

TO: Members of the Accountability Committee
Ret. Hon. Michael Nelson, Chair Pro-Tem
James Chura, Committee Member
Maya Kincaid, Committee Member
Sheila Mason, Committee Member
Shandra Moriera-Benito, Committee Member

CC: Dr. John Adamas, Co-Chair
Sharena Zayed, Co-Chair

FROM: Alix M. Nouredine, Interim Executive Director

DATE: July 10, 2025

RE: Analysis of Petition

I. RELEVANT AUTHORITIES

Pursuant to City of Cleveland Charter § 115-5(h)(i), the Community Police Commission (“CPC”) “serv[es] as the final City authority on whether the discipline of police officers imposed or not imposed by . . . Civilian Police Review Board is sufficient . . .” Toward that end, the CPC is empowered with discretionary authority to “hold evidentiary hearings to review individual officer discipline following any proceedings and decisions by . . . the Civilian Police Review Board.” *Id.*

A request for the CPC to review the discipline “imposed or not imposed” by the relevant authority is made via petition. *See generally* CPC Operations & Procedures Manual, Rule 2.4.4. The CPC may receive a petition “[b]y a member of the public via a written request.” *Id.*

II. PROCEDURAL HISTORY

The CPC, through its administrative staff, received a petition by a member of the public, Tranell Byas, via written request on May 22, 2025. *See* Exhibit A. Ms. Byas’s petition requests review of the decision issued by the Civilian Police Review Board (“CPRB”) concerning a complaint she lodged with the Office of Professional Standards (“OPS”).

On May 2, 2024, Ms. Byas completed a Citizen Complaint Form with OPS. *See* Exhibit B. Upon acceptance of the Citizen Complaint Form, OPS assigned the complaint as Case No. OPS 2024-0099. OPS subsequently conducted the requisite investigation into the matter. Pursuant to City of Cleveland Charter § 115-4, OPS’s investigation culminated in a Final Investigation Report, which was submitted to CPRB for its review and disposition. *See* Exhibit C.

Ms. Byas’s Complaint concerned the conduct of Detective Robert Sauterer #685 and Detective Donald Kopchak #2139 in executing a search warrant. Based on the allegations provided in the Citizen Complaint Form and upon evidence discovered during the investigation of the

Complaint, OPS categorized the Complaint into three potential administrative violations: (1) improper procedure – improper search, GPO 2.02.02 and Manual of Rules 4.17 (Exhibit D), as against Det. Sauterer only; (2) unprofessional behavior/conduct – Manual of Rules 5.01, 5.08, and 5.09 (Exhibit E), as against both Detectives; and (3) bias policing, GPO 1.07.08 (Exhibit F), as against Det. Kopchak only.

On May 13, 2025, CPRB accepted the findings of OPS’s investigation. *See* Exhibit G. Specifically, CPRB made the following disposition:

- (1) Det. Sauterer was found to be exonerated¹ for the alleged violation of the search and seizure policy, GPO 2.02.02, and Manual of Rules 4.17;
- (2) the allegations of unprofessional behavior and conduct under Manual of Rules 5.01, 5.08, and 5.09 were determined to be unfounded² as against both Detectives; and
- (3) the alleged violation of bias-free policing, GPO 1.07.08, was determined to be unfounded as against Det. Kopchak.

This petition ensued.

III. STANDARD OF REVIEW

The applicable standard for the analysis of this petition is established by CPC Operations & Procedures Manual, Rule 2.4.4. Rule 2.4.4 first requires consideration of the following questions:

1. “Has the disciplinary process been completed at the time of [the] petition”;
2. “has due process been followed”; and
3. “has the complaint reached the stage where it is eligible for review by the CPC according to the law, contracts, and policy in place at the time of the discipline in the City of Cleveland[.]”

If answered in the affirmative, the petition may be assessed on its merits.³ The factors used to determine whether to deny the petition or advance it to the full Commission for an evidentiary hearing are as follows:

- A. “The time and date of the administered discipline and how the complaint’s age may affect the ability of the case to be heard by the Commission”;
- B. “An impact analysis on any pending criminal or civil case related to the discipline”;

¹ CPRB defines the term ‘exoneration’ as the following: “Preponderance of the evidence supports a finding that the alleged conduct occurred but the officer’s actions were consistent with law or CDP policy, procedure or training.” Civilian Police Review Board, Operating Manual and Procedures, H(7)(b)(1)(1).

² CPRB defines the term ‘unfounded’ as the following: “Preponderance of the evidence supports a finding that the alleged conduct did not occur.” Civilian Police Review Board, Operating Manual and Procedures, H(7)(b)(1)(3).

³ It should be noted that whether the affirmative response to these questions serves as a prerequisite to consideration of the merits of the petition is unclear. In any event, the presented petition satisfies these conditions, as explain within this analysis.

- C. “A general opinion on the feasibility of the case based on past and prior discipline decisions utilizing the same disciplinary matrix”; and
- D. “Any special notations, novelties or concerns about the case”.

To assist the Committee in its assessment of the petition, this analysis will start with “[a] brief summary of the incident and known facts supporting the discipline decision[.]” *Id. See also id.* (describing the that “petition analysis will include[] [t]he offense and summary of the facts of the case as used to determine the discipline”). This analysis will then proceed with an examination of the factors described above. The analysis will then conclude with a “recommendation for either pursuing or not pursuing the petition.”

IV. PRECONDITIONAL CONSIDERATIONS

First, the underlying petition has come to the CPC after the CPRB rendered its final disposition in the matter. *See* Exhibit G. As a result, the disciplinary process has been completed at the time of the submission of the petition.

Second, based on the information provided to the CPC, it appears that all accused officers received due process during the investigation and disposition of the Complaint. Indeed, officers were provided initial notice of OPS’s investigation, and, when ordered to appear for an interview with OPS, were advised of their *Garrity* rights and their right to union or other legal representation. *See* Exhibit H. As a result, the accused officers were provided the requisite notice and opportunity to be heard, thereby satisfying due process requirements.

Third, because this petition has come to the CPC after the final decision rendered by the CRPB, the petition has reached the stage where it is ostensibly eligible for review by the CPC. It should be noted that, notwithstanding CPC’s general jurisdiction to consider the petition as set forth in City of Cleveland Charter § 115-5(h)(i), the Collective Bargaining Agreement (“CBA”) in effect at the time of the incident provided that officers could “be ordered to respond to” a “citizen complaint [] filed more than six (6) months after the date of the alleged event” but “shall not be subject to disciplinary action for that complaint. *See* Exhibit H. Nonetheless, because a City’s Charter – i.e., the Constitution of a City – must always prevail over the terms of a contract, this analysis assumes that the above-conflicting CBA provision is non-binding and unenforceable. As a result, because there is no time limitation enumerated in Charter § 115-5 surrounding the CPC’s eligibility to review petitions, the petition is eligible for review.

V. OFFENSE AND SUMMARY OF FACTS

The basis of Ms. Byas’s Complaint centers around officers’ conduct in effectuating a search warrant. Ms. Byas’s Complaint alleges that the search warrant was fraudulent and that officers were inappropriately stating that her son, against whom a criminal investigation was lodged, was “going down” and that they were “finally gonna get his ass[.]” *See* Citizen Complaint Form

On September 27, 2019, a search warrant was signed by Honorable Judge William McGinty, of the Cuyahoga County Court of Common Pleas. *See* Exhibit I. Appended to the search warrant was an affidavit describing the requisite probable cause in support of the search, the affiant

being Detective Sauterer. *See* Exhibit J. The premises to be searched was 456 East 146th Street, Upstairs Unit, Cleveland, OH.

That same day, five officers of the City of Cleveland Division of Police (“CDP”) executed the search warrant. At that time, the Complainant, Ms. Byas, resided at the premises. Ms. Byas’s interactions were primarily with Detective Sauterer.⁴ The interaction between the two took place on the porch of the premises while the remaining officers began the search

The CDP executed the search warrant successfully and without incident, though no evidence was seized.

VI. TIMING OF DISCIPLINE AND AGE OF COMPLAINT

The incident that provides the basis of the allegations against Detectives Sauterer and Kopchak occurred on September 27, 2019. Ms. Byas did not, however, file her Citizen Complaint Form until May 2, 2024. *See* Exhibit B. The near five-year delay in submitting the Complaint weighs against hearing this case. Although the lag in filing the initial Complaint could be based on legitimate reasons, the timing is such that memories have likely faded and understanding the context within which the matter occurred becomes much more difficult.

VII. PENDING CASES RELATED TO DISCIPLINE

Although it was expressed during one of the interviews that Ms. Byas filed a lawsuit in federal court concerning this matter, a brief search did not yield any results of such lawsuit. There are otherwise no known pending (or completed) cases related to this incident.

VIII. DISCIPLINE COMPARISON AND ANALYSIS

CPRB adopted OPS’s findings, and no discipline was issued or recommended. This Committee should find that the record supports CPRB’s disposition.

First, as to the allegation of improper search/seizure, in potential violation of GPO 2.02.02 and Manual of Rules 4.17, the evidence and record support the conclusion that the search warrant was facially valid, issued by a Judge, and supported by an affidavit demonstrating probable cause. *See* Exhibits I-J. Further, the manner in which officers executed the search warrant was unremarkable.⁵ It is of no consequence that Honorable Judge William McGinty signed the search warrant using his conversational first name. The record of evidence before the Accountability Committee supports CPRB’s decision exonerating Detective Sauterer from the allegation of improper search/seizure, along with the absence of discipline.

