



Board

Present Janet E. Jackson, Chair
Present Brooke Burns, Vice Chair
Absent Gambit Aragon
Present Mark Fluharty
Absent Dr. Chenelle Jones
Present Willard McIntosh, Jr.
Present Pastor Richard Nathan
Present Kyle Strickland
Absent Rev. Charles Tatum
Present Mary Younger

Guests

Present Jacqueline Hendricks
Present Richard Blunt II
Present Robert Tobias
Present Tiara Ross
Present Nate Simon
Present Bethany Dickess
Present Scott Hurler

WELCOME

Chair Jackson called the meeting to order at 2:06PM. Huge thank you to the Board for all their work. Having two meetings in February and then our regular meeting is next week.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Pastor Nathan made motion, Mark Fluharty seconded to approve the February 7th meeting minutes. Minutes approved unanimously.

INSPECTOR GENERAL UPDATE

IG-recommendations for the CPRB regarding procedures was provided. Chair Jackson-to the board, I'd like you to review these recommendations. The approved recommendations were created by IG & Tiara Ross. Review the recommendations in your next subcommittee meeting. IG-reached out to IAB and going forward when it comes to additional findings we will be doing the additional allegations through our office. Chair Jackson-from your meeting with the Chief, do you know what the process is once the packets are sent to her? IG-we are meeting again in March and we will be meeting with her team to do follow-ups on recommendations we've made. Chair Jackson-I'm referring to the process of what happens when the reports are reviewed by the Chief. IG-they are still trying to work that process out. Chair Jackson will be attending the monthly March meeting with the IG and Chief. IG-the Town hall we had scheduled will be postponed so that we can do some additional work. Chair Jackson-there is a real disconnect from the board and the IG's office. A meeting will be scheduled with the IG, Jarrell Black, the engagement committee, and Chair Jackson. There are a number of matters to discuss. Will task Ms. Younger to get the meeting scheduled. Pastor Nathan-was confused on the wording of how the town hall was advertised. Chair Jackson-definitely outside our lane in regards to the topic.





Chair Jackson-have the authority to make an appointment. Mark Fluharty recommended Kyle Strickland be appointed to the Rules & Regulations committee in our last meeting. I approve the appointment of Mr. Strickland. Also, officially removing Mr. Aragon from the subcommittee.

CITY WORK RULE #8

Tiara Ross-We have with us Susan Williams – Chief of the Labor and Employment Division and Paul Bernhart also with the Labor and Employment division. Ms. Williams and Mr. Bernhart discussed the following information pertaining to Central Work Rules.

- While Central Work Rules apply to **all** City of Columbus employees, including the Columbus Division of Police (CPD), they must be interpreted in conjunction with the FOP CBA, Division Rules of Conduct and Directives.
 - o **FOP CBA, Section 2.7** requires the City to continue all existing past practices and benefits during the term of the current contract.
 - o Additionally, **FOP CBA, Section 14.1** states that any charge by a member that a work rule or Division Directive is in violation of the FOP CBA or has not been applied or interpreted uniformly to all members, shall be a proper subject for a grievance.
- Consistent with past practices, CPD has trained its personnel in accordance with the Division Rules of Conduct and the policies and directives of the Division.
 - o **CPD Directive 1.03: The Rules of Conduct are the most authoritative directives issued and shall be the basis for formal disciplinary action.**
 - o While the Rules of Conduct are a different set of rules than the Central Work Rules, there is rarely an occasion in which conduct in violation of Central Work Rule 8 would not also violate Rule of Conduct 1.36 - "Conduct Unbecoming on an Officer."
 - *Division personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Division. Unbecoming conduct is behavior that implicitly or explicitly dishonors the Division and/or its members, reflects discredit upon the individual as a member of the Division, or impairs the operation or efficiency of the Division or the individual. This includes, but is not limited to, derogatory, discriminatory, or harassing comments, gestures, or insinuations.*
 - o Additionally, rarely has Central Work Rule 8 been used as the sole basis for discipline. It has, however, been stacked onto more authoritative charges like Rule of Conduct 1.36.
- Discipline under Central Work Rule 8:
 - o Except for serious infractions, the City shall follow a policy of progressive disciplinary action for violations of the Central Work Rules.
- Interpretation of Central Work Rule 8, generally:
 - o Developing a policy around how Central Work Rule 8 should be used may be difficult as every case will be fact specific and, determinations regarding charges under this rule should be made on a case by case basis.
 - o However, the plain text of the rule should always be used in making a determination regarding whether or not an officer's conduct falls under the purview of the rule.
 - While the language of the rule is subjective and is not intended to encompass the totality of behavior prohibited by the rule, due weight should be given to the list of acts/omissions listed that demonstrate conduct that would be considered a violation of the rule.





