



## City of Cleveland

Justin M. Bibb, Mayor

### Department of Public Safety

Dornat (Wayne) A. Drummond, Interim Chief

FBI NA #230

Division of Police

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## Pre-Disciplinary Hearing

June 30, 2022

**Patrol Officer Julio DeJesus #1350**

**C/o Third District Headquarters**

**4501 Chester Avenue**

**Cleveland, Ohio 44103**

**Re: CPD2021-0097**

Patrol Officer Julio DeJesus #1350:

Please be advised, in accordance with Article 28 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a pre-disciplinary hearing has been scheduled to determine whether you violated the following provisions of the Manual of Rules, Department of Public Safety and the Rules of the Civil Service Commission of the City of Cleveland.

### **STATEMENT OF POLICY**

**In part:** The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of Divisional charges which can result in suspension, loss of pay, demotion or termination. The rules and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and a General Police Order, the Rule provision shall be adhered to.

### **SPECIFICATIONS**

**Specification #1:** (CPD2021-0097) On or about October 1, 2021, you, Patrol Officer Julio DeJesus #1350, failed to activate your Wearable Camera System (WCS) after being flagged down by a civilian for a fight in the street. When flagged down a second time, after the fight resumed in a parking lot, you still failed to activate your WCS, all in violation of GPO 4.06.04. (*Group I Violation*)

**Specification #2:** (CPD2021-0097) On or about October 1, 2021, you, Patrol Officer Julio DeJesus #1350, failed to arrest an assault suspect, after witnessing the suspect strike a victim in front of you twice. You did not arrest the suspect until he struck the victim a third time, all in violation of Manual of Rules 4.01 and 4.11. (*Group II Violation*)

**Specification #3:** (CPD2021-0097) On or about October 2, 2021, you, Patrol Officer Julio DeJesus #1350, failed to collect witness information or witness statements from civilian witnesses who came forward and offered to make statements following an assault, all in violation of General Police Order 2.01.05 and Manual of Rules 4.06. (*Group II Violation*)

These specifications are in violation of the rules and procedures of the Division of Police, Department of Public Safety.

### **RULES, POLICIES AND PROCEDURES**

#### **General Police Order 2.01.05: Use of Force – Reporting** (effective: 7/1/19)

##### **PROCEDURES:**

#### **IV. Witness Reporting**

##### **C. Citizens and Non-Division Law Enforcement Officers**

1. Citizens and non-division law enforcement officers who witness force and are unable or unwilling to give a video recorded statement may make a written statement on a Witness Statement Form (Attachment A).

#### **General Police Order 4.06.04: Wearable Camera System (WCS)** (effective: 1/1/20)

##### **PROCEDURES:**

#### **I. General Guidelines**

- A. All officers assigned a WCS, while in the field, shall activate their camera prior to responding to all calls for service, prior to all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact. Officers shall understand there are exceptions and prohibited times to record set forth in Section II.C. and II.D. below.

#### **II. Camera Deployment**

##### **B. During tour of duty requirements for recording officers shall:**

1. Prior to responding to all calls for service and prior to all investigative or enforcement contacts with the public, place their WCS into event mode, including but not limited to:
  - a. Calls for service.
  - c. Arrests.
  - d. Searches.

- e. Interviews.
  - h. Any situation an officer believes captured media may be of use.
2. Place their WCS into event mode during other contacts with the public that may or does become adversarial.

## **Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police**

### **IV. DUTY**

- 4.01 Officers shall protect life and property, prevent crimes, detect, arrest and prosecute offenders, preserve the public peace and enforce laws and ordinances within the scope of their job classifications and in accordance to law.
- 4.06 Personnel shall patrol the territory, handle the investigative tasks, or handle the administrative tasks as required by their post or assignment.
- 4.11 Personnel shall act immediately in every instance that comes to their attention where police assistance is required.

### **HEARING INFORMATION**

The pre-disciplinary hearing is scheduled for **Wednesday, July 20, 2022, at 1000 hours** in the **Cleveland Division of Police Headquarters, Room 924**. Should you desire union representation, it is your responsibility to notify your union of this hearing. All officers shall have an opportunity to testify. All testimony provided during the hearing shall be given the same weight as sworn testimony; therefore, your statements can and may be used against you at the hearing or at a later date. **Any documentation that could explain any of the above allegations shall be forwarded to the Case Preparation Unit a minimum of 48 hours prior to the scheduled hearing. Any new or additional evidence brought to the hearing will result in the hearing to be suspended and the matter shall be returned to the Internal Affairs Unit or the Police Review Board for consideration, as appropriate. In addition, it is also your responsibility to bring the documentation to this scheduled hearing.**

**If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours prior to the scheduled hearing.** It is your responsibility to notify said witnesses of the date and time of the hearing. In addition, it is your sole responsibility to ensure the attendance of any witnesses appearing on your behalf. Prior permission for any Division member's attendance **MUST** be obtained from the Case Preparation Unit. Any witnesses that will appear are to be in full uniform of the day. No overtime shall accrue as a result of their attendance.



In accordance with General Police Order 1.1.12: Uniform and Clothing Regulations, you are to appear in **“CLASS A” UNIFORM and have your badge, city issued service weapon, and identification card with you.** Failure to attend as ordered may subject you to additional disciplinary charges. You shall **PERSONALLY** contact the Case Preparation Unit (216-623-5022) **IMMEDIATELY** if there are any conflicts that would cause your lack of attendance to the scheduled hearing.

**THIS WILL BE YOUR TOUR OF DUTY**

**THESE CHARGES MAY BE AMENDED AT A LATER DATE**

Sincerely,



Dornat A. Drummond  
Interim Chief of Police

DAD:bpc:cld:kfs

cc: Sammy Morris, Acting Deputy Chief, Field Operations  
Dorothy Todd, Commander, Third District  
Brian Carney, Commander, Bureau of Compliance  
Christopher Viland, Superintendent, Internal Affairs Unit  
Robert Simon, Captain, Internal Affairs Unit  
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association  
Melissa Dawson, Sergeant, Employee Assistance Unit  
Hassan Aden, Federal Monitoring Team