⁴ The interactions between the two do not seem to be the crux of Ms. Byas’s complaint, though the interaction does raise concerns based upon the reasons described herein.

⁵ Detective Kopchak did sarcastically state to fellow officers that, referring to Ms. Byas, “you made momma cry down there, good job. Tears are aflowing.” WCS – Exhibit C-3a-e-, Clip 4. Though Detective Kopchak’s remarks were unnecessary, they were not made in the presence of individuals other than his fellow officers and may be characterized as mere extraneous comments with no negative impact.

Second, as to the allegation of unprofessional behavior/conduct, in potential violation of the Rules 5.01, 5.08, and 5.09 of the Manual of Rules, the evidence and record support the conclusion that neither Detective Sauterer nor Detective Kopchak spoke negatively about Ms. Byas's son.⁶ Indeed, the body-camera footage provided does not evidence the negative statement that Ms. Byas alleged were uttered. CPRB thus decided that these allegations against Detectives Sauterer and Kopchak were unfounded. The record of evidence before the Accountability Committee supports CPRB's decision and the absence of discipline.

Third, as to the allegation concerning the violation of bias-free policing, GPO 1.07.08, there is no evidence in the record to find that, during the event in question, any member of CDP took any action, made any decision, or was motivated (even in part) "by discrimination on the basis of an individual's membership in a demographic category." See Exhibit F. The record of evidence before the Accountability Committee supports CPRB's decision that the allegations of bias policing against Detective Kopchak were unfounded and that no disciplinary measures were warranted.

IX. SPECIAL CONCERNS

CPC Operations & Procedures Manual, Rule 2.4.4 requires an analysis of "[a]ny special notations . . . or concerns about the case[.]" This case presents a special concern.

Detective Sauterer properly advised Ms. Byas of her *Miranda* rights.⁷ See Exhibit K, Det. Sauterer WCS – Exhibit C-1a-d, Clip 2. Upon questioning and after some back-and-forth dialogue, Ms. Byas clearly and unambiguously invoked her right to remain silent.⁸ *Id.* Detective Sauterer initially ceased questioning. *Id.* Less than a minute later, however, Detective Sauterer attempted to re-initiate questioning—and Ms. Byas reasserted her right to remain silent. *Id.* Later, upon officers' concluding the search, Detective Sauterer again questioned Ms. Byas, despite her initial invocation and—then reinvocation—of her right to remain silent. See Exhibit L, Det. Sauterer WCS – Exhibit C-1a-d, Clip 1. Det. Sauterer's initial re-questioning and subsequent questioning of Ms. Byas presents an issue under *Miranda*, the Fifth Amendment, and any corresponding administrative policies.

Since no later than 1975, the Supreme Court of the United States has made clear that law-enforcement must "scrupulously honor" an individual's invocation of their right to remain silent. *Michigan v. Mosley*, 423 U.S. 96, 104 (1975). The rationale behind the Supreme Court's "scrupulously honor" mandate is to safeguard "[t]he requirement that law enforcement authorities [] respect a person's exercise of the option to terminate questioning" *Id.* Indeed, the Supreme Court opined that invocation of such rights serves to "counteract[] the coercive pressures of the custodial setting." *Id.*

⁶ It must be noted that there seems to be a question surrounding the completeness of the body-worn camera footage. The footage is broken into clips, and the time stamp noted in the upper-left corner of the footage in each clip is not sequential.

⁷ *Miranda* warnings consist of the "right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed." *Miranda v. Arizona*, 384 U.S. 436, 444 (1966)

⁸ See *Berghuis v. Thompkins*, 560 U.S. 370 (2010) (holding that an individual's invocation of their right to remain silent must be unambiguous).

An individual's invocation of their right to remain silent does not perpetually bar law-enforcement from interrogating that individual, so long as the "scrupulously honored" requirement was met. *Davie v. Mitchell*, 547 F.3d 297, 308 (6th Cir. 2008) ("Although police must respect a suspect's exercise of his right to remain silent, police are not indefinitely prohibited from further interrogation so long as the suspect's right to cut off questioning was 'scrupulously honored.'") There is no bright-line rule or timeframe for determining whether the right was 'scrupulously honored'; rather, courts weight various factors in considering whether the standard was met. "Factors favoring a finding that the police have scrupulously honored a defendant's rights include where [1] the police ... immediately ceased the interrogation, resumed questioning only after [2] the **passage of a significant period of time** and the provision of a fresh set of warnings, and [3] restricted the second interrogation to a crime that had not been a subject of the earlier interrogation." *Fleming v. Metrish*, 556 F.3d 520, 529 (6th Cir. 2009) (emphasis added).

Based on the body-camera footage, it appears that Det. Sauterer's failed to scrupulously honor Ms. Byas's invocation of her right to remain silent. Indeed, the evidence demonstrates that barely any time – let alone the passage of a significant period of time – passed before Det. Sauterer reinitiated questioning of Ms. Byas the first time and potentially the second time. Accordingly, this case presents a special concern regarding whether Det. Sauterer violated any administrative policies concerning an individual's *Miranda* rights and/or Fifth Amendment rights against self-incrimination.

X. RECOMMENDATION

The role of the CPC under City of Cleveland Charter § 115-5(h)(i) is to "serv[e] as the **final** City authority on whether the discipline of police officers imposed or not imposed by . . . Civilian Police Review Board is sufficient" (Emphasis added.) Toward that end, the CPC is generally considered "an 'oversight' organization[.]" with investigatory powers limited to "overall quality or impact of a process or policy[.]" rather than incident-specific application of that process or policy. See CPC Operations & Procedures Manual, Rule 2.5. See also City of Cleveland Charter § 115-5(h)(xx) (empowering CPC with ability to conduct "broad investigations into investigative processes, including audits for quality assurance and adherence to policy and procedure").

Pursuant to City of Cleveland Charter § 115-4, however, OPS, as the investigatory arm of the CPRB, investigates all civilian-initiated complaints. OPS's investigation is not limited only to "matters set forth in the complaint" but it is also "based upon facts and allegations uncovered in the investigation." City of Cleveland Charter § 115-4, Para. 1. CPRB, as the body to whom OPS reports, is endowed in the first instance to "receive, cause investigation of, and recommend resolution of complaints filed with it, or on its own complaint based on information that comes to its attention, alleging misconduct by Cleveland police officers" City of Cleveland Charter § 115-3, Para. 1. Toward that end, CPRB is empowered to "direct the OPS Administrator to conduct an investigation of any alleged misconduct . . . by members of the police force." Civilian Police Review Board, Operating Manual and Procedures, E.1.a.

This Committee should determine that CPRB's findings as to the three allegations of misconduct are supported by the record. As such, this Committee should deny Ms. Byas's petition

and decline to advance the petition to a full evidentiary hearing before the Commission. *See* CPC Operations & Procedures Manual, Rule 2.4.4.

Nevertheless, this Committee should move to advance to the full Commission a remand of the petition to CPRB with a request for CPRB to “direct the OPS Administrator to conduct an investigation of [the] alleged misconduct” by Detective Sauterer, as outlined in the foregoing. Civilian Police Review Board, Operating Manual and Procedures, E.1.a.

EXHIBIT A

Re: Appeal to OPS Determination

From NELLIE PERRY <nellieboo31@gmail.com>

Date Sun 5/25/2025 12:12 PM

To Community Police Commission <clecpc@clevelandohio.gov>

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Greetings this is Tranell byas I recently submitted for an appeal and you all emailed me back because I did not include the case number so the case number is here as followed OPS case # 2024-0099 And I also would like to add Donald copcheck Is under investigation at the moment he also no longer with ATF there has been complaints filed against him, and when I filed my complaint, it was way before him being under investigation for some of the exact same things in my complaint if not more, I don't understand how it was unfound and Investigator Smith Home, of which is investigating case didn't locate the search warrant it does not exist in the Cuyahoga county justice Center and I feel as though Investigator Smith was not working my case with professional conduct and standards

God is love

On Fri, May 23, 2025 at 11:30 AM Community Police Commission <clecpc@clevelandohio.gov> wrote:
Hello,

Thank you for your request for appeal. Can you provide your case number so that I can request a copy of the complaint and forward it and this appeal to the commissioners for review? Please let me know if you have any questions or concerns.

Thank you,
Michelle

City of Cleveland - Community Police Commission
3631 Perkins Avenue, 4th Floor, Cleveland, OH 44114
216-664-7518 | www.clecpc.org | clecpc@clevelandohio.gov

From: NELLIE PERRY <nellieboo31@gmail.com>

Sent: Thursday, May 22, 2025 4:46 PM

To: Community Police Commission <clecpc@clevelandohio.gov>

Subject: Re: Appeal to OPS Determination

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

My name is , Tranell byas I am submitting this as notice of appeal in regards to my case. I received a letter yesterday when I came home stating that the allegations were unfounded. I feel as though Mr. Smith was not thoroughly doing his job And intentionally leaving out information specially in regards to the search warrant not being listed at the Cuyahoga county Justice center record department nor do the prosecutor office have a copy of search warrant, mr. Smith stated to me that he went to the justice center. It was told they did not have it the same thing that was sold to me about the search warrant and the judge That allegedly signed the search warrant using his nickname Which is illegal you are supposed to sign your government name on any legal document and Officer Donald copcheck was recently relieved of duties due to the same allegations that I made against him and more he's no longer working with ATF etc. and again he was suspended after my allegations were made and I'm also asking for a copy of that search warrant that does not exist in the records department

God is love

On Thu, May 22, 2025 at 3:43 PM Community Police Commission <clecpc@clevelandohio.gov> wrote:

Hello, Tranelle,

I spoke with you a few moments ago about CPC's complaint form to appeal the OPS determination, but I gave you misinformation. We don't have a complaint form, so I need you is to reply to this email with your case number and the reason you are appealing the decision. You have 10 days after the date of the letter to file the appeal, so if you can get that information to me as soon as possible I can get this forwarded over for review. Let me know if you have any additional questions or concerns.

Thank you,
Michelle

City of Cleveland - Community Police Commission
3631 Perkins Avenue, 4th Floor, Cleveland, OH 44114
216-664-7518 | www.clecpc.org | clecpc@clevelandohio.gov

EXHIBIT B



CITIZEN COMPLAINT FORM

OFFICE OF PROFESSIONAL STANDARDS • CIVILIAN POLICE REVIEW BOARD

205 West St. Clair Avenue • Suite 301 • Cleveland, Ohio • 44113
Phone: 216-664-2944 • Fax: 216-420-8764 • Email: clepolicecomplaints@city.cleveland.oh.us



Complainant Name: Tranell Byas Date of Birth: 3-20-82
Address: 1540 E 193rd Building D Apt 421 City: Euclid State: OH Zip: _____
Phone: 216 468 4921 Email: nellieboo3@gmail.com

Complete this Section ONLY if you are filing on behalf of a minor or disabled person. Otherwise, please skip to next Section.
Complainant Name: _____ Date of Birth: _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

The following demographic information is voluntary and not required. However, it may assist with identifying potential patterns and/or trends.
Gender: ☐ Male ☒ Female ☐ Other ☐ Prefer Not to Say
Race/Ethnicity: ☐ American Indian/Alaska Native ☐ Asian ☒ Black/African American ☐ Hispanic/Latino
☐ Native Hawaiian/Pacific Islander ☐ White/Caucasian ☐ Other
Do you have a disability in accordance with the Americans with Disabilities Act (ADA)? ☐ Yes ☐ No

Were you arrested? ☒ No ☐ Yes If yes, for what reason? _____
Did you require medical attention? ☒ No ☐ Yes If yes, what medical facility? _____
Will you sign a medical release form? ☐ No ☐ Yes ☒ N/A

Date of Incident: 9-27-2019 Time of Incident: _____ A.M./P.M.
Location of Incident: 457 E 146th
Officer's Name: DET Robert Sauterer Badge #: 685 District: 4
Description of Officer: Unknown DET Zone Car #: _____
Officer's Name: _____ Badge #: _____ District: _____
Description of Officer: White male Zone Car #: _____
Witness Name: _____ Address: _____ Phone: _____
Description of Incident: On or about 9-27-19 officers arrived at the complainant's home with what seemed to be search warrants. They stayed for about 2 hours tearing her house up in hopes to find drugs & guns belonging to her son who was not present. "Byas" states officers were saying things like "We are finally gonna get his ass" "Your son is going down" while conducting search. She believes the warrant was fraudulent because when she went to request them she was told they were not found on record or file. Also the judge signed the warrant with his nickname she states.
Complainant Signature: PHONE Date: 5-2-24
A parent/guardian must sign on behalf of a minor.

DO NOT WRITE BELOW THIS LINE

FOR OPS AND CDP USE ONLY

C of C 71-2186 Rev. 01-2024

If Filed by CDP: Date Filed: _____ Unit/District/Zone Car: _____ Report #: _____
Nature of Complaint: _____
Date Received by OPS: 5-2-24 OPS Intake by: Brandie Hall OPS Investigation #: _____

THE ORIGINAL COMPLAINT MUST BE FILED WITH THE OFFICE OF PROFESSIONAL STANDARDS:

By Mail or Delivered in Person: 205 West St. Clair Avenue, Suite 301, Cleveland, OH 44113

By Email: clepolicecomplaints@city.cleveland.oh.us | By Fax: (216) 420-8764

White (Original): OPS

Yellow (Copy): District/Bureau

Pink (Copy): Complainant

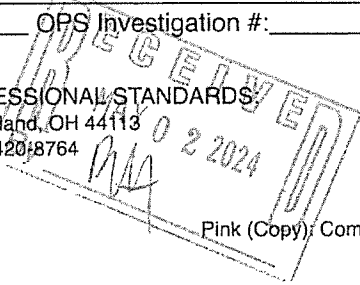


EXHIBIT C

OFFICE OF PROFESSIONAL STANDARDS FINAL INVESTIGATIVE REPORT

Investigator: Jermaine A. Smith

Case Number: OPS # 2024-0099

Complainant: Tranell Byas

CDP Member(s): Det. Robert Sauterer, #685

Det. Donald Kopchak, #2139

This final investigative report refers to evidence, statements, audio and video, reports, data links, and other affiliated documents obtained from the investigation. These items are in the electronic case file maintained in the Division's internal investigative software (currently IAPro). Any summarization or partial reference is not a substitute for the actual item and should only be considered in its totality. It is recommended that information be cross-referenced with the relevant evidence, video, or supplement provided therein. Summarization and reference are intended only to assist in the practical presentation of facts determined during the investigation. Every attempt will be made to define entities referred to by acronyms where possible. As unbiased collectors of facts, investigators have no authority to determine the legality of involved subject actions; these determinations are the sole purview of the Civilian Police Review Board (CPRB).

Table of Contents

Case Summary- (To include a synopsis of allegations made by the complainant)	Complainant Interviews
2	3
Involved Member(s)	Witness Citizen(s) Interviews
2	3
Witness Member(s)	Officer(s) Interviews
2	3
Involved Citizen(s)	Additional Evidence – listed by Exhibit 3
2	Analysis (to include Facts, Rule(s), Analysis)
Witness Citizen(s) / Organization(s)	4
2	Findings (Conclusion with Recommendation citing) - Applicable Law, Policy, and Procedure based on Preponderance of the Evidence
Allegations – Intake Classifications	5
At the time of the Initial Complaint 2	Investigative Extensions and Approvals – If needed
Discovered During Investigation	5
Video Evidence (Including WCS)	
2	

Case Summary

On Friday, September 27, 2019, Cleveland Division of Police (CDP) Det. Robert Sauterer, #685 and Det. Donald Kopchak, #2139 served a Cuyahoga County Court of Common Pleas search warrant at Ms. Tranell Byas's residence on the 400 block of E. 146th Street. Detectives Sauterer and Kopchak served the legally signed/ issued search warrant at Ms. Byas's residence in compliance with CDP procedure regarding search and seizure. Their interactions with Ms. Byas during the warrant service were courteous/ professional, and did not display a bias against her or her son Mr. Byas.

Involved Member(s)

1. Det. Robert Sauterer #685
2. Det. Donald Kopchak #2139

Witness Member(s)

- N/A

Involved Citizen(s)

- Ms. Tranell Byas

Witness Citizen(s) / Organization(s)

- N/A

Allegations – Intake Classifications

At the time of the Initial Complaint

- A. Improper Procedure – Improper Search, General Police Order (GPO) 2.02.02 – Search & Seizure and *the Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police 2012* (Manual of Rules) 4.17.

Discovered During Investigation

- B. Unprofessional Behavior/ Conduct, Manual of Rules 5.01, 5.08, and 5.09.
- C. Bias Policing, GPO 1.07.08 – Bias-Free Policing.

Video Evidence (Including WCS)

- Det. Sauterer #685, Det. Kopchak #2139, and Capt. Kane's WCS of September 27, 2019, Warrant Service. (See Exhibit C-1, C-2, and C-3).
- Det. Sauterer was courteous while serving Ms. Byas a copy of her search warrant. He explained the warrant to her at the start of the search and its end while informing Ms. Byas that the search resulted in no evidence recovered from her residence.
 - Det. Sauterer assisted Ms. Byas in retrieving her inhaler when she advised she was short of breath.

- Detectives Sauterer and Kopchak did not speak negatively about Mr. Byas.

Complainant Interviews

1. Tranell Byas, Friday, May 2, 2024. (See Exhibit D-1).
 - Ms. Byas stated that Det. Kopchak and other Det. Sauterer said that they “Finally got his ass”, “about her son Mr. Byas’s arrest. Ms. Byas stated that her residence was searched illegally because the search warrant used was fake. Ms. Byas stated she believed the warrant was fraudulent because there was no record of the warrant with the Cuyahoga County Clerk of Courts Office and because the warrant was signed with the Judge’s nickname. Ms. Byas further stated that Det. Kopchak was an “overzealous officer” and had been “gunning for her son” for years after a prior arrest. She stated he referred to her son as a “motherf*cker” while referencing getting her son while at her residence.

Witness Citizen(s) Interviews

- N/A - A witness interview was not conducted because no citizen witnesses were present at the time of the incident.

Officer(s) Interviews

- Det. Sauterer, #685, Wednesday, January 29, 2025. (See Exhibit D-2).
 - Det. Sauterer advised that the investigation into Mr. Byas began while he resided with Ms. Byas. He stated that a search warrant for “currency” was served at Ms. Byas’s residence because, though Mr. Byas moved his belongings to another residence, evidence, including recorded jail phone calls between Ms. Byas and Mr. Byas, proved that Mr. Byas still lived in Ms. Byas’s residence.

He stated that he did not say any of the derogatory comments alleged by Ms. Byas. He further stated that he did not recall hearing any other CDP Officer present during the search speak ill of Mr. Byas either.
- Det. Kopchak, #2139, Wednesday, January 29, 2025. (See Exhibit D-3).
 - Det. Kopchak stated that he did not speak of Mr. Byas at all during the warrant service. He stated that he only spoke to Ms. Byas during a brief exchange that was courteous and did not involve Mr. Byas. He stated that he did not recall hearing any other officers speak ill of Mr. Byas either.

Additional Evidence – listed by Exhibit

The Documentary Evidence collected during this investigation is as follows:

- CDP Detail Report #2019-00299634 (**Exhibit C-2**).
- CDP Detail Report #2019-00296828 (**Exhibit C-3**).
- Cuyahoga County Court of Common Pleas Warrant/ Inventory List (**Exhibit C-4**).
- Cuyahoga County Court of Common Pleas Affidavit for Search Warrant (**Exhibit C-5**).

Analysis

Upon review of CDP Detail Reports #2029-00299634, #2019-00296828, and corresponding Cuyahoga County warrant and affidavit regarding the investigation of Mr. Byas, OPS found that the investigation led to Mr. Byas's arrest, and a warrant service at Ms. Byas's residence on the 400 block E. 146th St. OPS found Det. Sauterer wrote the affidavit and secured the search warrant for Ms. Byas's residence based on CDP surveillance of Mr. Byas and a review of jail phone calls that provided CDP probable cause to believe that Mr. Byas resided with Ms. Byas and that currency/proceeds of narcotic sales were located at her residence, in compliance with GPO 2.02.02 (**Exhibit E-1**) and Manual of Rules rule 4.17 (**Exhibit E-2**).

Furthermore, during Det. Sauterer's CDP Member Interview with OPS, he stated that he has been the affiant for approximately hundreds of warrant services. Thus, providing him with ample knowledge of the proper procedures regarding warrant services. He further stated that he presents each warrant/affidavit to the case's assigned criminal prosecutor, followed by a Judge, as he did with Ms. Byas's warrant with the Cuyahoga County Court of Common Pleas Judge William "Bill" T. McGinty.

Upon review of the WCS (Wearable Camera System) video of the September 27, 2019, CDP warrant service at Ms. Byas's residence, OPS found Det. Sauterer gave Ms. Byas a copy of the search warrant. Det. Sauterer treated Ms. Byas courteously as he explained the warrant to her while repeatedly attempting to calm a visibly upset Ms. Byas. Det. Sauterer's actions during the warrant service complied with CDP GPO 2.02.02 (**Exhibit E-1**) and Manual of Rules rules 5.01, 5.08, and 5.09 (**Exhibit E-3**).

Also, OPS found that Detectives Sauterer and Kopchak, nor any CDP Member present during the warrant service spoke ill of Mr. Byas or of being happy to arrest him during the warrant service. The search warrant and overarching investigation of Mr. Byas and Ms. Byas's residence was not because of bias against them, but because of evidence collected from CDP investigative efforts, including surveillance. This fact was echoed by Detectives Sauterer and Kopchak during their CDP Member Interviews.

Findings

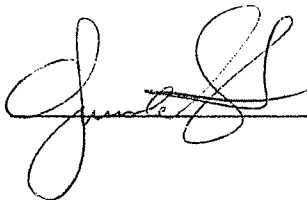
Applicable Law, Policy, and Procedure based on Preponderance of the Evidence

In conclusion, the Office of Professional Standards recommends a finding of “**Exonerated**” for *Allegation A: Improper Procedure – Improper Search* against Detective Robert Sauterer, #685 as the preponderance of collected evidence supports a finding that the alleged conduct occurred but the detective’s actions were consistent with law, CDP GPOs, training, or procedures.

Furthermore, the Office of Professional Standards recommends a finding of “**Unfounded**” for *Allegation B: Unprofessional Behavior/ Conduct* against Detective Robert Sauterer, #685 as the preponderance of collected evidence supports a finding that the alleged conduct did not occur.

Likewise, the Office of Professional Standards recommends a finding of “**Unfounded**” for *Allegation B: Unprofessional Behavior/ Conduct* and *Allegation C: Biased Policing* against Detective Donald Kopchak, #2139 as the preponderance of collected evidence supports a finding that the alleged conduct did not occur.

Investigative Extensions and Approvals – If needed

Investigator Signature:  Date: 02/04/2025

Date Reviewed by Sr. Reviewer: _____ Signature: _____

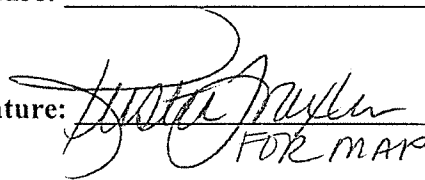
Date Approved by Administrator: 3/4/2025 Signature:  FOR MAR

EXHIBIT D



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: January 1, 2020	CHAPTER: 2 - Legal	PAGE: 1 of 10	NUMBER: 2.02.02
SUBJECT: SEARCH AND SEIZURE			
CHIEF: <i>Calvin D. Williams, Chief</i>			

PURPOSE: To establish Cleveland Division of Police guidelines to ensure all searches and seizures are conducted in accordance with the rights secured and protected by the Constitution and federal and state law. The Division will conduct searches and seizures fairly and respectfully consistent with the Division's commitment to procedural justice, community and problem-oriented policing, and community values.

POLICY: It is the policy of the Division to respect the fundamental privacy rights of all individuals. Officers shall conduct searches in strict accordance with the rights secured and protected by the Constitution and federal and state laws. All seizures by the Division shall comply with relevant federal and state laws governing the seizure of persons and property.

Officers shall not use an individual's gender, race, ethnicity, national origin, age, or perceived sexual orientation as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause, unless such information is part of an actual and credible description of a specific subject in an investigation that includes other identifying factors. Supervisors must review documentation of all searches and seizures to ensure that they were supported by reasonable suspicion and/or probable cause.

DEFINITIONS:

Area of Immediate Control - the physical area within reaching distance which the person might gain possession of a weapon, destructible evidence, or contraband.

Arrest - the taking of a person into custody by an officer based upon a warrant or probable cause. To constitute an arrest, there must be an actual restraint of the person. The restraint may be imposed by force or may result from the submission of the person arrested to the custody of the officer arresting him/her. An arrest is a restraint of greater scope or duration than an investigatory stop or detention.

Consensual Encounter - a voluntary encounter between the police and an individual with the intent of engaging in a casual, and/or non-investigative conversation. A reasonable person in the individual's position would feel free to leave and/or decline any of the officer's requests at any point.

Curtilage - any land or building immediately adjacent to a dwelling that is directly connected to it or in close proximity.

Investigatory Stop (Terry Stop) - a brief, minimally intrusive detention of an individual, including the occupants of a vehicle, during which a reasonable person in the individual's position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1. To justify a stop, the officer must have reasonable suspicion that the stopped individual has, is, or is about to engage in criminal conduct. The stop must be based on specific, objective, articulable facts that the officer knew before the stop. Information learned during a stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, but it cannot provide the justification for the original stop.

PAGE: 2 of 10	SUBJECT: SEARCH AND SEIZURE	NUMBER: 2.02.02
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Non-Custodial Interview - a voluntary and consensual investigatory interview that an officer conducts with an individual during which the individual is free to leave and/or decline any of the officer's requests at any point.

Pat Down/Frisk - a limited search during an investigatory stop in which an officer conducts a pat down of the outer clothing of a person for weapons when the officer reasonably suspects that the particular person is armed and dangerous. It is limited to what is necessary to detect weapons and must be based on reasonable articulable suspicion that the person is armed. An officer may not manipulate objects that are discovered under the clothing to determine whether they are contraband.

Plain Feel Doctrine - an officer may seize an object while conducting a limited search during a permitted pat down/frisk if its nature as contraband is immediately apparent by feel, and without manipulation of any objects.

Probable Cause - the facts and circumstances known to the officer that would lead a reasonable person to believe an individual has more likely than not committed or is committing a crime.

Reasonable Suspicion - an objectively, justifiable suspicion that is based on specific and articulable facts or circumstances that justifies an officer stopping an individual that has committed, is committing, or is about to commit an offense. Reasonable suspicion is more than a hunch but less than probable cause. A police officer stopping an individual must be able to point to specific facts or articulable circumstances even though the level of suspicion need not arise to probable cause.

Search - a search is either a physical intrusion into a constitutionally protected area (a person, house, paper, or effect) for the purpose of gathering information or any conduct that violates a reasonable expectation of privacy by officers or civilians acting as an agent of law enforcement.

Search Incident to Arrest - a search of an arrested person, their personal effects, or their area of immediate control at time of search.

Seizure - when an officer's words or actions would cause a reasonable person to believe that he or she is not free to leave or terminate the encounter.

PROCEDURES:

I. General Requirements for Searches and Seizures

- A. Searches generally must be made pursuant to a warrant.
- B. Exceptions when searches may be made without a warrant:
 1. Open view and plain view searches.
 2. Consent searches.
 3. Exigent circumstances.
 4. Pat down/frisks during investigatory stops.

PAGE: 3 of 10	SUBJECT: SEARCH AND SEIZURE	NUMBER: 2.02.02
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5. Custodial searches and other searches incident to arrest.

6. Vehicle inventory searches.

7. Open fields.

C. Officers shall:

1. Treat searched and/or seized persons with courtesy, professionalism, respect, dignity, and equality.
2. Explain in an age appropriate manner to the person being searched and/or seized, the reason for the search/seizure and how the search/seizure will be conducted.
3. Carry out searches with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
4. Use accurate and specific descriptive language to articulate the justification for any search or seizure in their reports. Articulation of reasonable suspicion and/or probable cause shall be specific, clear, and based on information not influenced by bias or prejudice.

B. Officers shall not:

1. Use or rely on information the officer knows or reasonably suspects to be materially false, incorrect, or unreliable in establishing reasonable suspicion for a search or seizure.
2. Compromise their safety, or the safety of other officers, in order to justify searches or seizures.
3. Detain non-occupants present at the location where a search warrant is executed for longer than reasonably necessary to secure the area or determine whether they are occupants of the premises being searched, unless the officer has reasonable suspicion that the non-occupant is involved in criminal activity or poses a danger to officer safety.

II. Open View and Plain View Searches

A. Open view

1. The open view doctrine allows officers to see and possibly seize contraband. To apply open view, the officer must see the contraband or evidence from a vantage point available to the public. To seize the contraband or evidence, it must be located in an area open to the public and not protected by the Constitution.

PAGE: 4 of 10	SUBJECT: SEARCH AND SEIZURE	NUMBER: 2.02.02
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2. Officers shall not enter a constitutionally protected place such as a vehicle, home, or habitation, and seize contraband that is visible to the public (e.g., if officers see a marijuana plant growing in the window of a residence, they cannot enter the home, but may use the information as probable cause to seek a search warrant).

B. Plain view

1. The plain view doctrine allows the police to discover contraband or evidence only after making a lawful intrusion in a constitutionally protected area, such as vehicle, home, or habitation. The evidence or contraband must be immediately recognizable as such and be in plain view.
2. The key to the plain view doctrine is being in the protected place with consent or being otherwise lawfully present. Once the discovery is made, officers may have the probable cause to secure a search warrant for a more thorough search.

III. Consent Searches

- A. Where an officer seeks consent for a search, the officer shall inform the person, in an age appropriate manner, of his or her right to refuse and to revoke consent at any time.
- B. A person's consent to search shall be documented using their Wearable Camera System (WCS). Officers electing to search by consent may also have the consenting person sign the Consent to Search Form (Attachment).
- C. Officers must ensure that an individual is consenting to the search voluntarily. Officers shall consider the age, intelligence, education, and authority of the person providing consent.
- D. Officers shall not physically or mentally coerce, threaten or exploit an individual in order to gain consent for a search.
- E. Third party consents are valid under certain conditions.
 1. Consent is valid if the third person has common authority over the area to be searched.
 2. Consent to search is not allowed if one cohabitant (roommate) or business partner objects to the consent, even if the other person gives permission. Consent must be given by both people, if present.
 3. Parents may consent to search a child's living area if the parents have routine access to the area (the child is not paying rent).
 4. Landlords cannot give consent to search if a lease or rental agreement is still valid.

IV. Exigent Circumstance Searches

- 4.15 Officers making an offense/incident report or handling an investigation in which any person is confined in a hospital shall make a reasonable attempt to notify a relative. If notification is not possible, officers shall advise the Report Intake/Review Unit to place the person on the "Hospital List." If the relative lives outside the city, Report/Intake personnel shall arrange with other police departments to notify the relative.
- 4.16 Personnel shall direct traffic when required or directed.
- 4.17 Officers shall execute warrants and serve subpoenas in a lawful manner.
- 4.18 Officers shall investigate all reports of suspected criminal activity and non-criminal incidents requiring police action that come to their attention whether by observation, assignment or information.
- 4.19 Only one officer shall be in charge when two or more officers are acting in concert on a police task. Absent a superior officer, the senior officer at the scene shall be in charge and assume responsibility for the proper action and reports.
- 4.20 *Off-duty officers involved in a motor vehicle accident as a driver within the jurisdiction of the City of Cleveland shall contact the Communications Control Section to request a supervisor from the Police District of occurrence to respond to the scene.*

EXHIBIT E

V. BEHAVIOR

- 5.01 Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.
- 5.02 Personnel shall not engage publicly in any disparaging conversation detrimental to the Division of Police or its personnel, or representing policy as being other than as stated in the rules, General Police Orders, Divisional Notices, and memorandums.
- 5.03 Personnel shall not engage directly or indirectly in the dispensing of intoxicating liquors or alcoholic beverages within the scope of their official duties.
- 5.04 Personnel shall not consume alcoholic beverages while on duty or in uniform nor report for duty intoxicated.
- 5.05 Personnel shall not bring intoxicating beverages or controlled substances into any Divisional building, boat or vehicle, or permit same to be brought therein, except as required in the performance of police duty.
- 5.06 Personnel shall not report for duty while under the influence of any drug or substance that adversely affects their physical or mental faculties.
- 5.07 Personnel shall not use or possess any drug or substance that is forbidden by law, unless it is of the dosage prescribed by a physician in his regular course of treatment, and in accordance with any prescription warnings.
- 5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.
- 5.09 Personnel shall be courteous and respectful in their speech, conduct, and contact with others.
- 5.10 Personnel shall not be a witness for the defense in any criminal prosecution or civil matter in which the Division of Police is involved except on subpoena lawfully issued, and only upon written notification to the Chief's office.
- 5.11 Personnel shall not use epithets, terms or words which tend to denigrate any person(s) due to their race, color, creed, ethnicity, country or region of origin, or sexual orientation except as is necessary when quoting in police reports or testimony.
- 5.12 Personnel shall remain awake and alert while on duty.
- 5.13 Officers shall use or handle their firearms only in a safe, proper, and authorized manner.
- 5.14 *Superior officers shall not fraternize with subordinates in their chain of command in a manner that corrupts the integrity of the superior-subordinate command structure relationship, as evidenced by the appearance of favoritism or coercion in the superior officer's decision making.*

EXHIBIT F



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 2, 2023	CHAPTER: 1-Administrative	PAGE: 1 of 5	NUMBER: 1.07.08
SUBJECT: BIAS-FREE POLICING			
CHIEF: <i>Dornat A. Drummond, Chief</i>			

Substantive changes are italicized

PURPOSE: To provide guidance to ensure that police services are delivered equitably, respectfully, and free of bias in a manner that promotes broad community engagement, trust, and confidence in the Cleveland Division of Police.

POLICY: *It is the policy of the Cleveland Division of Police* that its members commit to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner based on mutual trust and respect with Cleveland's diverse groups and communities. Bias-based policing is strictly prohibited. Bias-based policing degrades the public's confidence in the Division and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the Division's ability to enforce the law.

The Division will integrate bias-free policing principles into its management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.

DEFINITIONS:

Bias-Based Policing - When a CDP member takes a law enforcement action or makes a decision to provide or not provide police services, and that action or decision is motivated by discrimination on the basis of an individual's *membership in a demographic category*.

Bias-Free Policing - Policing that is accomplished without the selective enforcement or non-enforcement of the law, including the selection or rejection of particular policing tactics or strategies, based on the subject's membership in a demographic category. Bias-free policing is free of discriminatory effect as well as discriminatory intent.

Demographic Category - Race, ethnicity, national origin, age, gender, gender expression or identity, sexual orientation, disability, religion or limited English proficiency.

Implicit Bias - Attitudes that affect understanding, actions, and decisions in an unconscious and unintentional manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control.

Investigatory Stop or Investigatory Detention - A temporary restraint, based upon reasonable suspicion, where the subject of the stop or detention reasonably believes that he or she is not free to leave within the meaning of *Terry v. Ohio*. An investigatory stop or detention may be a pedestrian, vehicle or bicycle stop.

Office of Professional Standards (OPS) - The city entity responsible for the intake and investigation of allegations of officer misconduct *filed by members of the public against sworn and non-sworn Division of Police employees*.

PAGE: 2 of 5	SUBJECT: BIAS-FREE POLICING	NUMBER: 1.07.08
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Probable Cause - *The facts and circumstances known to the officer that would lead a reasonable individual to believe that an individual has more likely than not committed or is committing a crime.*

Procedural Justice - Four central principles designed to build public confidence in the police by 1) treating people with dignity and respect; 2) giving individuals a chance to be heard during encounters; 3) making decisions fairly and transparently, based on facts; 4) conveying goodwill and trustworthiness.

Reasonable Suspicion - *An objectively, justifiable suspicion that is based on specific and articulable facts or circumstances that justifies an officer stopping an individual that has committed, is committing, or is about to commit an offense. Reasonable suspicion is more than a hunch but less than probable cause. A police officer stopping an individual must be able to point to specific facts or articulable circumstances even though the level of suspicion need not arise to probable cause.*

PROCEDURES:

I. General Guidelines

A. Members shall:

1. Treat everyone with courtesy, professionalism, dignity, respect, and equality;
2. Make all decisions related to law enforcement activities based upon observed behavior, reasonable suspicion, and/or probable cause;
3. Ensure bias-free encounters by relying on information that is accurate, specific, and free from bias while developing reasonable suspicion and/or probable cause;
4. Conduct law enforcement activities, including any decision to engage in an investigatory stop or investigatory detention of a motorist or pedestrian, without discrimination on the basis of an individual's demographic category;
5. Interact with the public using the principles of procedural justice. Examples of this type of interaction include but are not limited to the following:
 - a. When safe and feasible, slowing situations down and gather more information in order to minimize any possible effects of implicit or unintentional bias;
 - b. Introducing yourself and stating the reason for the interaction, as soon as practical, unless providing this information will compromise officer or public safety or impede an ongoing investigation;
 - c. Ensuring that detentions are no longer in duration than is lawfully necessary;
 - d. Wherever time and circumstances permit, explaining what the member is doing and why;

PAGE: 3 of 5	SUBJECT: BIAS-FREE POLICING	NUMBER: 1.07.08
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- e. Wherever time and circumstances permit, listening to the individual and answering any reasonable questions that the individual has relating to the interaction;
- f. Providing individuals with the member's *last* name, rank, and badge number when asked.

6. Provide OPS complaint forms to individuals upon request.

B. Members shall not:

- 1. Engage in, ignore or condone bias-based policing;
- 2. Use harassing, intimidating or derogatory language verbally, in writing, or by gesture concerning any demographic category;
- 3. Determine reasonable suspicion or probable cause based upon a demographic category, except when the characteristic is part of an actual and credible description of a specific suspect in an investigation that includes other identifying factors;
- 4. Determine reasonable suspicion or probable cause based only on an individual's criminal history;
- 5. Delay or deny police services based on an individual's *membership in a* demographic category.

II. Reporting Bias-Based Policing

A. If an individual indicates to a member that they would like to make a complaint about bias-based policing, the member shall:

- 1. Immediately request their supervisor respond to the scene;
- 2. Explain to the individual that a supervisor will be responding. Members may not extend detention solely to await the arrival of a supervisor;
- 3. Remain at the location until the supervisor arrives, unless the supervisor has communicated that he or she is unable to respond to the scene;
- 4. If the individual does not want to wait for the supervisor to arrive or the supervisor is unable to respond, the member shall explain the option to file a complaint with the OPS and provide a complaint form to the individual (See GPO 1.07.04 Public Complaints of Police Misconduct).

B. Supervisors shall respond to the scene in which an individual indicates to a member that they would like to make a complaint about bias-based policing. Upon arrival the supervisor shall:

EXHIBIT G



Office of Professional Standards

Kristen Traxler, Interim Administrator

205 W. St. Clair Avenue, Ste. 301
Cleveland, Ohio 44113
216/664-2944 – Fax: 216/420-8764
clepolicecomplaints@clevelandohio.gov

5/13/2025

Ms. Tranell Byas
1540 East 193rd Street, D 427
Euclid, Ohio 44117

RE: OPS 2024-0099

Ms. Byas,

On 5/2/2024, you filed a complaint with the Office of Professional Standards regarding allegations of Improper Procedure (Search) against Detective Robert Sauterer, #685, Bias Policing against Detective Donald Kopchak, #2139 and Unprofessional Behavior/Conduct against both Detective Robert Sauterer, #685 and Detective Donald Kopchak, #2139. During the course of the investigation, the following was determined:

Allegation A: Improper Procedure (Search)

Detective Robert Sauterer, #685

Finding: Exonerated – A finding of exonerated is made when the preponderance of the evidence gathered throughout the investigation supports a finding that the alleged conduct occurred but the officer's actions were consistent with the law, Cleveland Division of Police General Police Orders, training or policy.

Allegation B: Unprofessional Behavior/Conduct

Detective Robert Sauterer, #685

Detective Donald Kopchak, #2139

Finding: Unfounded - A finding of unfounded is made when the preponderance of the evidence supports a finding that the alleged conduct did not occur.

Allegation C: Bias Policing

Detective Donald Kopchak, #2139

Finding: Unfounded - A finding of unfounded is made when the preponderance of the evidence supports a finding that the alleged conduct did not occur.

On 5/13/2025, the Civilian Police Review Board (CPRB) voted to uphold these findings. The Office of Professional Standards would like to thank you for your understanding and patience regarding the adjudication of your complaint.

Sincerely,

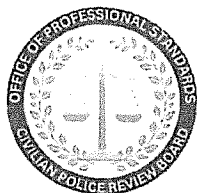
Kristen Traxler
Interim Administrator
Office of Professional Standards

Billy Sharp
Chair
Civilian Police Review Board

Cc: OPS 2024-0099

Per the Civilian Police Review Board (CPRB) operating manual and procedures, complainants have the right to appeal the findings of the CPRB. Upon receipt of a formal disposition letter, complainants have (10) days to submit their appeal in writing to either the CPRB or the Community Police Commission (CPC). When submitting an appeal, please include your Office of Professional Standards (OPS) case number, your contact information and a reason for your appeal.

EXHIBIT H



CITY OF CLEVELAND

Office of Professional Standards
205 W. St. Clair Avenue, Suite 301
Cleveland, Ohio 44113
216-664-2944 • Fax: 216-420-8764



CITY OF CLEVELAND
Mayor Justin M. Bibb

NOTIFICATION OF INVESTIGATION

The purpose of this correspondence is to notify you that a citizen complaint of misconduct has been filed indicating you as the subject.

DATE:	<u>01/06/2025</u>	Re:	<u>Detective Robert Sauterer #685</u>
COMMANDER:	<u>Kevin Kincaid</u>	COMPLAINANT:	<u>Tranell Byas</u>
OPS NUMBER:	<u>2024-0099</u>	INVESTIGATOR:	<u>Jermaine A. Smith</u>

TO THE COMMANDER:

The Office of Professional Standards (OPS) is investigating a complaint alleging misconduct or violation(s) of the Division's Rules and Regulations involving the above member under your command (see the attached complaint). Please ensure this notice and complaint is delivered to him/her.

COMMANDER'S SIGNATURE: [Signature] DATE: 1/7/2025

Upon serving this notice to the officer, immediately email a signed copy of this form to (jsmith16@clevelandohio.gov) and return this form to the Investigator via Department Mail to: OPS, 205 W. St. Clair Avenue, Suite 301, Cleveland, Ohio 44113. Contact the Investigator if you are unable to serve this notice due to illness, injury, furlough, or any other legitimate reason.

You may forward any information relating to the complaint via Department Mail to my attention at OPS, 205 W. St. Clair Avenue, Suite 301, Cleveland, Ohio 44113. You may also contact me at the number listed in the correspondence, or at 216-664-3969.

SUPERVISOR'S SIGNATURE: [Signature] Sgt. #9280

DATE SERVED: 01/07/25

LIST REASON(S) UNABLE TO SERVE: _____

TO THE OFFICER:

I am the OPS Investigator that has been assigned to investigate this complaint. Be advised that on **May 2, 2024**, the Office of Professional Standards (OPS) received a complaint against Det. Robert Sauterer from Tranell Byas. The incident occurred on the 450th block of E. 146th St. on **September 27, 2019**. The entire encounter of this incident is under review. A copy of the complaint is attached.

It is not required that you respond to the complaint at this time. I am in the process of gathering all evidence related to the investigation of this complaint, including, but not limited to, LERMS Reports, CAD Reports,

DDAs, Duty Reports, Wearable Camera System footage, surveillance camera footage, witness statements, and any other documentary or physical evidence that will assist in this investigation. I currently am reviewing the WCS footage of this encounter. If you are needed to respond to any inquiries that I may have, you will be notified. You may contact me directly at 216-664-3969, should you have any questions.

I request that you preserve all such evidence related to this matter to assist you in responding to this complaint during the course of this investigation.



OFFICER/EMPLOYEE'S SIGNATURE

1/7/2025

DATE RECEIVED:



CITY OF CLEVELAND

Office of Professional Standards
205 W. St. Clair Avenue, Suite 301
Cleveland, Ohio 44113
216-664-2944 • Fax: 216-420-8764



CITY OF CLEVELAND
Mayor Justin M. Bibb

ORDER TO APPEAR

DATE:

01/09/2025

Re:

Detective Robert
Saurterer #685

COMMANDER:

Kevin Kincaid

COMPLAINANT:

Tranell Byas

OPS NUMBER:

2024-0099

INVESTIGATOR:

Jermaine A. Smith

TO THE COMMANDER:

The Office of Professional Standards (OPS) is investigating a complaint alleging misconduct or violation(s) of the Division's Rules and Regulations involving the above member under your command. Refer to the attached complaint for further information.

COMMANDER'S SIGNATURE: _____

DATE: _____

On behalf of the Chief of the Division of Police you are hereby ordered to appear for an oral interview per *General Police Order 1.13.15* and *Divisional Notice 17-218* (August 3, 2017) *Investigations of Police Conduct-Revised* to report to the Office of Professional Standards, (205 W. Saint Clair Avenue, Suite 301) to respond to questions regarding the aforementioned citizen complaint, under the principles of *Garrity vs. New Jersey*, 385 S. Ct. 493 (1967), on:

Contact the aforementioned investigator at 216-664-3969 or via email at
Jsmith16@clevelandohio.gov
within **5-calendar** days of receipt of this order
for an oral interview appointment

A union representative and/or an attorney may be present. *It is incumbent upon you to notify your union and/or attorney if you wish to have them present.*

You are **ORDERED** to submit any *audiotape, videotape, witness information, or other documentation* relative to the attached matter. This is your **ONLY** opportunity to submit the aforementioned requested items to ensure a complete, thorough and unbiased investigation can be conducted.

Failure to respond to this order will result in Divisional Charges being preferred against you.

If you have any questions regarding this order, you may contact the investigator directly.

The supervisor serving this order shall immediately return the signed original to the above investigator.

Officer's Signature: _____

DATE: _____

Supervisor's Signature: _____

DATE: _____

BY ORDER OF: DOROTHY TODD, CHIEF DIVISION OF POLICE



The Office of Professional Standards

Marcus A. Perez, OPS Administrator

OFFICE OF PROFESSIONAL STANDARDS ADMINISTRATORS CPPA Official Notification of Potential Violation of Collective Bargaining Agreement

January 17, 2025

Case Number: OPS # 2024-0099

Administrator Advisement to All Involved Parties:

The complaint was filed beyond the six-month time period in which the incident occurred; the member's Collective Bargaining Agreement prohibits discipline when a citizen complaint is filed more than six months after the date of the alleged event. OPS will furnish the data collected from the investigation for the CPRB and annual report. The OPS administrator advises against the CPRB to pursue disciplinary action against the officer(s). It is crucial to consider that such measures may contravene the Collective Bargaining Agreement.

Article 7 Bill of Rights:

(m) When a citizen complaint is filed more than six (6) months after the date of the alleged event, and the complaint cannot lead to a criminal charge, the accused bargaining unit member may be ordered to respond to the complaint and the investigation, but shall not be subject to disciplinary action for that complaint. Copies of any written or recorded complaints or the summary of an oral complaint prepared by a representative of the Division of Police or the Office of Professional Standards ("OPS") shall be provided to the bargaining unit member and Union, with an opportunity to review the same before the member is asked to respond.

Special Instructions: OPS Investigators must adhere to Article 7 of the Bill of Rights, ensuring a minimum of four working days' notice for providing all documents and recorded complaints to the bargaining unit member and Union representative.

Acknowledge Receipt:

PO Officer: [Signature] 72129

Union Representative: [Signature]

Did OPS adhere to Article 7 of the Bill of Rights? Yes ☒ No ☐

Marcus A. Perez
Administrator
Office of Professional Standards



CITY OF CLEVELAND

Office of Professional Standards
205 W. St. Clair Avenue, Suite 301
Cleveland, Ohio 44113
216-664-2944 • Fax: 216-420-8764



CITY OF CLEVELAND
Mayor Justin M. Bibb

NOTIFICATION OF INVESTIGATION

The purpose of this correspondence is to notify you that a citizen complaint of misconduct has been filed indicating you as the subject.

DATE:	<u>01/15/2025</u>	Re:	<u>Det. Donald Kopchak #2139</u>
COMMANDER:	<u>Johnny Johnson</u>	COMPLAINANT:	<u>Tranell Byas</u>
OPS NUMBER:	<u>2024-0099</u>	INVESTIGATOR:	<u>Jermaine A. Smith</u>

TO THE COMMANDER:

The Office of Professional Standards (OPS) is investigating a complaint alleging misconduct or violation(s) of the Division's Rules and Regulations involving the above member under your command (see the attached complaint). Please ensure this notice and complaint is delivered to him/her.

COMMANDER'S SIGNATURE: _____ **DATE:** _____

Upon serving this notice to the officer, immediately email a signed copy of this form to (jsmith16@clevelandohio.gov) and return this form to the Investigator via Department Mail to: OPS, 205 W. St. Clair Avenue, Suite 301, Cleveland, Ohio 44113. Contact the Investigator if you are unable to serve this notice due to illness, injury, furlough, or any other legitimate reason.

You may forward any information relating to the complaint via Department Mail to my attention at OPS, 205 W. St. Clair Avenue, Suite 301, Cleveland, Ohio 44113. You may also contact me at the number listed in the correspondence, or at 216-664-3969.

SUPERVISOR'S SIGNATURE: _____

DATE SERVED: _____

LIST REASON(S) UNABLE TO SERVE: _____

TO THE OFFICER:

I am the OPS Investigator that has been assigned to investigate this complaint. Be advised that on **May 2, 2024**, the Office of Professional Standards (OPS) received a complaint against Det. Donald Kopchak from Tranell Byas. The incident occurred on the 400 block of E. 146th St. on **September 27, 2019**. The entire encounter of this incident is under review. A copy of the complaint is attached.

It is not required that you respond to the complaint at this time. I am in the process of gathering all evidence related to the investigation of this complaint, including, but not limited to, LERMS Reports, CAD Reports,

DDAs, Duty Reports, Wearable Camera System footage, surveillance camera footage, witness statements, and any other documentary or physical evidence that will assist in this investigation. I currently am reviewing the WCS footage of this encounter. If you are needed to respond to any inquiries that I may have, you will be notified. You may contact me directly at 216-664-3969, should you have any questions.

I request that you preserve all such evidence related to this matter to assist you in responding to this complaint during the course of this investigation.

OFFICER/EMPLOYEE'S SIGNATURE

DATE RECEIVED:



CITY OF CLEVELAND

Office of Professional Standards
205 W. St. Clair Avenue, Suite 301
Cleveland, Ohio 44113
216-664-2944 • Fax: 216-420-8764



CITY OF CLEVELAND
Mayor Justin M. Bibb

ORDER TO APPEAR

DATE:	01/17/2025	Re:	Detective Donald Kopchak #2139
COMMANDER:	Johnny Johnson	COMPLAINANT:	Tranell Byas
OPS NUMBER:	2024-0099	INVESTIGATOR:	Jermaine A. Smith

TO THE COMMANDER:

The Office of Professional Standards (OPS) is investigating a complaint alleging misconduct or violation(s) of the Division's Rules and Regulations involving the above member under your command. Refer to the attached complaint for further information.

COMMANDER'S SIGNATURE: [Signature] DATE: 1.17.25

On behalf of the Chief of the Division of Police you are hereby ordered to appear for an oral interview per *General Police Order 1.13.15* and *Divisional Notice 17-218* (August 3, 2017) *Investigations of Police Conduct-Revised* to report to the Office of Professional Standards, (205 W. Saint Clair Avenue, Suite 301) to respond to questions regarding the aforementioned citizen complaint, under the principles of *Garrity vs. New Jersey*, 385 S. Ct. 493 (1967), on:

Contact the aforementioned investigator at 216-664-3969 or via email at
Jsmith16@clevelandohio.gov
within 5-calendar days of receipt of this order
for an oral interview appointment

A union representative and/or an attorney may be present. *It is incumbent upon you to notify your union and/or attorney if you wish to have them present.*

You are **ORDERED** to submit any *audiotape, videotape, witness information, or other documentation* relative to the attached matter. This is your **ONLY** opportunity to submit the aforementioned requested items to ensure a complete, thorough and unbiased investigation can be conducted.

Failure to respond to this order will result in Divisional Charges being preferred against you.

If you have any questions regarding this order, you may contact the investigator directly.

The supervisor serving this order shall immediately return the signed original to the above investigator.

Officer's Signature: [Signature] DATE: 1/17/2025
Supervisor's Signature: [Signature] DATE: 1/17/25

BY ORDER OF: DOROTHY TODD, CHIEF DIVISION OF POLICE

EXHIBIT I

STATE OF OHIO

)

COURT OF COMMON PLEAS

)

COUNTY OF CUYAHOGA

)

SEARCH WARRANT

To: CHIEF OF POLICE OF THE CITY OF CLEVELAND POLICE DEPARTMENT,
AND/OR DETECTIVE ROBERT SAUTERER, BADGE #685, AND ANY OTHER LAW
ENFORCEMENT OFFICERS AS AUTHORIZED.

WHEREAS there has been filed with me an affidavit, a copy of which is attached hereto, designated as Exhibit A, and incorporated herein as though fully rewritten, wherein the Affiant avers that he believes and has good cause to believe that on the premises, curtilage, common and storage area, vehicles, and persons on the property known by the address **457 East 146th Street, Upstairs Unit, Cleveland, Cuyahoga County, Ohio**, which premises is further described as being the upstairs unit of a two family dwelling, with its own address, that is beige with brown trim, and the upstairs unit is accessed by an entrance on the left-facing door of the north side premises, with the numbers "457" affixed left of the front entry door, and a two car detached garage, there is being unlawfully kept, concealed and possessed the following:

U.S. Currency suspected to be proceeds from drug sales and/or preparation of illegal drugs for sale, use, possession, or shipment, records of illegal transactions, articles of personal property, papers and documents tending to establish the identity of persons in control of the premises, any and all evidence of communications used in the furtherance of drug trafficking activity, including, but not limited to, pagers, cellular telephones, answering machines, and answering machine tapes, any and all other contraband, including, but not limited to, money, firearms, and other weapons being illegally possessed therein, and any and all evidence pertaining to the violation of the drug laws of the State of Ohio, to wit: Ohio Revised Code Chapters 2925 and 2923.

I am satisfied that there is probable cause to believe that the property described is being concealed within the above described premises, all persons on the premises, curtilage, vehicles, and common and storage areas and that grounds for issuance of this search warrant exist.

You are hereby commanded in the name of the State of Ohio, with the necessary assistance, to serve this warrant and search forthwith the above described premises, its all persons on the premises, curtilage, vehicles, common and storage areas for the property specified, making search in the **day or night season**, and if the property or any part thereof, be found there you are commanded to seize it, leaving a copy of this warrant and a receipt for the property taken, prepare a written inventory of the property seized, and return of this warrant shall be made to the undersigned or any Judge of the Court of Common Pleas, and bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the county having cognizance thereof.

Given under my hand this 27 day of September, 2019.

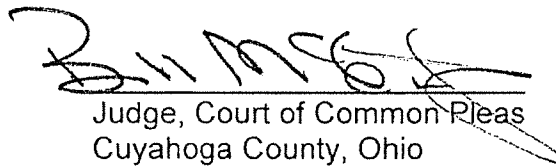

Judge, Court of Common Pleas
Cuyahoga County, Ohio

EXHIBIT J

EXHIBIT A

STATE OF OHIO	)	COURT OF COMMON PLEAS
	)	
COUNTY OF CUYAHOGA	)	AFFIDAVIT FOR SEARCH WARRANT

Before me a Judge of the Court of Common Pleas, Cuyahoga County, personally appeared the undersigned Detective Robert Sauterer, Badge #685, who being first duly sworn, deposes and states that he is a member of the Cleveland Police Department 5th District Vice Unit, and that his training and experience include the following: twenty two years of experience in the Cleveland Police Department the past nine years of which as a detective with the Fifth District Vice Units, training and experience in the detection, recognition, packaging, and selling of controlled substances and dangerous drugs at the Cleveland Police Academy and Ohio HIDTA; and over one thousand arrests and convictions of persons connected with violations of the State Drug Laws.

Affiant avers that he believes and has good cause to believe that on the premises, curtilage, and common and storage area of the property known by the address **457 East 146th Street, Upstairs Unit, Cleveland, Cuyahoga County, Ohio**, which premises is further described as being the upstairs unit of a two family dwelling, with its own address, that is beige with brown trim, and the upstairs unit is accessed by an entrance on the left-facing door of the north side premises, with the numbers "457" affixed left of the front entry door, and a two car detached garage, there is being unlawfully kept, concealed and possessed the following:

U.S. Currency suspected to be proceeds from drug sales and/or preparation of illegal drugs for sale, use, possession, or shipment, records of illegal transactions, articles of personal property, papers and documents tending to establish the identity of persons in control of the premises, any and all evidence of communications used in the furtherance of drug trafficking activity, including, but not limited to, pagers, cellular telephones, answering machines, and answering machine tapes, any and all other contraband, including, but not limited to, money, firearms, and other weapons being illegally possessed therein, and any and all evidence pertaining to the violation of the drug laws of the State of Ohio, to wit: Ohio Revised Code Chapters 2925 and 2923.

The facts upon which Affiant bases such belief are as follows:

1. Affiant avers that he executed a Cuyahoga County Search Warrant for drug trafficking at 475 E. 127th Street Cleveland, OH 44108 on September 25, 2019. Affiant avers that he has attached that search warrant as "Exhibit B".
2. Affiant avers that from the above mentioned search warrant, detectives recovered suspected Carfentanil, Methamphetamine, Crack Cocaine, Marijuana, Suboxone, and THC. Detectives also recovered seven firearms including; four rifles and three pistols, one of which was stolen. Also recovered was US Currency, a grinder with residue, scales with residue, ammunition, packaging materials, cell phones, and other drug trafficking evidence. Affiant avers that five males were arrested including the target of the investigation, Deontay Byas ("Byas"). Byas dove through a closed second floor window pane and landed on the roof of the porch in an effort to escape SWAT. Byas was arrested and found to possess \$2109.59 in US Currency on his person.

3. Affiant has indicated in Exhibit "B" that Byas lived at 457 E. 146th Street Cleveland, OH 44110 until moving to 475 E. 127 St. within the last month. Affiant has detailed in Exhibit B that Byas sold drugs from the location and even after moving, had continued to use 457 E. 146th St. to conduct drug sales. At the time it was believed that Byas lived at 457 E. 146th St. with his mom or sister, Tranell Byas. Affiant has since learned that Tranell Byas is Deontay Byas' mother. Affiant avers that Ms. Byas still resides at 457 E. 146 St. Cleveland OH 44110.
4. Affiant avers that on September 26, 2019, he reviewed recorded Cuyahoga County Jail ("CCJ") phone calls, specifically some of Byas' phone calls to phone number 216-860-3690 which is Byas' mother Tranell Byas' phone number. Affiant avers that according to the jail call, the phone number is registered to Tranell Byas at 15100 Glen Ave. Cleveland, OH 44110. Affiant avers that this is not a current address for Tranell Byas. Affiant avers that the caller ID to this phone number, however, reads "APPLE HONEY".
5. Affiant avers that he reviewed a call dated September 25, 2019 from Deontay Byas at 11:56:52 hrs., from CCJ location P1-3 for fifteen minutes in duration, to phone number 216-860-3690 (T Byas). Affiant avers this phone call was the first phone call between Byas and his mom since his arrest. Affiant avers during the phone call he heard Byas state "you trying to get the bond money or something up?" T Byas' reply is inaudible. Byas then states "Go where I told you to go!". T Byas replies "OK, and umm... what you talking about at our house?" Byas replies: "Yeah!" T. Byas states "Oh no, I ain't been to the house, yet!". Affiant avers that this is referring to 457 E. 146 St. ("premises").

6. Affiant avers that he reviewed another call dated September 25, 2019 from Deontay Byas at 17:22:42 hrs, from CCJ location J2-5A4 for 8.87 minutes in duration, to phone number 216-860-3690 (T Byas). In this phone call Byas asks his mom if she is coming to court in the morning. Byas then talks about his bond. Byas then states "Man, you grab that out there yet?". T Byas replies: "Hey look I got these people all around I ain't trying have nobody come up in this house thinking I have some, but I'm about to..." Byas states: "It's only two dollars, Ma and it's dead! There ain't nothing else left! I took two dollars out and there's two dollar left in there." T Byas replies: "OK, well I ain't grab it yet." Byas replies: "It ain't like its forty dollars or a hundred dollars" (Byas laughs).
7. Affiant believes that the above listed phone calls are referring to money that Byas has at the premises (Mom's house). Affiant avers that street slang for \$2000 can be described as \$2 (two dollars). Affiant avers that drug dealers typically use code to hide their activities based on Affiant's training and experience. Affiant states that multiple times throughout the phone calls he has reviewed, T Byas states to Byas to not "talk" on the phone. Affiant therefore believes the Byas' are trying to conceal the actual amount of money they are describing and also trying to conceal that they are talking about money. Affiant avers that Byas was caught with \$2109.59 on his person with most of that being \$100 dollar bills in US Currency.
8. Affiant avers that he believes the money, in the phone calls, is proceeds from illegal drug sales that Byas has conducted prior or during Affiant's investigation into drug trafficking conducted by Byas.
9. Affiant avers that Byas may also have a vehicle on the premises parked in the rear driveway next to the two car detached garage. Affiant avers he has made attempts to identify the vehicle, but was only able to obtain that the vehicle color is red since the vehicle parked behind the house and is

obscured from view by a garbage can.

10. Affiant avers that from the phone calls he reviewed from Byas to his mother, it is clear that T Byas is aware of and assists Byas with his criminal activity.
11. Affiant avers that in his training and experience it is extremely common for drug traffickers to hide their proceeds in other locations to avoid being robbed or having their proceeds seized by police.
12. Affiant avers that T Byas has a Cuyahoga County criminal history that includes the following cases: CR615615 Attempt Obstruction Justice (that involved her son Deontay as co-defendant), CR436838 Forgery, and CR418580 RSP.
13. Affiant avers that in his experience, individuals who engage in the illegal drug trade frequently utilize safes for the storage of their contraband, including U.S. Currency.
14. In the experience of Affiant, persons who traffic in illegal drugs frequently keep records of illegal transactions, including computers and computer files and discs, and evidence of communications used in the furtherance of drug trafficking activity, including, but not limited to, pagers, cellular telephones, answering machines, and answering machine tapes. In the experience of Affiant, persons who traffic in illegal drugs frequently keep weapons, such as firearms, on or about their person, or within their possession, for use against law enforcement officials, as well as other citizens.
15. In the experience of Affiant, U.S. Currency is frequently carried or concealed by people who are present at locations where drugs are used, possessed, kept, or being sold.

16. Affiant avers that it is urgently necessary that the above-described premises be searched in the **day or night season** forthwith to prevent the above property from being concealed or removed, and for the safety of the executing officers.
17. Based on these facts, Affiant avers that he has probable cause to believe, and does believe, that the above described items will be found within the above-described premises, persons on the premises, curtilage, vehicles, common and storage areas and persons present therein.

FURTHER AFFIANT SAYETH NAUGHT.


Robert Sauterer, Detective #685
Cleveland Police Department
Fifth District Vice Unit

Sworn to before me and subscribed in my presence this 27 day of September, 2019.

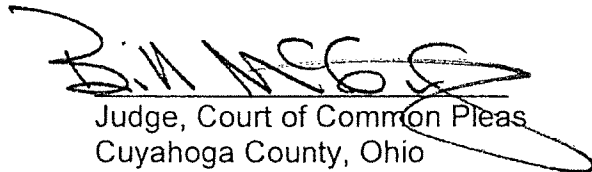

Judge, Court of Common Pleas
Cuyahoga County, Ohio

EXHIBIT K

Det. Sauterer WCS – Exhibit C-1a-d, Clip 2

EXHIBIT L

Det. Sauterer WCS – Exhibit C-1a-d, Clip 1