- The list of acts/omissions should serve as a guidepost in determining what acts/omissions will be considered a violation of this rule and will assist in ensuring the rule is applied and interpreted uniformly in compliance with FOP CBA, Section 14.1.

Kyle Strickland-CPRB makes recommendation under #8 but that is ultimately sent to the Chief, is the suggestion we should or shouldn't make that recommendation? Trying to make us be more precise when we make that recommendation? Susan Williams-yes, make it more precise from the beginning.

Pastor Nathan-when we used Work Rule #8 it had to do with conduct we thought was unreasonable, it may or may not be unbecoming conduct. The board reviewed a case where an officer recommended to a young man he would have "kicked the door in or broke the window because no one would lock him out of his house". The officer was adding fuel to the fire. The board cited Work Rule #8 for additional training or discipline, would you say those comments would likely fall under 1.36? Susan Williams-going off the information I've heard, it could possibly fall under 1.36 of Unbecoming Conduct. Pastor Nathan-there has been a lack of common sense on several cases we have reviewed. Paul Bernhart-1.36 as a starting point will often be used in the initial argument. It is written in the bargaining contract, EEO policy, etc. Tiara Ross-the directives say the Rules of Conduct are the most authoritative. Pastor Nathan-it would be helpful for the investigators to take a look at this rule when it pertains to unreasonable conduct. Robert Tobias-a problem arises if the IG does the investigation finds no violation of 1.36 and then then the board does. The IG should be doing the initial investigation to determine if there is a violation of 1.36 and then the board can decide if they agree or not.

Brooke Burns-in the case Pastor Nathan is talking about, Work Rule #8 was cited in the footnote. Yet even with the finding of exoneration we felt that additional training was necessary since the officer's words carried a lot of weight. The young man did exactly what the officer said afterwards. Kyle Strickland-ultimately if the Chief gets this entire report, they are going to make their own decision. Robert Tobias-in theory, the board should be giving some weight and merit to the IG's investigative findings just like the Chief will give merit to the board's review of the cases. Brooke Burns - yes, but here, the only option that was given to us was Rule 8 in the footnote. Rich Nathan - we are happy to use whatever rule is applicable when we believe an officer's actions were unreasonable.

REVIEW OF DECEMBER ASSIGNED DIG INVESTIGATIONS

TEAM 3 - CHAIRMAN D MCINOSH
• CASES: 010917, 0215304, 0333, 0356, 0364





2022-0164:

Allegation: Misconduct

Recommendation: Exoneration. Officer did check on the wellbeing of the sister and she ultimately passed away later that day.

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES

2022-0175:

Allegation: Misconduct-burglary in process. Taser was discharged and profanity was used. Wasn't read Miranda Rights, unnecessary force, false claims, and racial discrimination.

Recommendation: Profanity used and will be forwarded to the Chief to be included in recommendations. Chair Jackson-in this case did the investigator find that profanity was used? Willard McIntosh-there wasn't a complaint about profanity but the investigator recommended it be forwarded to the Chief for disciplinary actions? Kyle Strickland-there should be an additional allegation be added for the record. Tiara Ross-anytime there is an additional finding outside of what the citizen reported, it will be added by the DIG's office. This is what the IAB used to do and we are doing this going forward. Chair Jackson-vote on the motion and then an additional motion can be made for profanity.

Motion: Willard McIntosh - accept exoneration of all allegations.

Second: Mark Fluharty

Motion carried: YES

Additional motion: Kyle Strickland-motion to add profanity to the allegations. Mark Fluharty seconded and all approved. Tiara Ross-the DIG makes no recommendations to the Chief, this has to follow the chain of command. Robert Tobias-going forward allegations will be added by the DIG.

2022-0215:

Allegation: Misconduct. Four allegations - was singled out, no construction workers nearby, officer didn't tell him he was cited for speed initially, and didn't like the way the officer took information from his hands.

Recommendation: Exoneration, exoneration, sustained, and unfounded

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES





2022-0304:

Allegation: Misconduct-officer refused to provide exchange of information at accident scene.

Recommendation: Sustained

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES

2022-0333:

Allegation: Misconduct regarding domestic violence call between two sisters. Mother filed complaint citing officers didn't properly address mental health issues and were discourteous/use of profanity.

Recommendation: Exonerated on allegations of one and two. Second officer on scene did use profanity and was sustained

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES

2022-0356:

Allegation: Misconduct-failed to investigate a sexual assault case.

Recommendation: Administrative closure

Motion: Willard McIntosh

Second: Pastor Nathan

Motion carried: YES

2022-0364:

Allegation: Misconduct-officers did nothing and left her to be assaulted again.

Recommendation: Exonerated

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES





REVIEW OF JANUARY ASSIGNED DIG INVESTIGATIONS

TEAM 1 – CHAIR PASTOR NATHAN

CASES: 0362, 0367, 0368/0267, 0369, 0379, 0380

2022-0362:

Allegation: Excessive force resulting in several injuries.

Recommendation: Exonerated

Motion: Pastor Nathan

Second: Mary Younger

Motion carried: YES

2022-0367:

Allegation: Misconduct-officers showed up with weapons out, restrained person that was actually the homeowner. CPD didn't try to establish identity and was treated like a criminal in his house.

Recommendation: Exonerated, unfounded, and unfounded.

Motion: Pastor Nathan

Second: Mark Fluharty

Motion carried: YES

2022-0368/0267:

Allegation: Misconduct-officers didn't activate their body worn camera, was discourteous and rude, and officer informed him he couldn't stay in his own home.

Recommendation: All were unfounded

Motion: Pastor Nathan

Second: Mark Fluharty

Motion carried: YES

2022-0369:

Allegation: Misconduct-false report written, officer forced son to say things, prejudice.

Recommendation: Unfounded

Motion: Pastor Nathan

Second: Mark Fluharty





Motion carried: YES

2022-0379:

Allegation: Misconduct- doctor and staff allege officer behaved in an unprofessional manner.

Recommendation: Exonerated. IG found officer was stern but behavior was not against policy.

Motion: Pastor Nathan

Second: Mark Fluharty

Mary Younger-regarding the doctor getting in between the officer and the complainant, is there evidence of that? Pastor Nathan-seems the way hospital staff would have approached the situation differently than an officer. Chair Jackson- is there body footage? Brooke Burns-yes hospital footage and officer footage. Hospital staff was trying to get the father of deceased child away from the officers. Hospital staff would be more empathetic than officers but that does not mean they violated policies. Mary Younger-so no violation but maybe they should have remained silent.

Motion carried: YES

2022-0380:

Allegation: Misconduct-officers harassed citizen, detained complainant, "we are here as a direct result of your poor decisions" was allegedly said by an officer.

Recommendation: Unfounded

Motion: Pastor Nathan

Second: Mark Fluharty

Motion carried: YES

Break at 3:10PM

Resume at 3:22PM

TEAM 2 – CHAIR KYLE STRICKLAND

CASES: 0389, 0390, 0405, 0408, 0411

2022-0389:

Allegation: Misconduct-officer lied regarding an accident, felt officer knew the person at fault in accident.

Recommendation: Unfounded





Motion: Kyle Strickland
Second: Mary Younger
Motion carried: YES

2022-0390:

Allegation: Misconduct-complainant alleged officer berated someone that had been sick in stairwell.

Recommendation: Unfounded

Motion: Kyle Strickland
Second: Mary Younger
Motion carried: YES

2022-0405:

Allegation: Excessive use of force

Recommendation: Closed with finding of unfounded. Our subcommittee wanted to make note the officer had history with the complainant. Complainant was struck by officers and investigator found this level of force was acceptable. The investigator didn't explain if some of the footage proved what was acceptable. More detail by the investigator would be beneficial. One officer did use profanity and would recommend it be an additional allegation that would be sustained.

Motion: Kyle Strickland-subcommittee agrees with unfounded.

IG-there is a footnote in the report the officer had a prior history with the complainant and that the complainant is known to carry a weapon.

Second: Mark Fluharty

Motion carried: YES

ADDITIONAL MOTION: Kyle Strickland-officer was outside policy for the use of profanity and would like an additional allegation to be sustained.

Second: Mark Fluharty

Additional motion carried: YES

2022-0408:

Allegation: Excessive force

Recommendation: Administrative closure-was not CPD

Motion: Kyle Strickland
Second: Mark Fluharty
Motion carried: YES





2022-0411:

Allegation: Misconduct-pulled over for traffic stop. Alleged officer should have given warning and officer was rude. Stated she was humiliated by the officers.

Recommendation: Exonerated. Disagree with IG's recommendation of why the K9 officer was requested. Have several questions. Do not feel the investigator adequately reviewed the K9 officer portion. Would like further review of allegation #4. IG-the report does state the officer had probable cause to order a K9 search. Kyle Strickland-it's unclear what that was. It is noted there is an ongoing investigation and he had probable cause to request K9 officer. Kyle Strickland-the report doesn't say how long it took the K9 to arrive so it isn't clear to us. Not comfortable to move ahead on this particular case. The way it is written, it was not clear to us how the probable cause was determined and several facts not included in the report itself.

Motion: Kyle Strickland-agree with exoneration on first, second, and third allegation.

Robert Tobias-don't necessarily disagree, you are wanting additional information on fourth allegation?

Second: Mark Fluharty

Motion carried: YES

ADDITIONAL MOTION-allegation #4 refer back to the IG for further review.

Second: Mark Fluharty

Motion carried: YES

Chair Jackson-*table this until the next week's meeting.*

Pastor Nathan- did we need a motion to refer this back for investigation? Was that necessary. Robert Tobias-yes.

TEAM 3 – CHAIR WILLARD MCINTOSH

CASES: 0389, 0390, 0405, 0408, 0411

2022-0417:

Allegation: Misconduct-daughter filed complaint alleging officer didn't handle a situation with her father and was wrong to cite him with false identification.

Recommendation: Unfounded

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES





2022-0424:

Allegation: Misconduct and excessive force-officers twisted arm putting him handcuffs after telling the officers he had just had surgery and officers had fraudulent paperwork to take his daughter.

Recommendation: Unfounded and exonerated.

Motion: Willard McIntosh

Second: Mark Fluharty

Table to next week due to duplicate case being assigned to Pastor Nathan's team.

Motion carried: N/A

2022-0431:

Allegation: Misconduct-unlawful traffic stop.

Recommendation: Exonerated on allegation #1 and sustained on allegation #2 of rude behavior. Mary Younger-on the sustained allegation was any recommendations made? Yes, it will be sent to the Chief for review and consideration of discipline.

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES

Tiara Ross-there was an additional finding in this report that the board would need to consider regarding the officer not providing his named and badge information. Separate motion would be needed.

Robert Tobias-as your reviewing the IG's report, if they've identified an additional allegation we are separating them with the motions because these are the older cases.

ADDITIONAL MOTION: Mark Fluharty-motion to sustain separate finding of violating protocol when showing badge and forward to the Chief.

Second: Pastor Nathan

Motion carried: YES

2022-0452:

Allegation: Misconduct-domestic disputes and officers arrived two separate times, states one officer was rude and laughing with the suspect.

Recommendation: Unfounded and exonerated

Motion: Willard McIntosh

Second: Brooke Burns

Motion carried: YES





2022-0475:

Allegation: Excessive force-son was allegedly beaten up by CPD officers.

Recommendation: Exonerated and unfounded

Motion: Willard McIntosh

Second: Mark Fluharty

Motion carried: YES

MARCH MEETING

Chair Jackson-Social Media policy will be reviewed and February case assignments will be reviewed. Anything else you'd like to see? Brooke Burns-exonerated versus unfounded clarification would be helpful for the board. Sometimes one term is used when it seems inconsistent with what the definition is. Chair Jackson-get the community engagement meeting scheduled. Rules & Regulations headway? We will be meeting to look at the disciplinary policy. Robert Tobias-reappointments been discussed? Chair Jackson-gave contact info to the board members that are up for reappointment to share their intention by March 1, 2023 with Ms. Rena Shak. I am not sure of the process beyond that. Ms. Shak was unaware of what the process is and I believe Kate Pishotti will be handling this.

ADJOURNMENT

Motion to adjourn. Pastor Nathan moved and Mark Fluharty seconded motion. All in favor, passes unanimously and meeting adjourned at 4:09M.

