



CLEVELAND DIVISION OF POLICE

DIVISIONAL NOTICE

DATE: JULY 14, 2023	NUMBER: 23-195
SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (JUNE)	
CHIEF: <i>Dornat A. Drummond, Chief</i>	PAGE(S): 1 of 6

The following is a disposition of a disciplinary hearing held by the Director of Public Safety on April 14, 2023.

Patrol Officer Victoria Przybylski #66:

Specification: Failed to ensure an investigation and proper reports were completed (*Manual of Rules 4.19 and 9.07*) – Failed to actively investigate allegations of child endangerment (*General Police Order 6.2.08 and Manual of Rules 4.18*) – Made discourteous and disrespectful comments to the complainant’s juvenile granddaughter regarding the complaint’s family members (*Manual of Rules 5.09*) – Failed to complete report (*General Police Order 6.2.08*).

Disposition: Found “Guilty” of three Group I violations and one Group II violation. Considering the officer’s active discipline history (5/24/2021: one-day suspension, 7/18/2022: three-day suspension), the officer received a six-day suspension. This corrective action is within the First Group II violation range of the discipline matrix when mitigating factors (*attempted to empathize with the complainant’s granddaughter and was successful in de-escalating the situation*) outweigh aggravating factors (*three or more sustained violations occurring in the same group within a three-year period automatically progresses the discipline into the next higher group*).

Rationale: The officer failed to ensure an investigation and proper reports were completed, and failed to actively investigate allegations of child endangerment. The officer’s discourteous and disrespectful comments presented the complainant in a negative light, and she failed to generate a report as required when she removed the complainant’s granddaughter from her home as an endangered child.

The following is a disposition of a disciplinary hearing held by the Deputy Chief of Administrative Operations on May 8, 2023.

Patrol Officer Jeffrey Simko #629:

Specification: Accepting a beverage from a store worker and then exiting the store without approaching the register (*Manual of Rules 3.08*).

Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (9/22/2021: ten-day suspension, 1/12/2022: ten-day suspension), the officer received a three-day suspension. This corrective action is within the Second Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*).

Rationale: The officer was seen on Wearable Camera System (WCS) exiting a store without approaching the register and without paying for a beverage. However, the owner did state that the officer returned to the store and paid for the beverage. The charge was amended from a Group II violation to a Group I violation (conduct that has a negative impact on the operations or professional image of the Division or that negatively impacts relationships with other officers, agencies or the public) as his indiscretion had the appearance of impropriety – he should have left the beverage in the store until he paid for it.

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The following are dispositions of disciplinary hearings held by the Director of Public Safety on May 12, 2023.

Patrol Officer Deonte White #437:

Specification: Failed to generate a report and make an arrest for domestic violence despite evidence that a third party witness observed an assault of a family member (*Manual of Rules 4.18, 9.01 and 9.07*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: There was a lack of evidence due to the delay in reporting the allegation. The incident took place on December 19, 2019, but was not reported until April 13, 2022. As such, this delay prevented obtaining Wearable Camera System video of the incident. In addition, 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.

Patrol Officer Bolivar Villafuerte #1608:

Specification: Failed to generate a report and make an arrest for domestic violence despite evidence that a third party witness observed an assault of a family member (*Manual of Rules 4.18, 9.01 and 9.07*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: There was a lack of evidence due to the delay in reporting the allegation. The incident took place on December 19, 2019, but was not reported until April 13, 2022. As such, this delay prevented obtaining Wearable Camera System video of the incident. In addition, 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.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Field Operations on May 22, 2023.

Detective Christopher Stevens #2423:

Specification: Failed to provide his name or badge number when requested by a complainant (*Manual of Rules 4.13*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction.

Rationale: A review of the Wearable Camera System (WCS) indicates that a complainant did ask for the officer’s badge number and he did fail to provide it. Reinstruction is appropriate regarding this instance.

