



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Dornat (Wayne) A. Drummond, Chief
FBI NA #230
Division of Police
1300 Ontario Street, Suite 929
Cleveland, Ohio 44113
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Pre-Disciplinary Hearing Letter

October 25, 2022

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

Re: CPD2022-0101

Sergeant Sedlak #9177:

Please be advised, in accordance with Article 4 of the collective bargaining agreement between the City of Cleveland and the Fraternal Order of Police, Lodge #8, 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: (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 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)

POLICY: Officers shall clearly, thoroughly and properly report use of force incidents. The necessity for each application of force shall be documented, identifying the uniqueness of each situation and justifying every force response..

PROCEDURES:

I. Use of Force Notification Guidelines

- A. Officers who use or witness force shall contact the Communication Control Section (CCS) and request that their supervisor respond to the scene as soon as practical following any use of force, except for de minimis force. (Refer to GPO 2.01.01, Use of Force - Definitions).

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

POLICY: It is the policy of the Cleveland Division of Police that supervisors investigating use of force incidents conduct fair, thorough, timely and objective reviews of Level 1 and Level 2 uses of force. Supervisors shall evaluate attempts to de-escalate, objective reasonableness, and necessity of actions taken by the officers, along with proportionality of force used in relation to the level of resistance encountered. All Level 3 uses of force shall be investigated by the Force Investigation Team (FIT).

PROCEDURES:

I. General Guidelines

- A. Officers who use any level of force while on-duty, off-duty acting in an official capacity within the City of Cleveland, or while working secondary employment, shall contact the Communication Control Section (CCS) and request a supervisor in accordance with General Police Order 2.01.03 Use of Force - General.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Monday, November 14, 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
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
Brian Carney, Commander, Bureau of Compliance
Robert Simon, Captain, Office of Compliance
Jarod Schlacht, Lieutenant, Internal Affairs Unit
David Skrlatts, Lieutenant, NICE Unit
Christopher Viland, Superintendent, Internal Affairs Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
Melissa Dawson, Sergeant, Employee Assistance Unit
Mark Griffin, Chief Director of Law
William Menzalora, Chief Assistant Director of Law
Timothy Puin, Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Hassan Aden, Federal Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission