDATES</b>                            | Marcus Perez, Administrator |
| VII.  | <b>COMMITTEE REPORTS</b>                         |                             |
| VIII. | <b>UNFINISHED BUSINESS</b>                       |                             |
| IX.   | <b>ADJOURNMENT</b>                               |                             |

**Next Meeting:** November 14, 2023

- I. MEETING CALLED TO ORDER AT 9:05 A.M. (5:42)  
ROLL CALL AND INTRODUCTIONS: 9:06 A.M. (5:45)
- II. APPROVAL OF MINUTES: September 26, 2023 minutes held in abeyance to add training.
- III. PUBLIC COMMENT (NONE)
- IV. PRESENTATION OF INVESTIGATIONS: (NO COMPLAINANTS PRESENT)

1. 2023-0009: P.O. Matthew Dickerson #786 (7:28-12:12)

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: *Sustained*

Motion: Diana Cyganovich

Second: Billy Sharp

Motion: Carried

**P.O. Luis Florez-Galarza #800**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: *Sustained*

Motion: Diana Cyganovich

Second: Billy Sharp

Motion: Carried

Motion by Mike Graham for a Group I Letter of Re-Instruction for P.O. Matthew Dickerson and P.O. Luis Florez-Galarza for Unprofessional Behavior/Conduct. 2nd by Kenneth Mountcastle. Motion carried.

2. 2023-0057: P.O. Samuel Ortiz Jr. #1694 (12:39-19:44)

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

Recommendation: *Unfounded*

Motion: Mike Graham

Second: Ken Mountcastle

Motion Carried

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: *Unfounded*

Motion: Mike Graham

Second: Ken Mountcastle

Motion Carried

**P.O. Jason Santana #2012**

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

Recommendation: *Unfounded*

Motion: Mike Graham

Second: Ken Mountcastle

Motion Carried

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

*Recommendation: Unfounded*

*Motion: Mike Graham*

*Second: Ken Mountcastle*

*Motion Carried*

***P.O. Alex Parente #1221 (RETIRED 8-8-23)***

***Chair Sharp questioned if the complainant stated she didn't need a supervisor on the scene was it caught on WCS? Investigator Lanman stated that it was caught on Officer Santana's WCS that the complainant asked for a Sargent. Officer Santana explained the steps he was taking to get her the information she needed. He stated that he didn't know if she was going to get another answer. The complainant stated that she was trying to buy time until someone came to pick up her daughter.***

**3. 2023-0008: Det. Mark Jelenich #2504 (20:21-37.23)**

***Allegation: Improper Search***

*Recommendation: Exonerated*

*Motion: Mike Graham*

*Second: Mike Hess*

*Motion: Carried*

***Allegation: Improper Arrest***

*Recommendation: Exonerated*

*Motion: Mike Graham*

*Second: Mike Hess*

*Motion Carried*

***P.O. Thomas Schwartzhoff #443***

***Allegation: Improper Search***

*Recommendation: Exonerated*

*Motion: Mike Graham*

*Second: Mike Hess*

*Motion Carried*

***Member Hardy stated that she did hear officers offer the complainant a plea bargain, asking if he wanted to be an informant. Investigator Szymanski stated that that information was not captured on WCS. Chair Sharp stated this officer did the right thing and questioned was the crack/cocaine ever tested. Member Graham stated the case was indicted. The preponderance of the evidence shows that officers were consistent with GPO 2.02.02***

**4. 2022-0317: Sgt. Dina Gulley #9326 (37:55-48:17)**

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

*Recommendation: Insufficient Evidence*

*Motion: Mike Hess*

*Second: Sherall Hardy*

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*Motion: Carried*

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

*Recommendation: Insufficient Evidence*

*Motion: Mike Hess*

*Second: Sherall Hardy*

*Motion: Carried*

***Member Hardy questioned if attempts were made to reach the complainant. Investigator Lanman stated three emails were sent with no response from the complainant and she didn't have information whether or not any phone calls were made. Sr. Investigator Funari stated that this is actually Investigator Szymanski's case and requested that he answer Member Hardy's questions. No other information was provided from the complainant other than the name Chad. The complaint form was filled out via the OPS website. Complainant didn't leave his last name or a contact phone number. Vice-Chair Hess states that without video or audio recording of the phone call or any other supporting evidence from the complainant, the preponderance of the evidence cannot be established.***

**5. 2023-0016: Sgt. Michael Keane #9198 (1:20:34-1:27:50)**

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

*Recommendation: Insufficient Evidence*

*Motion: Billy Sharp*

*Second: Ken Mountcastle*

*Abstain: Mike Graham*

*Motion: Carried*

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

***Recommendation: Insufficient Evidence***

*Motion: Billy Sharp*

*Second: Ken Mountcastle*

*Abstain: Mike Graham*

*Motion: Carried*

***Chair Sharp states that there was no WCS and there's no way to determine one or another if the statements were made given in the investigator's report.***

**6. 2023-0040: Sgt. Alexander Sinclair #9313 (1:28:17-1:41:18)**

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

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Mike Graham*

*Abstain: Chenoa Miller*

*Motion: Carried*

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

*Recommendation: Unfounded*

*Motion: Billy Sharp*

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Second: Mike Graham  
Abstain: Chenoa Miller  
Motion: Carried

**Member Hardy questioned why Investigator Szymanski wasn't presenting his own cases. Sr. Investigator Funari answered that he didn't think an investigator should have to present more than five cases because that's a lot to prepare for. Also, the investigators were in a training for 40 hours the week prior. There was dialog amongst the board members regarding the six month time line when presenting cases.**

**7. 2023-0056: P.O. Braden Jarrell #2076 (49:00-1:19:54)**

**Allegation: Lack of Service**  
Recommendation: Exonerated  
Motion: Mike Hess  
Second: Diana Cyganovich  
Motion: Carried

**P.O. Branden Sylvester #2203**  
**Allegation: Lack of Service/No Service**  
Recommendation: Exonerated  
Motion: Mike Hess  
Second: Diana Cyganovich  
Motion: Carried

**Sgt. Charles Boddy #9254**  
**Allegation: Lack of Service/No Service**  
Recommendation: Exonerated  
Motion: Mike Hess  
Second: Diana Cyganovich  
Motion Carried

**Complainant Statement: (54:15-56:00) Complainant states that her son does have a medical diagnosis and has a history of suicidal ideation. Complainant stated that she believes that her son's statements were coerced by her sister, who he lives with, but doesn't have custody of. During a phone conversation with the complainant, the police advised her that they couldn't make an illegal entry into the home unless they had proof that her son was injured or in danger.**

**Chair Billy Sharp questioned if when the police arrived on scene, did they explain that they couldn't just go in without probable cause, was there anything that should have sent a flare off? Investigator Szymanski answered the responding officers arrived on scene to speak to the complainant's sister, she wouldn't answer the door and told them to get off of her porch. There was dialog amongst Investigator Szymanski and board members regarding this call being labeled a CIT call. Member Cyganovich questioned if Investigator Szymanski investigated the complainant's son's social media and he stated that he did.**

**8. 2023-0077: P.O. Christopher Bosak #57 (1:50:31-2:12:27)**

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

*Recommendation: Sustained*

*Motion: Michael Graham*

*Second: Sherall Hardy*

*Motion: Carried*

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

*Recommendation: Unfounded*

*Motion: Michael Graham*

*Second: Billy Sharp*

*Motion: Carried*

***P.O. Molly Madaras #1754***

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

*Recommendation: Sustained*

*Motion: Michael Graham*

*Second: Sherall Hardy*

*Motion: Carried*

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

*Recommendation: Unfounded*

*Motion: Michael Graham*

*Second: Billy Sharp*

*Motion: Carried*

***Board member Graham motion that the preponderance of the evidence, along with body camera footage and a lack of a follow-up report shows that a Lack of Service did occur. Member Graham motioned for a Group I Violation-Letter of Re-Instruction for violating GPO 5.05.01 (How to Handle Domestic Violence protocol) for Officer Madaras and Officer Bosak. 2<sup>nd</sup> by Member Hardy. Motion carried.***

**9. 2023-0090: P.O. Jordan Tipton #1591 (2:47:56-2:56:00)**

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

*Recommendation: Sustained*

*Motion: Sherall Hardy*

*Second: Ken Mountcastle*

*Motion: Carried*

***P.O. Daniel Gaviria-Buena #1590***

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

*Recommendation: Exonerated*

*Motion: Sherall Hardy*

*Second: Ken Mountcastle*

*Motion: Carried*

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**Member Hardy motioned for a Group I Violation-Letter of Re-Instruction for Officer Tipton for his unsatisfactory performance.**

**10. 2023-0092: Sgt. Michelle Gricar #9262 (2:56:50-3:16:22)**

**Allegation: Failure to Provide Name and Badge Number**

*Recommendation: Insufficient Evidence*

*Motion: Michael Graham*

*Second: Diana Cyganovich*

*Motion: Carried*

**Allegation: WCS Violation**

**Recommendation: Unfounded**

*Motion: Michael Graham*

*Second: Diana Cyganovich*

*Motion: Carried*

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Unfounded*

*Motion: Michael Graham*

*Second: Ken Mountcastle*

*Motion: Carried*

**P.O. Thomas Harrigan #1085**

**Allegation: Lack of Service/Failure to Provide Name and Badge Number**

*Recommendation: Sustained*

*Motion: Michael Graham*

*Second: Diana Cyganovich*

*Motion Carried*

**Allegation: WCS Violation**

*Recommendation: Unfounded*

*Motion: Mike Graham*

*Second: Diana Cyganovich*

*Motion Carried*

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Sustained*

*Motion: Michael Graham*

*Second: Diana Cyganovich*

*Motion Carried*

**Allegation: Excessive Force**

*Recommendation: Exonerated*

*Motion: Mike Graham*

*Second: Diana Cyganovich*

*Motion Carried*

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**P.O. Hector Vazquez #1203**

**Allegation: WCS Violation**

*Recommendation: Unfounded*

*Motion: Mike Graham*

*Second: Diana Cyganovich*

*Motion Carried*

**P.O. Niccolo Angelino #720**

**Allegation: WCS Violation**

*Recommendation: Unfounded*

*Motion: Mike Graham*

*Second: Diana Cyganovich*

*Motion Carried*

**Member Graham motioned for a Group I violation for the Lack of Service allegation against Officer Harrigan for violation of Manual Rule 4.13 and a Group I violation for being discourteous and rude against Officer Harrigan.**

**11. 2023-0083: P.O. Kevin McLain #2136 (3:37:18-3:54:13)**

**Allegation: Lack of Service**

*Recommendation: Exonerated*

*Motion: Billy Sharp*

*Second: Chenoa Miller*

*Motion: Carried*

**Allegation: Unprofessional Behavior/Conduct**

*Recommendation: Insufficient Evidence*

*Motion: Billy Sharp*

*Second: Chenoa Miller*

*Motion: Carried*

**Allegation: WCS Violation**

*Recommendation: Sustained*

*Motion: Billy Sharp*

*Second: Chenoa Miller*

*Motion: Carried*

**P.O. Brian Taylor #2067**

**Allegation: Lack of Service/Response Time**

*Recommendation: Exonerated*

*Motion: Billy Sharp*

*Second: Chenoa Miller*

*Motion: Carried*



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

*Recommendation: Sustained*

*Motion: Billy Sharp*

*Second: Chenoa Miller*

*Motion Carried*

***Based on the preponderance of the evidence, Chair Sharp motioned for a Group I violation for the WCS violation against Officer McLain who was in violation of GPO 4.06.4. Chair Sharp Motioned for a Group I violation against Officer Taylor for his unsatisfactory performance.***

**12. 2023-0070: P.O. Nathan Dawson #940 (TABELED)**

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

*Recommendation:*

*Motion:*

*Second:*

*Motion:*

***Sgt. Alexander Sinclair #9313***

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

*Recommendation:*

*Motion:*

*Second:*

*Motion:*

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

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Chenoa Miller*

*Motion: Carried*

**13. 2023-0023: P.O. Jovan Larkin #1056 (4:10:42-4:19:35)**

***Allegation: Improper Arrest***

*Recommendation: Insufficient Evidence*

*Motion: Mike Hess*

*Second: Billy Sharp*

*Motion: Motion carried*

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

*Recommendation: Insufficient Evidence*

*Motion: Mike Hess*

*Second: Billy Sharp*

*Motion: Carried*

**P.O. Lamar Heath #817**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Mike Hess

Second: Billy Sharp

Motion: Carried

**P.O. John Sanderson #733 (Resigned)**

**Member Hardy stated this case happened in 2011 and questioned why it took so long to hear this case. Investigator Harris stated that the complaint was filed on February 6<sup>th</sup>, 2023. Member Hardy questioned if there is a time line/limit for the cases to be heard. Investigator Harris states that OPS will always investigate the complaint no matter how much time has lapsed. Chair Sharp asked if there was a reason that the complainant took 12 years to file this case. Vice-Chair Hess stated that Officer Heath was consistent with Manual Rule 5.09 and other CDP policies and procedures.**

**14. 2023-0179: P.O. Cory Beckwith #1363 (4:04:30-4:09:58)**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Exonerated

Motion: Chenoa Miller

Second: Sherall Hardy

Motion: Carried

**Allegation: Bias Free Policing**

Recommendation: Exonerated

Motion: Chenoa Miller

Second: Sherall Hardy

Motion: Carried

**Member Miller states based on the preponderance of the evidence including WCS Footage and Officer Beckwith was in compliance with Manual Rule 5.09.**

**15. 2023-0123: P.O. Matthew Woznicki #2508 (3:54:52-4:03:00)**

**Allegation: Improper Arrest**

Recommendation: Exonerated

Motion: Mike Hess

Second: Ken Mountcastle

Motion: Carried

**Allegation: Excessive Force**

Recommendation: Exonerated

Motion: Mike Hess

Second: Ken Mountcastle

Motion: Carried

**P.O. John Ogle #415**

**Allegation: Excessive Force**

Recommendation: Exonerated

Motion: Mike Hess

Second: Ken Mountcastle

Motion: Carried

**Det. Daniel McCandless #364**

**Allegation: Excessive Force**

Recommendation: Exonerated

Motion: Mike Hess

Second: Ken Mountcastle

Motion: Carried

**Vice-Chair Hess states that the preponderance of the evidence which includes WCS footage of the encounter and statements from the complainant, indicates that the alleged conduct, which was the arrest of the complainant for OVI did occur. The arrest was supported by probable cause based on the complainant's behavior.**

**16. 2023-0129: P.O. Seth Mercer #868 (2:12:58-2:33:18)**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Mike Graham

Second: Sherall Hardy

Motion: Carried

**Allegation: Lack of Service**

Recommendation: Unfounded

Motion: Mike Graham

Second: Sherall Hardy

Motion: Carried

**P.O. Derick Brown #713**

**Allegation: Unprofessional Behavior/Conduct**

Recommendation: Unfounded

Motion: Mike Graham

Second: Sherall Hardy

Motion: Carried

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

Recommendation: Unfounded

Motion: Mike Graham

Second: Sherall Hardy

Motion: Carried

**Member Graham states the preponderance of the evidence to include the WCS footage shows the conduct did not occur.**

**17. 2023-0146: P.O. Delvonte Scott #1349 (2:33:56-2:47:17)**

***Allegation: Lack of Service***

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Sherrill Hardy*

*Motion: Carried*

***P.O. Kaitlyn Adkins #948***

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

*Recommendation: Unfounded*

*Motion: Billy Sharp*

*Second: Sherrill Hardy*

*Motion: Carried*

***Chair Sharp states officers were in accordance with 4.01, 4.05, 4.18 and the WCS footage shows that the complainant's actions led up to his own arrest.***

***V. OPS REPORT: The CPRB voted to appeal the Chief's decision for OPS case 2021-0255 to The Director of Public Safety.***

**New Business: (4:21:00-5:05:58) there was discussion amongst the board regarding the resignation of Investigator David Hammons. Member Hardy questioned if Investigator Hammons was getting paid during the time he was the Interim Sr Investigator. Administrator Perez said that information was relayed to HR the very next day after he had the discussion. Member Mountcastle questioned has there been a resolution to the case. Chair Sharp stated to hold off on that discussion, because it was something that was discussed in Executive Session. Member Graham states he doesn't think that "accept" is the correct word. Also stating that they can just acknowledge receipt of the resignation letter from Investigator Hammons. Member Graham motioned to accept the resignation letter of Investigator Hammons, 2<sup>nd</sup> by Member Hardy. Motion carried.**

**There is discussion as to CPRB meetings being held virtual December, January, February and possibly November (since three board members will be attending the NACOLE Convention in November). Motion made by Member Mountcastle to have the November meeting in person and the December, January and February meetings remotely, 2<sup>nd</sup> by Member Miller. Motion carried.**

**Administrator Perez updated the board regarding the CIT training stating that CDP officers receive 40 hours CIT training during their time in the academy. They then receive 12 hours yearly as an annual refresher training and then for in-service training, they'll receive eight hours of training covering PTSD, Suicide and Drug Addiction. OPS Investigators received 40 hours training last week and will receive 12 hours continuous training.**

**Administrator Perez gave an update on who takes a detective's cases when he's on a medical leave or on vacation stating that decision is left up to the division supervisor**

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of that section. It's at the discretion of the supervisor to reassign it to someone else.

Administrator Perez gave an OPS update stating we're looking at about 245 open investigations and we're starting to work on the disposition letters stating that there were a couple of individuals who never received disposition letters and were never notified the case was being heard by the CPRB, which has caused some frustration on their part and rightly so. There are about 99 of those disposition letters that have to go out that have not gone out since 2022. An administrative assistant has been hired to help the CPRB Secretary. We will do the notifications, but we do owe the public an apology. As these cases were being heard, individuals weren't being notified to be able to come to the CPRB meetings. Administrator Perez stated that we were negligent in our duties to be able to inform Mrs. Toth and give her the opportunity to come speak in front of the board. Administrator Perez wants to go on record that he'll be writing an apology letter to Mrs. Toth and send it to Chair Sharp for his endorsement. Chair Sharp requests that Administrator Perez keep the board updated on the numbers as they come down until they get to zero.

Member Miller questioned if there is going to be a letter submitted to the public offering a formal apology from the board to provide transparency. Administrator Perez stated the website is currently being updated and the content will be able to be managed. Chair Sharp stated that anyone can view the meeting online.

CPRB Private Secretary Grimes stated that she didn't want the board to be left with the statement that was made by Administrator Perez stating that she personally spoke with Mrs. Toth and that she explained to her what our situation was. Mrs. Toth has been notified on numerous occasions. A couple of occasions, Toni called her personally and she has spoken to her about the letter that she was calling about. Private Secretary Grimes stated Mrs. Toth had two different dates mixed up when she spoke to her personally.

Mrs. Toth is stating that she wasn't notified of the meeting, but Mrs. Shanks called her personally so we do get notifications to the complainants. Whether they respond to us or they decide not to show up at the last minute, that's on them. Private Secretary Grimes reiterated that she didn't want the CPRB to be left with the thought that we're not notifying the complainants, because we are. Chair Sharp thanked Private Secretary Grimes for her comment.

Chair Sharp stated that the board is aware of the backup, not because of anything that Private Secretary Grimes did. Chair Sharp states that he would prefer that Administrator Perez present his final closeout with Mrs. Toth. Private Secretary Grimes informed Chair Sharp that the beginning of any complainant's disposition letter begins with "we apologize for taking so long for your disposition".

**OLD BUSINESS (5:06:10-5:20:16):** Member Hardy states that Administrator Perez said he would check on education training for people that are not going to the NACOLE convention in Chicago, stating that we'll be at the end of the 4<sup>th</sup> quarter in November and December 2023. Administrator Perez stated that the person that does the training (Commander Maguth) doesn't come back until next week and once he comes back, they

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will sit down and discuss the calendar year 2024 in order to put some things on the calendar during the CPRB meeting. Member Hardy asks if there will be any training this year and states she can contact someone and see what they want to be trained in if necessary. There was discussion about the CPRB budget being one percent of CDP's budget. Administrator Perez stated that the training budget is about \$36,000 of which only \$12,000 has been used.

Chair Sharp stated that he thought Member Hardy wanted information brought back from the NACOLE conference, but he now understands that she wanted training for board members not attending the conference.

Chair Sharp questions where the board was on the new manual. Administrator Perez stated that he had meetings scheduled for the next day, but deferred Chair Sharp's question to legal representative, Lillian Hall. Miss Hall states that Administrator Perez wasn't able to attend the previous meeting. There were some questions that needed to be hash out with him and a few other people, but they are making progress. Chair Sharp requests a full report for the November meeting.

There was discussion on whether or not Member Hardy can ask a questions about cases that were already discussed and ruled on. Chair Sharp requests that the questions be held until the next meeting so he can get clarity on what can or cannot be asked after a case is heard. Member Hardy read information contained in the CPRB operating manual regarding recognizing employees and police officers for their work. Member Hardy asks how many investigator positions are open and Administrator Perez responded four .

Member Hardy asks why there wasn't an African/American woman being interviewed for a position and questions if any applied! Administrator Perez responded that the most qualified candidates are interviewed and that he sends those resumes to the board for their review and that the board chooses the candidate.

#### **IX. ADJOURNMENT**

**Motion to adjourn the meeting by Member Chenoa Miller. 2<sup>nd</sup> by Member Sherall Hardy (5:20:25). Motion carried.**