Patrol Officer Jasmine Brown #1869:

Specification: Failed to provide her name or badge number when requested by a complainant (*Manual of Rules 4.13*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction.

Rationale: A review of the Wearable Camera System (WCS) indicates that a complainant did ask for the officer’s badge number and she did fail to provide it. Reinstruction is appropriate regarding this instance.

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Patrol Officer Cassandra Nickel #229:

Specification: Failed to activate her Wearable Camera System (WCS) during the initial contact with a complainant (*General Police Order 4.06.04*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer did fail to activate her Wearable Camera System. Because this is her first Wearable Camera System violation, reinstruction is appropriate regarding this instance.

Patrol Officer Earl Holcomb #877:

Specification: Failed to activate his Wearable Camera System (WCS) during the tow of the complainant's vehicle (*General Police Order 4.06.04*).

Disposition: The officer pled "No Contest" and accepted responsibility. Found "Guilty" of one Group I violation. Considering the officer's active discipline history (1/26/2021: 2-day suspension, 1/20/2023: 25-day suspension, 4/24/2023: 3-day suspension), he received a six-day suspension. Because this is the officer's third Group I violation within a three year period, the discipline automatically progresses into the next higher group. This corrective action is within the First Group II violation range of the discipline matrix when mitigating factors (*accepted responsibility*) outweigh aggravating factors (*active discipline*).

Rationale: The officer did fail to activate his Wearable Camera System as required (third active WCS violation).

Detective Conor O'Dea #873:

Specification: The officer hit the complainant's window, accused him of having drugs in his vehicle, snatched his door open, and was extremely hostile when he identified something that the officer thought might have been contraband (*Manual of Rules 5.01, 5.08 and 5.09*).

Disposition: Found "Not Guilty" and the disciplinary action was dismissed.

Rationale: The officer had a legal reason for the stop (window tint) which also hindered his ability to see clearly into the vehicle. Had the driver opened the window more, this may have allowed the officer to better see the baggie with coins in it that he mistook for a baggie filled with marijuana. Because the baggie was in plain view, the officer had probable cause to investigate further, and because the complainant would not lower the window any further or open the door, the officer opened the car door to further investigate the baggie. The conduct during the stop is not in violation of any policies or directives of the Cleveland Division of Police and the rationale regarding dark window tint laws includes officer safety, as the ability for officers to see threats is diminished.

The following are dispositions of disciplinary hearings held by the Deputy Chief, Chief of Staff on June 12, 2023.

Sergeant Kyle Campbell #9320:

Specification: Failed to provide name or badge number when requested by the complainant (*Manual of Rules 4.13*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

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Rationale: The officer pled “No Contest” and accepted responsibility. The complainant did ask for the officer’s badge number and he did fail to provide it. Reinstruction is appropriate regarding this instance.

Sergeant Joseph Sedlak #9177:

Specification: Deactivated his Wearable Camera System (WCS) and said “contact complete,” then had an eight-minute conversation with the complainant and his girlfriend without his WCS being activated (*General Police Order 4.06.04*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The interactions between the member and the complainant, and his girlfriend should have been recorded. Because the complaint was filed over six-months after the incident occurred, the member’s Collective Bargaining Agreement prohibits discipline. Reinstruction is appropriate regarding this instance.

Lieutenant Christopher Mobley #8571:

Specification: Failed to activate his Wearable Camera System (WCS) during the sixteen-minute interaction with a complainant during a traffic stop (*General Police Order 4.06.04*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: Some of the interactions were recorded and this is the officer’s first WCS violation. Reinstruction is appropriate regarding this instance.

Patrol Officer Vickie Phillips #1766:

Specification: Operated a Police vehicle that was involved a motor vehicle crash that was reviewed by the Traffic Safety Analysis Panel (TSAP) and determined to be preventable (*Manual of Rules 4.03, 6.03 and 6.05*) – Failed to activate her Wearable Camera System (WCS) after being involved in a motor vehicle collision (*General Police Order 4.06.04*).

Disposition: Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (1/12/2022: 5-day suspension), she received a three-day suspension. This corrective action is within the Second Group I violation range of the discipline matrix when aggravating factors (*active and identical discipline (WCS and TSAP)*) outweigh mitigating factors (*none*).

Rationale: The TSAP determined that the crash was preventable. Instead of remaining on scene, activating her Wearable Camera System (WCS) and requesting a supervisor to respond, the officer returned to the District Headquarters without activating her Wearable Camera System or requesting a supervisor to respond as required by General Police Orders 4.06.04 and 8.1.01.

Patrol Officer Mackenley Weaver #2499:

Specification: Sick leave abuse in the Fourth Quarter of 2022 (*General Police Order 1.3.06*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until June 14, 2024.

Rationale: The officer exhibited a pattern of sick time abuse, to wit: he used seventy-two hours of sick time in the reviewed quarter, forty hours were used on weekends, sixteen hours were used proceeding or following a vacation day, and eight hours were used on a holiday. The two-month

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look back at his sick usage revealed that the officer used ten hours on the weekend, and sixteen hours proceeding or after vacation days. Reinstruction is appropriate regarding this instance.

Patrol Officer Mark Peysha #1340:

Specification: Sick leave abuse in the Fourth Quarter of 2022 (*General Police Order 1.3.06*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until June 14, 2024.

Rationale: The officer exhibited a pattern of sick time abuse, to wit: he used eighty-eight hours of undocumented sick leave during the Fourth Quarter of 2022, of which sixteen of the sick hours were used on weekends, and twenty-four hours of sick time were used before or after a vacation day. Reinstruction is appropriate regarding this instance.

Patrol Officer Xavier Lynch #730:

Specification: Sick leave abuse in the Fourth Quarter of 2022 (*General Police Order 1.3.06*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until June 14, 2024.

Rationale: The officer exhibited a pattern of sick time abuse, to wit: he used fifty hours of undocumented sick leave, all of which preceded or followed a vacation day, with forty of the sick hours used on weekends. During the two-month look back period, he also used twenty sick hours that preceded vacation days. Reinstruction is appropriate regarding this instance.

Detective Michael Hale #1187:

Specification: Sick leave abuse in the Fourth Quarter of 2022 (*General Police Order 1.3.06*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until June 14, 2024.

Rationale: The officer exhibited a pattern of sick time abuse, to wit: he used forty hours of undocumented Sick Leave, including a sick day prior to his vacation days. During the two-month lookback period, he also used three sick days after his vacation day on September 11, 2022, and another sick day after his vacation day on August 7, 2022. Reinstruction is appropriate regarding this instance.

With charges of misconduct pending, the following member separated from the Division of Police.

Patrol Officer Nicole Jones #1215:

Specification: Left the complainant's boyfriend by himself on a busy highway (*General Police Order 2.01.02 and Manual of Rules 4.01 and 5.01*) – Turned off her Wearable Camera System (WCS) while still on scene and prior to the conclusion of the call for service (*General Police Order 4.06.04*).

Disposition: On June 29, 2023, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the

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resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

The following member resigned from employment with the City of Cleveland during the month of June.

Horse Trainer Jessa Janes #3761:

Specification: Left her assignment without notifying a supervisor (*Manual of Rules 10.01 and 10.02*) – Failed to report for duty for over ten-days, making her Absent Without Leave (A.W.O.L.) (*Rules of the Civil Service Commission: 8.45 and the Manual of Rules 10.01 and 10.02*).

Disposition: The member was AWOL-Resigned from the City of Cleveland, Department of Public Safety, Division of Police, effective: Wednesday, June 21, 2023.

Rationale: The member’s continued absence from the Cleveland Division of Police constitutes an “absence without leave resignation” and she failed to contact the Director of Public Safety to provide satisfactory documentation that justified her continued absence.