



CLEVELAND DIVISION OF POLICE

DIVISIONAL NOTICE

DATE: FEBRUARY 3, 2023	NUMBER: 23-033
SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS	
CHIEF: <i>Donald Rummel</i>	PAGE(S): 1 of 7

The following is a disposition of a disciplinary hearing held by the Assistant Director of Administrative Operations of Public Safety on October 21, 2022.

Superior Officer:

Specifications: Complicit in attempting to evade or defeat tax imposed by Title 26 U.S. Code and failing to pay taxes under Ohio Revised Code Section 5747 by making cash payouts totaling \$7,175 to officers knowing that they were not going to receive 1099's. This conduct would constitute a crime under the laws of the United States and the State of Ohio (*Manual of Rules 2.01 and 5.01*) – Failed to give full disclosure in writing of business and financial relationships with security companies. The officer's role as the Special Events Coordinator did create the outside appearance of impropriety and/or a conflict of interest (*General Police Order 1.3.33*) – Willfully attempted to evade or defeat tax imposed by Title 26 U.S. Code and failed to pay taxes under the Ohio Revised Code Section 5747. The officer failed to claim at least \$7,500 in earnings on 2017 tax statements (*Manual of Rules 2.01 and 5.01*) – Willfully attempted to evade or defeat tax imposed by Title 26 U.S. Code and failed to pay taxes under the Ohio Revised Code Section 5747 by claiming \$15,431 in income on their 2016 tax statements when the officer received \$23,289.05 in compensation after taxes. This conduct would constitute a crime under the laws of the United States and the State of Ohio (*Manual of Rules 2.01 and 5.01*) – Engaged in dishonest, untruthful and fraudulent behavior by failing to disclose full earnings from business entities to the federal government (*General Police Order 1.07.06*) – Engaged in conduct that would tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public based on the investigations from outside entities (*Manual of Rules 5.01*).

Disposition: Found "Not Guilty" of willfully attempting to evade or defeat tax imposed by Title 26 U.S. Code on their 2016 and 2017 taxes and being dishonest and untruthful in failing to disclose full earnings. Found "Guilty" of one Group II violation and two Group III violations. Considering the officer's active discipline history (none), the officer's appointment to Commander was revoked and the officer was demoted from the civil service rank of Captain to Lieutenant. This corrective action is within the First Group III range of the discipline matrix where aggravating factors (*supervisory or command rank of the officer, multiple violations, failed to provide full and complete disclosure of financial authority*) outweigh mitigating factors (*no active discipline, verbally informed immediate supervisor*).

Rationale: The officer was complicit in assisting another party in attempting to evade or defeat tax imposed by Title 26 U.S. Code and failed to pay taxes under Ohio Revised Code Section 5747, by cashing a business check into his personal checking account and returning cash to another party. This conduct would constitute a crime under the laws of the United States and the State of Ohio. The officer deposited money into his personal account and immediately withdrew \$7,175 dollars. This money was either income made by the officer with no tax paid or the officer assisted in paying employees cash, in which no payroll tax was paid. The officer accepted the position of Special Events Coordinator and failed to give full disclosure in writing of business and financial relationships, and his role as the Special Events Coordinator did create the outside

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appearance of impropriety and/or a conflict of interest. It cannot be proven that income for 2016 and 2017 was for the officer and that the officer attempted to evade or defeat taxes imposed by Title 26 U.S. Code and failed to pay taxes under the Ohio Revised Code Section 5747 since a business claimed the money as income. There are conflicting statements as to whether the officer was untruthful or grossly negligent (the latter not being the basis for criminal culpability) in failing to disclose his full earnings. The officer admitted to not providing written disclosure and full disclosure of relationships with multiple security companies as required by policy. The officer failed to take appropriate actions to eliminate the appearance of impropriety and any conflicts of interest while in his role as Special Events Coordinator. As reported by multiple event coordinators from the City of Cleveland, the officer's actions did diminish the esteem of the Division of Police and its personnel in the eyes of the public.

The following are dispositions of disciplinary hearings held by the Assistant Director of Administrative Operations of Public Safety on November 10, 2022.

Superior Officer

Specifications: Effected the arrest of a complainant before confirming that the complainant's warrant was still valid (*Cleveland Division of Police (CDP) policy and procedure*) – Searched a complainant after placing him under arrest on a warrant that was no longer valid (*General Police Order 2.02.02 and Manual of Rules 4.17 and 4.19*) – Seized a complainant's cell phone without the required warrant and failed to provide a receipt for the property (*General Police Order 2.02.02 and 2.2.04, and Manual of Rules 4.17 and 8.06*).

Disposition: Found "Not Guilty" of arresting a complainant before confirming that the complainant's warrant was still valid and searching a complainant after placing him under arrest on a warrant that was no longer valid. Found "Guilty" of seizing a cell phone without providing a receipt for the property and the officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer operated within policy by only detaining a complainant for a reasonable amount of time and a Cuyahoga County Prosecutor found that the officer did not violate any of the complainant's rights. However, the officer did fail to provide the complainant with a receipt for the property that was seized.

Patrol Officer:

Specification: Improperly searched a complainant and a vehicle without permission and without reasonable suspicion (*General Police Order 2.02.02*).

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

Rationale: The stop and search of the vehicle was lawful based on the totality of the circumstances (knowledge of the complainant's history with narcotics, picking up a female with a prior history of narcotics and prostitution, and the vehicle in question was impeding the flow of traffic) and the female passenger in the vehicle admitted to having heroin on her person prior to the searching of the vehicle.

Patrol Officer:

Specifications: Failed to review video evidence of an alleged assault and failed to complete a Domestic Violence report (*General Police Order 3.4.16*).

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Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a one-day suspension. This corrective action is within the First Group I violation range of the discipline matrix where aggravating factors (*lack of service is related to an alleged crime of violence*) outweigh mitigating factors (*no active discipline*).

Rationale: The officer should have taken the time to review the video or request that a supervisor respond to the location to assist in making the determination on whether or not a Domestic Violence report should be completed and give guidance on the next course of action. The actions outlined corresponds more closely with 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,” this specification was amended from a Group II violation to a Group I violation.

The following is a disposition of a disciplinary hearing held by the Deputy Chief, Chief of Staff on November 14, 2022.

Patrol Officer:

Specifications: Failed to properly conduct a prisoner inventory upon taking custody of a prisoner from the Solon Police Department (*Manual of Rules 8.02*) – Failed to properly secure prisoner property upon taking custody of a prisoner from the Solon Police Department (*Manual of Rules 4.03*) – Failed to activate the Wearable Camera System (WCS) during an assignment to pick up a prisoner from Solon Police Department (*General Police Order 4.06.04*) – Failed to secure the complainant’s property inside of the patrol car during prisoner transport, causing the complainant’s property to be lost or damaged (*Manual of Rules 4.01 and 4.03*).

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

Rationale: Failing to properly conduct a prisoner inventory and failing to properly secure prisoner property are “Dismissed,” as they are duplicative of failing to secure the complainant’s property inside the patrol car during prisoner transport. The officer failed to activate their WCS while transporting a prisoner and placed the WCS into event mode as soon as he realized it was not on. The officer accepted responsibility. Reinstruction is appropriate regarding this instance.

Patrol Officer:

Specifications: Failed to continually monitor the actions of an arrestee secured in the rear of the patrol car, resulting in the prisoner escaping (*General Police Order 3.01.01*) – Failed to fasten an arrestee’s seatbelt while transporting the arrestee in the patrol car (*General Police Order 3.01.01*) – Failed to properly conduct a prisoner inventory upon taking custody of a prisoner from the Solon Police Department (*Manual of Rules 8.02*) – Failed to properly secure prisoner property upon taking custody of a prisoner from Solon Police Department (*Manual of Rules 4.03*) – Failed to secure the complainant's property inside the patrol car during prisoner transport, causing the complainant's property to be lost or damaged (*Manual of Rules 4.01 and 4.03*).

Disposition: Found “Not Guilty” of failing to fasten an arrestee’s seatbelt, failing to properly conduct a prisoner inventory and failing to properly secure prisoner property, and the disciplinary actions were dismissed. Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (5/25/2021 – 10-day suspension), the officer received a one-day suspension for failing to continually monitor an arrestee’s actions in the rear of the patrol car, resulting in the prisoner escaping, and a Non-disciplinary Letter of Reinstruction for failing to secure the complainant's property inside the patrol car during prisoner transport, causing the

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complainant's property to be lost or damaged. This corrective action is within the First Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*).

Rationale: Initially the officer was not intending to, nor had he begun to transport the detained male, so a seatbelt was not required. Failing to properly conduct a prisoner inventory and failing to properly secure prisoner property are duplicative of failing to secure the complainant's property inside the patrol car during prisoner transport, causing the complainant's property to be lost or damaged. Since the arrestee was handcuffed, secured in the rear of the patrol car while the officer was in the front seat with a limited view of the suspect, I find this more closely comports with 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," this specification was amended from a Group II violation to a Group I violation.

Patrol Officer:

Specifications: Engaged in secondary employment that was not approved (*General Police Order 1.02.13*) – Not wearing the required Class-B uniform shirt, did not have the badge numeral affixed, and did not have the official Cleveland Police badge as required for secondary employment (*General Police 1.1.12*) – Did not have a Taser and second intermediate weapon on his duty belt while engaged in secondary employment (*General Police 2.01.04*) – was not wearing the required Class-B uniform shirt, did not have the badge numerals affixed, and did not have the official Cleveland Police badge as required for secondary employment (*General Police 1.1.12*) – Did not have his Taser and second intermediate weapon on his duty belt while engaged in secondary employment (*General Police 2.01.04*) – Did not wear his Division issued body armor while engaged in secondary employment (*General Police 4.06.01*).

Disposition: Found "Guilty" of six Group I violations. Considering the officer's active discipline history (10/2/2020: three-day suspension), the officer received a three-day suspension. This discipline is within the Second Group I violation range of the discipline matrix when aggravating factors (*multiple violations, active discipline*) outweigh mitigating factors (*accepted responsibility*).

Rationale: The Officer engaged in secondary employment that was not approved and while doing so, failed to: wear the required Class-B uniform shirt, have a badge numeral affixed, wear the Cleveland Police badge, have intermediate weapons on their duty belt and wear Division issued body armor.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Homeland Special Operations on November 23, 2022.

Patrol Officer:

Specification: Failed to activate the Wearable Camera System (WCS) while participating in the execution of a search warrant (*General Police Order 4.06.04*).

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

Rationale: The officer has no previous WCS violations and no evidence was lost as other Wearable Camera System's on-scene were active.

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Patrol Officer:

Specification: The officer was unprofessional in his speech when he argued with the subject of an arrest specifically stating, "I'm sorry, what fucking college did you go to where you learned how to become a God damn police officer." (*General Police Order 1.1.03*)

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

Rationale: The officer has no previous discipline.

Patrol Officer:

Specification: The Patrol Officer failed to safeguard and secure their city issued equipment (gas mask and carrier) which was entrusted into their care. (*Manual of Rules 6.05*)

Disposition: The officer received a Non-disciplinary Letter of Reinstruction and is required to reimburse the City of Cleveland for the loss of the equipment.

Rationale: The officer has no previous discipline.

Patrol Officer:

Specification: The officer failed to give assistance and get medical attention after a male in their custody complained of an injury. (*Manual of Rules 4.14*)

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

Rationale: The male never requested medical attention during the incident.

Patrol Officer:

Specification: The officer failed to give assistance and get medical attention after a male in their custody complained of an injury. (*Manual of Rules 4.14*)

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

Rationale: The male never requested medical attention during the incident.

Patrol Officer:

Specification: The officer failed to safeguard and secure their city issued equipment (cellular phone) which was entrusted in their care (*Manual of Rules 6.05*).

Disposition: Found "Guilty" of one Group I violation. Considering the officer's active discipline history (none), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, accepted responsibility*) outweigh aggravating factors (*none*). Because the cost of replacement for this City issued equipment is below the threshold for reimbursement, reimbursement is waived.

Rationale: The officer has no previous discipline and accepted responsibility.

Superior Officer:

Specification: The officer failed to safeguard and secure their city issued equipment (cellular phone) which was entrusted in their care (*General Police Order 4.06.07 and 4.06.12, and Manual of Rules 6.05*).

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Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, low value of lost property*) outweigh aggravating factors (*supervisory officer*). Because the cost of replacement for this City issued equipment is below the threshold for reimbursement, reimbursement is waived.

Rationale: The officer failed to safeguard and secure their city issued equipment (cellular phone) which was entrusted in their care.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Administrative Operations on December 7, 2022.

Superior Officer:

Specification: While acting in the capacity of a sector supervisor, the officer failed to report alleged officer misconduct as reported to them by subordinates via phone call and an incident report. (*General Police Order 1.07.05 and Manual of Rules 2.04 and 5.01*)

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

Rationale: The officer was aware that the report was being made by an individual with a history of making dubious reports of menacing. In the report (2022-062633) regarding the specification, the narrative section contained, “Upon our arrival, we spoke with the victim, **REDACTED**, who stated that a male named **REDACTED**, who is a pastor and a police officer is possibly standing outside of her house with other unknown males trying to intimidate her.” The officer stated at the pre-disciplinary hearing that he do not know the officer named in the narrative and had never heard of the officer before this report. The officer further stated that he did not notice the suspect (not a “Named Suspect”) was a police officer in the narrative. The failing to report alleged officer misconduct charge was amended from a Group II violation to a Group I violation.

Patrol Officer:

Specification: The officer failed to activate their Wearable Camera System (WCS) prior to responding to an assignment (*General Police Order 4.06.04*).

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

Rationale: The officer has no previous WCS violations and activated their WCS upon arrival at the assignment.

Patrol Officer:

Specification: The officer was Absent Without Leave (AWOL) and after an officer responded to the home and conferred with the officer, they called to use sick time (*General Police Order 1.3.24 and Manual of Rules 10.01*) – The officer failed to report for duty at their scheduled start time for a second time within a week (*Manual of Rules 10.01*).

Disposition: Found “Guilty” of two Group I violations. Because the officer has three (3) or more sustained Group I violations occurring within a three year period, this discipline automatically progressed into the Group II range. Considering the officer’s active discipline history (7/20/2020 – seven-day suspension, 3/24/2021 – four-day suspension, 10/31/2022 – twenty-day suspension)

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the officer received a six-day suspension. This discipline is within the Group II violation range of the discipline matrix when mitigating factors (*circumstances under which the rule was violated: had just undergone a medical procedure, voluntarily worked 965 hours of overtime that year*) outweigh aggravating factors (*multiple violations, active discipline*).

Rationale: The officer failed to report for duty and after an officer responded to the home and conferred with the officer, they called to use sick time. Unrelated to the previous incident, the officer failed to report for duty at their scheduled start time for a second time within a week.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Field Operations on December 12, 2022.

Safety Telephone Operator:

Specification: The Safety Telephone Operator (STO) was not properly relieved before they placed themselves into a “Not Ready” status. (*Manual of Rules 10.01*) – The STO was rude and discourteous with a chief dispatcher when asked about being in “Not Ready” status while still on-duty. (*Manual of Rules 2.06*)

Disposition: The being relieved before being placed into a “Not Ready” status charge was “Dismissed,” and the STO received a Non-disciplinary Letter of Reinstruction for being rude and discourteous to a chief dispatcher.

Rationale: The STO was not required to be “properly relieved” while using the restroom. The rudeness and discourtesy were whispered to self and the STO has no previous discipline of a similar nature. The rude and discourteous 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).

Superior Officer:

Specification: The officer worked secondary employment without proper authorization (expired). (*General Police Order 1.02.13*)

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

Rationale: Evidence presented at the pre-disciplinary hearing indicates that the officer brought questions regarding their secondary employment status to a supervisor, who informed the officer that their request to engage in secondary employment had not expired.

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Office of the Chief