



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
216/623-5005 • 216/623-5584 Fax
www.clevelandohio.gov

Pre-Disciplinary Hearing Letter

December 2, 2022

Safety Telephone Operator Mercedes Simmons #009
C/o Bureau of Communications and Property Control
4501 Chester Avenue
Cleveland, Ohio 44103

Re: DBI2022-0115

Safety Telephone Operator Simmons #009:

Please be advised in accordance with Article 31 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association Civilian Personnel, 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: (DBI2022-0115) On or about August 12, 2022, you, Safety Telephone Operator Mercedes Simmons #009, were not properly relieved before placing yourself into a "Not Ready" status, in violation of Manual of Rules 10.01. (*Group I Violation*)

Specification #2: (DBI2022-0115) On or about August 12, 2022, you, Safety Telephone Operator Mercedes Simmons #009, were rude and discourteous with a superior Dispatcher when asked about being in "Not Ready" status while still on duty, in violation of Manual of Rules 2.06. (*Group II Violation*)

These specifications violate the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police

II. Administrative Compliance

- 2.06 Personnel shall not be insubordinate to a superior officer. Insubordination includes, but is not limited to, any language, action or inaction directed toward a superior officer that is disrespectful, mutinous, insolent or abusive.

X. Schedule and Duty Hours

- 10.01 Personnel shall work such hours as assigned, report promptly for duty at the time and place assigned, and shall not be absent from duty without permission from their superior officer.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Monday, December 12, 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 members 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 the **uniform of the day, have your badge, and city issued 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.**

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
Daniel Fay, Deputy Chief, Administrative Operations
Brian McEntee, Acting Commander, Bureau of Communication and Property Control
Brian Carney, Commander, Bureau of Compliance
Robert Simon, Captain, Office of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
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 Hardaway, Federal Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission