



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety

Karrie D. Howard, Director
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July 22, 2022

**Detective Matthew Pollack #769
C/o Fourth District Headquarters
9333 Kinsman Road
Cleveland, Ohio 44114**

Re: OPS2020-0275

Detective Pollack #769:

This letter is to advise you, Detective Matthew Pollack #769, of the result of the administrative pre-disciplinary hearing you attended on Friday, June 17, 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 December 18, 2020, you, Detective Matthew Pollack #769 conducted a strip search on a male during a traffic stop under exigent circumstances while assigned as a Detective in the Fourth District Vice Unit.

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 2.02.04: Strip Searches and Body Cavity Searches (effective: effective: January 1, 2020)

**Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police:
2.03, 2.04 and 4.03.**

SPECIFICATION

Specification #1: (OPS2020-0275) The Civilian Police Review Board (CPRB) is recommending that the allegation of *Improper Search – Strip Search* be sustained against you, Detective Matthew Pollock #769, that on December 18, 2020, you conducted a strip search of the Complainant in an area that did not provide privacy – outside in a residential area instead of a holding facility – and failed to take appropriate steps to minimize the complainant’s embarrassment and ensure the correct number of personnel were present while searching the complainant’s private areas, which diminished the esteem of the Division of Police, in violation of General Police Order 2.02.04 and Manual of Rules 2.03, 2.04 and 4.03. (*Group III 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 Assistant Director of the Department of Public Safety Jakimah R. Dye presided over, were you, First Vice President David Medina, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen’s Association, Assistant Director of Law Amanda Boutton, Chief Investigator Eric Richardson and Investigator Anitra Merritt of the Office of Professional Standards, Lieutenant Charles DePenti of the Case Preparation Unit, Sergeant Kelly Smith and Assistant Director Timothy Hennessy of the Department of Public Safety and myself.

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 as set forth in the charge letter.

HISTORY, FINDINGS AND CONCLUSIONS

Discipline History

4/4/2019-8/10/2020—Improper Search (OPS)—Suspended 6 Days

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Aggravating: None

Mitigating: Followed order from immediate supervisor to conduct strip search, strip search was conducted under exigent circumstances

- ***Anomalies***

None

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. I have carefully reviewed the full investigation completed by the Office of Professional Standards, evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures. I have determined that you, Detective Matthew Pollack #769 did not violate General Police Order 2.02.04 or Manual of Rules 2.03, , 2.04 and 4.03, when you conducted a strip search of a male during a traffic stop on or about December 18, 2020.

Section 1A of General Police Order 2.02.04 states, "A strip search or body cavity search may be conducted if there is probable cause to believe that the person is concealing evidence of the commission of a criminal offense, including fruits or tools of a crime, contraband, or a deadly weapon that was not otherwise discovered through less intrusive means." Section IIIA of General Police Order 2.02.04 further states that, "strip searches shall only be conducted in a secure holding facility, on juveniles only in a juvenile detention facility, with the exception being during exigent circumstances when an officer has probable cause to believe that the subject is hiding a deadly weapon or dangerous ordinance and when less intrusive means of discovering a weapon or contraband are not available." The word "contraband" is used throughout the Order, was applicable during this police encounter and the officers on scene acted within the guidelines of Divisional policies and procedures. Further, during the hearing it was learned and confirmed by OPS that GPO 2.02.04(I)(B), while applicable, was left out of charging documents and consideration. It reads,

"A strip search or body cavity search must be supported by articulable facts considering the nature of the offense, circumstances of the arrest, and if known, prior criminal/conviction record of the person or that the arrestee may possess weapons or contraband on or in their body."

The above is relevant because OPS agreed that based on the language of [GPO 2.02.04(I)]A and B that a reasonable officer may believe that a strip search contemplates contraband. I too draw the same conclusion.

Here, the decision to conduct a strip search was made by the Sergeant on scene, a scale with suspected narcotics residue, plastic baggies and disposable gloves were observed in plain view inside of the vehicle during the traffic stop. While conducting a Terry pat down of the male, the Sergeant on scene felt what he determined through his training and experience to be a bag of suspected narcotics in the males "crotch area". The male was provided multiple opportunities to voluntarily hand over the suspected narcotics on his person to which he refused and attempted to flee from officers during his detention. Additionally, during the time period of this incident, the Fourth District Vice Unit had multiple encounters with fentanyl in which exposure to trace amounts can cause overdose or death. It is clear that exigent circumstances existed and the decision to conduct the strip search at the location of the traffic stop by the Sergeant on scene was made with the safety of the male suspect, the public and all officers on scene as a top priority. The Sergeant on scene authorized the strip search that you conducted, the proper form was completed and directions were given to use the zone car door and assisting officers on scene as a shield to give the male suspect the most privacy possible. WCS footage of this incident shows that the officers on scene were positioned behind the door of the zone car in order to provide privacy and were looking away from the general direction of the search while it was being conducted. You followed an order from your immediate supervisor to conduct the strip search, adhered to policy, conducted the search quickly, efficiently and your search resulted in the recovery of a suspected bag of narcotics without incident.

Based on the foregoing, I find you "**Not Guilty**," of the administrative charges as set forth in Specification #1. Therefore, this disciplinary action is dismissed.

July 22, 2022

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Sincerely,

A handwritten signature in black ink, appearing to read 'Karrie D. Howard', with a stylized, cursive script.

Karrie D. Howard, Chief Director
Department of Public Safety

KDH:dad:kas

cc: Dornat A. Drummond, Chief, Cleveland Division of Police
George E. Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Brandon Kutz, Commander, Fourth District
Christopher Viland, Superintendent, Internal Affairs Unit
William Mokshefsky, Officer-in-Charge, Personnel Section
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Paul Patton, Chief Human Resources Officer
William Menzalora, Chief Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Michael Pike, Assistant Director of Law
Monique Young, Labor Relations Officer, Human Relations
Henry Roney, Interim Administrator, Office of Professional Standards
Michael Hess, Chairman, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Hassan Aden, Federal Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission