



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Dornat (Wayne) A. Drummond, Chief
FBI NA #230
Division of Police
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Disposition Letter

November 28, 2022

Sergeant Joseph Sedlak #9177
C/o Field Operations
1300 Ontario Avenue
Cleveland, Ohio 44113

Re: CPD2022-0101

Sergeant Sedlak #9177:

This letter is to advise you, Sergeant Joseph Sedlak #9177, of the result of the administrative pre-disciplinary hearing, which you attended on November 14, 2022, to address an internal investigation wherein you were alleged to have engaged in improper procedure and/or conduct.

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: (CPD2022-0101) On or about August 12, 2022, you, Sergeant Joseph Sedlak #9177, failed to activate your Wearable Camera System (WCS) prior to effectuating an arrest during a warrant sweep, in which there was a reportable use of force, all in violation of General Police Order 4.06.04 (*Group I Violation*)

Specification #2: (CPD2022-0101) On or about August 12, 2022, you, Sergeant Joseph Sedlak #9177, did not properly identify and initiate use of force reporting procedures when you failed to contact a supervisor of a higher rank to respond and initiate a use of force investigation after you pushed a subject into a wall causing him to fall to the ground, all in violation of General Police Order 2.01.05 and 2.01.06 (*Group II Violation*)

These specifications violate 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)

General Police Order 2.01.06: Use of Force – Supervisory Reviews and Investigations
(effective: 1/27/21)

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing, were you, President James O'Malley, and Attorney Joseph Mando of the Fraternal Order of Police, Lodge #8, Vice President Erik Melendez of the Hispanic Police Officers' Association, Second Vice President Luther Roddy of the Black Shield Police Association, Sergeant Justin Cajka of the Internal Affairs Unit, Lieutenant Charles DePenti of the Case Preparation Unit, and Deputy Chief Dorothy Todd, Chief of Staff, who presided over the hearing.

During the hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of "No Contest" to Specification #1 and "Not Guilty" of Specification #2 of the administrative charges as set forth in the charging letter. Upon carefully reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be found "Guilty" of the Specifications.

FINDINGS AND CONCLUSION

I have carefully reviewed the evidence incorporated into the record by reference, the memorialized record, including statements made at your hearing and the applicable Rules, Policies, and Procedures, and I accept and adopt the recommendation of the Hearing Officer. You violated General Police Order 4.06.04 when you failed to activate your Wearable Camera System (WCS) prior to effecting an arrest during a warrant sweep, in which there was a reportable use of force. You also did not properly identify and initiate use of force reporting procedures when you failed to contact a supervisor of a higher rank to respond and conduct a use of force investigation after you pushed a subject into a wall causing him to fall to the ground.

I find you "**Guilty**" of Specifications #1 and #2; however, because Specification #2 more closely comports with a Group I violation (Failure to Report), I am amending Specification #2 to a Group I violation. As such, I am issuing you a **one (1) workday suspension without pay**. This discipline is within the First Group I violation range of the discipline matrix where aggravating factors (*multiple violations, supervisory rank*) outweigh mitigating factors (*did contact a supervisor when you learned the suspect had a fractured hand, use of force was within policy*).

The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer or designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer or designee upon reporting for duty.

Additionally, you shall, within five (5) work days of returning from suspension, read General Police Orders 2.01.05, 2.01.06 and 4.06.04, and expect to be reinstructed by a superior officer on those Orders. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to:

The Case Preparation Unit (caseprep@clevelandohio.gov)

Lieutenant Charles DePenti (cdepenti@clevelandohio.gov)

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Fraternal Order of Police, Lodge #8, disciplinary actions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Respectfully,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld:la

cc: Karrie D. Howard, Chief Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Services
Brian Carney, Commander, Bureau of Compliance
Christopher Viland, Superintendent, Internal Affairs
Kenneth Ryan, Lieutenant, Personnel Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
Paul Patton, Chief Human Resource Officer
George E. Coulter, Assistant Director, Department of Public Safety
Monique Tabb-Young, Labor Relations Officer, Human Relations
William Menzalora, Chief Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Michael Spreng, Secretary, Civil Service Commission
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ayesha Bell Hardaway, Interim Monitor, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission