



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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March 18, 2022

Patrol Officer Angelia Gaston #2294
C/o Fifth District Headquarters
881 East 152nd Street
Cleveland, Ohio 44110

Re: OPS2020-0196

Patrol Officer Gaston #2294:

This letter is to advise you, Patrol Officer Angelia Gaston #2294, of the result of the administrative pre-disciplinary hearing you attended on Friday, January 21, 2022. The hearing was held to address the results of an external investigation wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

FACTUAL SUMMARY

On or about September 28, 2020, you, Patrol Officer Angelia Gaston #2294, failed to complete a crisis intervention report and stat sheet after your interaction with the complainant's tenant.

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.

RULES, POLICIES AND PROCEDURES

General Police Order 5.11.03 – Crisis Intervention Team Response (effective 1/1/18)

SPECIFICATION

Specification #1: (OPS2021-0196) The Civilian Police Review Board (CPRB) is recommending to the Chief Officer of Public Safety that the allegation of *Failure to Report* be sustained against you, Patrol Officer Angelia Gaston #2294, that on or about September 8, 2020, as a Crisis Intervention Team Officer, failed to complete a crisis intervention report and stat sheet after your interaction with the Complainant's tenant, in violation of General Police Order 5.11.03. (*Group I Violation*)

This specification is in violation of the rules and procedures of the Division of Police, Department of Public Safety.

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that I presided over, were you, President Jeffrey Follmer, Vice President David Medina, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Investigator Julie Delaney and Investigator Maryum Ali of the Office of Professional Standards, , Sergeant Kelly Smith of the Chief's Office, Lieutenant Charles DePenti of the Case Preparation Unit, Assistant Director Michael Pike of the Law Department, Assistant Director Timothy Hennessy of the Department of Public Safety and Coordinator of Operations for the Department of Public Safety, Jakimah R. Dye.

During the hearing, you acknowledged receipt of the charge 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 "Not Guilty" to *Specification #1* to the administrative charges set forth in the charge letter.

HISTORY, FINDINGS AND CONCLUSIONS

Discipline History

3/12/2018-11/26/2019—Conduct Unbecoming, Untruthful—30 day suspension

7/7/2017-11/26/2019—Intimidation of a Crime Victim, Posted Bond for Non-Immediate Family Member—30 day suspension

2/12/2019-11/26/2019—Obstructing Official Business Expired License, Failure to Comply (Arrest)—30 day suspension

3/12/2018-11/26/2019—Failed to Report Missing Portable Radio, Untruthful—30 day suspension

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Mitigating: Requested that a supervisor come to the scene.

Aggravating: Active discipline history, CIT certified officer at the time of the incident.

- ***Anomalies***

9 active Group III violations, 3 active Group I violations

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. Upon carefully reviewing the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I have determined that you, Patrol Officer Angelia Gaston #2294, violated General Police Order 5.11.03 when you failed to generate a Crisis Intervention Report and complete a CIT stat sheet during a call for service where a male was in mental crisis (Specification #1). Your testimony indicated that the male was hearing voices, actively hallucinating and threatening to burn a mattress to harm the person that he believed to be living inside of his mattress. Additionally, you stated that you witnessed burn marks on the male's mattress and were concerned that he was going to light the mattress on fire in the future and believed that it was in his best interest to go to the hospital. Although you spent time on scene attempting to de-escalate the male and you did request that a supervisor come to the scene, ultimately you did not complete a report and a CIT stat sheet as required

by General Police Order 5.11.03 and training that you received via Target Solutions. Section XV. A. of General Police Order 5.11.03 states that an incident report, including "Crisis Intervention" in the title and a CIT stat sheet shall be completed whenever officers respond to an individual in crisis and that even if an individual is not transported to a mental health facility or arrested, an incident report titled, "Crisis Intervention" and CIT Stat sheet are still required. Additionally, it was your responsibility per policy to complete the incident report and stat sheet. You did not draft a report. Contrary to your counsel's assertions, nowhere in the record is there an indication that you were instructed not to do a report, as stated by your counsel. The record reveals you having great concern over the citizen's well-being, his need to go to a hospital, and your belief that he could potentially hurt himself, all of which evidences the importance of the report. This report would have captured the facts as you experienced them, your concern for the citizen's safety, and his unwillingness to voluntarily be transported to a treating facility. The Division of Police cannot operate and professionally meet its objectives while tolerating subpar professionalism, noncompliance with professional expectations, or an utter disregard for policy from its members. The conduct noted above has no place in any Department or Division within the City of Cleveland.

Based on the foregoing, I find you "**Guilty**" of the administrative charges in Specification #1 and find there is just cause to impose discipline. Because this is your fourth sustained Group I violation within a three year period, the discipline automatically progresses to the next higher group, placing this corrective action in the Group II range. As such, **I am issuing you a seven (7) workday suspension without pay for one (1) First Group II Violation.** This corrective action is within the First Group II violation range of the discipline matrix where aggravating factors (*active discipline history, CIT certified officer at the time of the incident*) outweigh mitigating factors (*requested that a supervisor come to the scene*). 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 Order 5.11.03, and be reinstructed by a superior officer on that Order. Upon completion of the reinstruction, you will email (as an attachment) a Form-1 indicating reinstruction, endorsed by the same superior officer, to the Case Preparation Unit (caseprep@clevelandohio.gov) and 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 Cleveland Police Patrolmen's Association, verbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Sincerely,



Karrie D. Howard, Director
Department of Public Safety

cc: Dornat A. Drummond, Interim Chief, Cleveland Division of Police
Timothy Hennessy, Assistant Director, Department of Public Safety
Joellen O'Neill, Deputy Chief, Executive Officer
Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Westley Woods, Acting Commander, Bureau of Compliance
Johnny Johnson, Commander, Fifth District
James McPike, Captain, Crisis Intervention Team
Robert Simon, Captain, Internal Affairs Unit
William Mokshefsky, Officer-in-Charge, Personnel Section
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Michael Pike, Assistant Director of Law, Public Safety
Paul Patton, Chief Human Resources Officer
Jakimah R. Dye, Coordinator of Operations, Department of Public Safety
George E. Coulter, Assistant Director, Department of Public Safety
Michael Spreng, Secretary, Civil Service Commission
William Menzalora, Chief Assistant Director of Law
Henry Roney, Interim Administrator, Office of Professional Standards
Michael Hess, Chairperson, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Hassan Aden, Federal Monitoring Team