



CLEVELAND DIVISION OF POLICE

DIVISIONAL NOTICE

DATE: JANUARY 31, 2022	NUMBER: 22-024
SUBJECT: DISCIPLINE	
CHIEF: <i>Donald. Rummel</i>	PAGE(S): 1 of 6

The following is a disposition of a disciplinary hearing held by the Director of Public Safety on October 8, 2021.

Detective Mark Ashbrook #392: Improper Procedure: Wearable Camera System (WCS) violation (failed to place in event mode) – evidence collection violation (failed to log) – failed to access City email – tardy. Improper Conduct: diminished the esteem of the Division (×2) – insubordination (failed to follow a direct order ×3). The tardy and insubordination (×3) charges were dismissed. Detective Mark Ashbrook received a twenty (20) workday suspension without pay for the remaining charges (First Group I violation (×3). First Group III violation (×2). Aggravating Factors: multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range, potential to harm the public and the existence of an actual or demonstrable legal risk to the Division or City – Mitigating Factor: no active discipline).

The following are dispositions of disciplinary hearings held by the Assistant Director of Public Safety on October 15, 2021.

Patrol Officer Patrick Wells #556: Improper Procedure: Taser violation (fleeing subject) – failed to return property (driver's license and insurance card). Patrol Officer Patrick Wells received a fifteen (15) workday suspension without pay (First Group I violation. First Group III violation. Aggravating Factors: excessive force; physical force not within policy and violation of training that resulted in serious physical harm to another person – Mitigating Factor: no active discipline).

The following are dispositions of disciplinary hearings held by the Deputy Chief of Homeland Special Operations on November 15, 2021.

Patrol Officer Pierre Love #2145: Improper Conduct: diminished the esteem of the Division (adversarial conduct towards members of the Brooklyn Police Department) (violation of Brooklyn, Ohio codified ordinances (BCO) and Ohio Revised Codes (ORC) for discharging fireworks). The charge of being adversarial conduct towards members of the Brooklyn Police Department was dismissed. The violation of BCO and ORC for discharging fireworks charge was amended from a Group II violation to a Group I violation. Patrol Officer Pierre Love received a two (2) workday suspension without pay for the remaining charge (First Group I violation. Aggravating Factor: violation of the law – Mitigating Factor: none).

Sergeant Mark Reilly #9145: Improper Procedure: failure to supervise. The disciplinary action was dismissed.

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The following are dispositions of disciplinary hearings held by the Assistant Director of Public Safety on November 19, 2021.

Patrol Officer Andrew Polichuk #1058: Improper Conduct: involved in an off-duty motor vehicle accident (MVA) (left the scene) – cited (Cleveland, Ohio) and found guilty of maximum speed limits. Improper Procedure: involved in an off-duty motor vehicle accident (MVA) (failed to notify communications control section (CCS) or a supervisor). Patrol Officer Andrew Polichuk received a fifteen (15) workday suspension without pay (First Group I violation. First Group III violation. Aggravating Factors: multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range and appearance of impropriety – Mitigating Factor: no active discipline).

Patrol Officer Rafael Rodriguez #1146: Improper Procedure: Wearable Camera System (WCS) violation (failed to place in event mode). Patrol Officer Rafael Rodriguez received a one (1) workday suspension without pay (First Group I violation. Aggravating Factor: assigned WCS for over one (1) year – Mitigating Factor: no active discipline).

The following are dispositions of disciplinary hearings held by the Deputy Chief Executive Officer on November 22, 2021.

Patrol Officer Richard Collier #237: Improper Procedure: Wearable Camera System (WCS) violation (failed to place in event mode) – absent without leave (AWOL). Patrol Officer Richard Collier received a ten (10) workday suspension without pay (First Group I violation. First Group III violation. Mitigating Factors: no active discipline and accepted responsibility – Aggravating Factor: assigned WCS for over one (1) year).

Patrol Officer Mark Kramer #1673: Improper Procedure: involved in an off-duty motor vehicle accident (MVA) (failed to notify communications control section (CCS) or a supervisor). Patrol Officer Mark Kramer received a one (1) workday suspension without pay (First Group I violation. Aggravating Factor: left scene of accident without first calling CCS or a supervisor – Mitigating Factors: no active discipline and accepted responsibility).

Patrol Officer Zhané Mills #323: Improper Procedure: absent without leave (AWOL) – sick leave abuse (×3). The AWOL charge was dismissed. Patrol Officer Zhané Mills received a three (3) workday suspension without pay for the remaining charges. In addition, Patrol Officer Zhané Mills was placed on Step-1 of the Sick Leave Abuse Control Program until January 12, 2023 (First Group I violation. Aggravating Factor: multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range – Mitigating Factor: no discipline history).

Detective Allan Soros #1852: Improper Procedure: involved in a motor vehicle accident (MVA) that was reviewed by the Traffic Safety Analysis Panel (TSAP) and determined to be preventable – involved in an on-duty motor vehicle accident (MVA) (failed to immediately notify communications control section (CCS) or a supervisor). Detective Allan Soros received a two (2) workday suspension without pay for failing to notify CCS. In addition, Detective Allan Soros received a Non-disciplinary Letter of Reinstruction for the remaining charge (Second Group I violation. Mitigating Factors: rapidly evolving situation and on a priority one assignment for an abducted child during the incident – Aggravating Factor: active discipline).

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The following are dispositions of disciplinary hearings held by the Deputy Chief of Field Operations on December 13, 2021.

Patrol Officer Brian Soucek #119: Improper Procedure: failed to safeguard evidence entrusted to his care. The disciplinary action was dismissed.

Detective Xavier Nelson-Manuel #745: Improper Procedure: failed to log and safeguard evidence entrusted to his care. Detective Xavier Nelson-Manuel received a two (2) workday suspension without pay (First Group I violation. Aggravating Factors: demonstrable legal or financial risk to the Division and an appearance of impropriety – Mitigating Factor: no active discipline).

Patrol Officer Lantz Hammond #1665: Improper Procedure: failed to log and safeguard evidence entrusted to his care. Patrol Officer Lantz Hammond received a five (5) workday suspension without pay (Second Group I violation. Aggravating Factors: active discipline, demonstrable legal or financial risk to the Division and an appearance of impropriety – Mitigating Factor: none).

Patrol Officer Jeffrey Simko #629: Improper Procedure: Wearable Camera System (WCS) violation (returned to buffering mode without permission) – failed to safeguard evidence entrusted to his care. Patrol Officer Jeffrey Simko received a ten (10) workday suspension without pay (First Group I violation. Third Group II violation. First Group III violation range: three (3) or more sustained violations occurring in the same group range (Group II) within a three (3) year period automatically progresses the discipline to the next higher group (Group III). Mitigating Factor: accepted responsibility – Aggravating Factor: active discipline).

Patrol Officer Gary Kane #56: Improper Procedure: failed to notify a supervisor (on-duty injury). The disciplinary action was dismissed. However, Patrol Officer Gary Kane received a Non-disciplinary Letter of Reinstruction (First Group I violation. Mitigating Factors: Wearable Camera System (WCS) corroborates events and the Division was notified as soon as injury was realized – Aggravating Factor: active discipline).

Patrol Officer Felica Doss #847: Improper Procedure: Wearable Camera System (WCS) violation (failed to place in event mode). Patrol Officer Felica Doss received a two (2) workday suspension without pay (Second Group I violation. Mitigating Factors: accepted responsibility and was the passenger in the vehicle during the incident – Aggravating Factors: active discipline and assigned WCS for over one (1) year).

Patrol Officer Vickie Phillips #1766: Improper Procedure: involved in a motor vehicle accident (MVA) that was reviewed by the Traffic Safety Analysis Panel (TSAP) and determined to be preventable – Wearable Camera System (WCS) violation (failed to place in event mode). Patrol Officer Vickie Phillips received a five (5) workday suspension without pay (First Group I violation. Aggravating Factors: multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range, actions had the potential to cause injury and harm to the public and other members of the Division and WCS assigned for more than one (1) year – Mitigating Factor: no discipline history).

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The following are dispositions of disciplinary hearings held by the Deputy Chief of Administrative Operations on December 16, 2021.

Lieutenant Timothy Stacho #8535: Improper Procedure: Wearable Camera System (WCS) violation (failed to place in event mode). The disciplinary action was dismissed. However, Lieutenant Timothy Stacho received a Non-disciplinary Letter of Reinstruction (First Group I violation. Mitigating Factor: no discipline history – Aggravating Factor: none).

Patrol Officer Bolivar Villafuerte #1608: Improper Procedure: Wearable Camera System (WCS) violation (failed to place in event mode). Patrol Officer Bolivar Villafuerte received a one (1) workday suspension without pay (First Group I violation. Aggravating Factor: assigned WCS for over one (1) year – Mitigating Factor: no active discipline).

Detective James Donnellan #633: Improper Procedure: involved in a motor vehicle accident (MVA) that was reviewed by the Traffic Safety Analysis Panel (TSAP) and determined to be preventable. Detective James Donnellan received a two (2) workday suspension without pay (Second Group I violation. Mitigating Factor: accepted responsibility – Aggravating Factor: active discipline).

Patrol Officer Thomas Tohati #1140: Improper Procedure: failed to notify Communications Control Section (CCS) and a supervisor of a use of force (UOF). The failing to notify CCS and failing to notify a supervisor of a UOF charge was amended from a Group II violation to a Group I violation. Patrol Officer Thomas Tohati received a one (1) workday suspension without pay (First group I violation. Aggravating Factors: force used was more than de minimis and not immediately reported to CCS or a supervisor, investigation was compromised due to the delay in reporting and was responsible for training a Probationary Patrol Officer (PPO) during the incident – Mitigating Factor: no active discipline).

Detective Daniel Nagy #1252: Improper Procedure: lack of service – missing property (failed to secure). The lack of service charge was dismissed. Detective Daniel Nagy received a six (6) workday suspension without pay for the remaining charge (First Group II violation. Mitigating Factors: accepted responsibility and no discipline history – Aggravating Factor: none).

Patrol Officer Hayley McNatt #1551: Improper Procedure: lack of service – missing property (failed to secure). The lack of service charge was dismissed. Patrol Officer Hayley McNatt received a ten (10) workday suspension without pay for the remaining charge (Third Group II violation. First Group III violation range: three (3) or more sustained violations occurring in the same group range (Group II) within a three (3) year period automatically progresses the discipline to the next higher group (Group III). Mitigating Factor: accepted responsibility – Aggravating Factor: active discipline).

The following is a disposition of a disciplinary hearing held by the Assistant Director of Public Safety on December 17, 2021.

Patrol Officer Tom Rakovec #1695: Improper Conduct: unprofessional conduct. The disciplinary action was dismissed.

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The following is a disposition of a disciplinary hearing held by the Assistant Director of Public Safety on January 7, 2022.

Dispatcher Makeba Greer #111: Improper Procedure: refused mandatory overtime (second quarter of 2021: ×16) – refused mandatory overtime (third quarter of 2021: ×4). The refusing mandatory overtime charge for the third quarter of 2021 was dismissed. Documentation was provided for two (2) of the days for the second quarter of 2021. Dispatcher Makeba Greer received a thirteen (13) workday suspension without pay for the remaining charges (First Group III violation. Aggravating Factors: active discipline history and repeated mandatory overtime refusals disrupt the operations of the Division of Police – Mitigating Factor: none).

The following member was terminated from employment with the City of Cleveland during the month of December.

Sergeant Vincent Montague #9217: Improper Conduct: untruthful (×6) – appearance of impropriety (×10) – gross neglect of duty. (First Group III violation. Aggravating Factors: multiple instances of dishonesty, which invokes Brady-Giglio concerns, refusal to acknowledge dishonesty when confronted with evidence of the truth, thus creating additional instances of dishonesty and supervisory rank of the officer – Mitigating Factor: no active discipline). Sergeant Vincent Montague #9217 was “Terminated” from employment with the City of Cleveland, Department of Public Safety, Division of Police, effective: December 29, 2021.

The following member was terminated from employment with the City of Cleveland during the month of January.

Patrol Officer Richard Strunk #812: Improper Procedure: not able to perform the required functions of a Patrol Officer. He was deemed to be not fit for duty under Civil Service Rule 9.10(14) which states, “Incapacity or inability to perform the duties of the officer or employee’s classification”. Patrol Officer Richard Strunk was “Terminated” from employment with the City of Cleveland, Department of Public Safety, Division of Police, effective: January 20, 2022.

Patrol Officer Pamela Kinney #764: Improper Procedure: not able to perform the required functions of a Patrol Officer. She was deemed to be not fit for duty under Civil Service Rule 9.10(14) which states, “Incapacity or inability to perform the duties of the officer or employee’s classification”. Patrol Officer Pamela Kinney was “Terminated” from employment with the City of Cleveland, Department of Public Safety, Division of Police, effective: January 20, 2022.

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The following is a revision from Divisional Notice #22-006.

Patrol Officer Paul Herrin #2173: Improper Conduct: Arrest (Cleveland, Ohio) – driving or physical control while under the influence of alcohol or drugs (M-1) – stopping after accident upon streets (M-1) – failure to control (MM) – pled guilty to the charge of driving or physical control while under the influence of alcohol or drugs (M-1) – diminished the esteem (engaged in inappropriate conduct and speech towards officers of the Division and a member of the Ohio State Highway Patrol). Patrol Officer Paul Herrin struck another motor vehicle on city streets while knowingly intoxicated, failed to stop after the motor vehicle crash to check on the wellbeing of the vehicle’s driver or juvenile passengers, continued to drive while admittedly intoxicated and put the public at additional risk. (First Group II violation (×2). First Group III violation. Aggravating Factors: multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range, actions had the potential to cause serious injury to the public and diminished the esteem of the Division – Mitigating Factor: no discipline history). *Patrol Officer Paul Herrin #2173 was “Terminated” from employment with the City of Cleveland, Department of Public Safety, Division of Police, effective: December 3, 2021.*

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Office of the Chief