



# CLEVELAND DIVISION OF POLICE

## DIVISIONAL NOTICE

DATE: JUNE 15, 2023	NUMBER: 23-171
SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (MAY)	
CHIEF: <i>Dornat A. Drummond, Chief</i>	PAGE(S): 1 of 8

The following are dispositions of disciplinary hearings held by the Director of Public Safety on March 3, 2023.

**Detective Sabrina Choat #1961:**

**Specification:** Untimely completion of the Statement of Facts resulted in a Sex Crimes Unit criminal case being received by the Cuyahoga County Prosecutor's Office approximately thirteen months late (*Manual of Rules 4.03 and 4.06*) – Failed to collect necessary evidence during an investigation (*Manual of Rules 4.03 and 4.06*).

**Disposition:** Found "Guilty" of one Group III violation. Considering the officer's active discipline history (none), the officer received a thirteen-day suspension. This corrective action is within the First Group III violation range of the discipline matrix when aggravating factors (*thirteen-month delay*) outweigh mitigating factors (*no active discipline*).

**Rationale:** The untimely completion of the Statement of Facts charge was amended from a Group III violation to a Group II violation. The officer failed to submit the Statement of Facts form in a timely manner and the officer compounded her error when she failed to look into the delay, which would have revealed that she had not submitted the form as required. In addition, the failing to collect necessary evidence charge was dismissed; the officer's training left her unaware of the proper procedure to collect the evidence.

**Patrol Officer Daniel Angelo #2505:**

**Specification:** Used force on a citizen and did not report a level 3 use of force to a supervisor (*General Police Order 2.01.05*) – Used unnecessary force on a citizen by pushing and pinning the citizen's head to the ground (*General Police Order 2.01.03*).

**Disposition:** Found "Guilty" of one Group II violation. Considering the officer's active discipline history (none), the officer received an eight-day suspension. This corrective action is within the First Group II violation range of the discipline matrix when aggravating factors (*delay in reporting presents an appearance of impropriety*) outweigh mitigating factors (*no active discipline*).

**Rationale:** The force used on the subject was reasonable given the totality of circumstances and the charge of using unnecessary force on a citizen was dismissed. The charge of failing to report a level 3 use of force to a supervisor was amended from a Group III violation to a Group II violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety). The officer failed to report a level 3 use of force prior to ending his tour of duty.

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**The following are dispositions of disciplinary hearings held by the Director of Public Safety on March 31, 2023.**

**Patrol Officer Joseph Russo #231:**

**Specification:** Failed to make a report of the alleged sexual assault of a complainant's juvenile daughter (*Manual of Rules 4.18*).

**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 when aggravating factors (*the subject matter here is allegations of sexual assault of a minor*) outweigh mitigating factors (*no active discipline*).

**Rationale:** The charge was amended from a Group II violation to a Group I violation. The officer failed to make a report of the alleged sexual assault.

**Patrol Officer Rafael Carrucini #371:**

**Specification:** Failed to investigate other parties involved in an accident (*General Police Order 8.01.02*).

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

**Rationale:** While on the scene of an accident, the officer ensured a vehicle was moved out of traffic and positioned the patrol car to cordon off the area for the investigation. The officer then assisted in getting the license plate number of a vehicle and when he returned, the other driver had already fled on foot. Because he was unaware of any possible criminal activity, it would have been inappropriate to detain anyone.

**The following is a disposition of a disciplinary hearing held by the Director of Public Safety on April 14, 2023.**

**Police Safety Aide Marcus Hall #3167:**

**Specification:** Arrested by the Stow Police Department for Operating a Vehicle Under the Influence (OVI), in violation of Stow Municipal Code 333.01A1A, a First Degree Misdemeanor. On January 5, 2023, the member plead "no contest" to OVI in the Stow Municipal Court and was found guilty of OVI (*Manual of Rules 2.01*) – Arrested by the Stow Police Department for Using Weapons While Intoxicated, in violation of Stow Municipal Code 549.03, a First-Degree Misdemeanor. On January 5, 2023, the member plead "no contest" to Using Weapons While Intoxicated in the Stow Municipal Court and was found guilty of Using Weapons While Intoxicated (*Manual of Rules 2.01*) – Arrested by the Stow Police Department for Open Container Prohibited, in violation of Stow Municipal Code 529.07B4 (*Manual of Rules 2.01*) – Without solicitation, identified himself as working for the Cleveland Division of Police to Stow Police Officers while being detained and subsequently arrested for suspicion of OVI (*Manual of Rules 5.01*) – Uncooperative with Stow Police Officers while they administered Standardized Field Sobriety Tests (SFST), failed to fully answer questions about the status of his firearm to the Stow Police Officers and failed to follow basic instructions and requests made by a Stow Police Lieutenant (*Manual of Rules 5.01*).

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**Disposition:** Found “Guilty” of four Group II violations and one Group III violation. Considering the officer’s active discipline history (6/22/2022: Written Reprimand) the officer received a twenty-five-day suspension. This corrective action is within the First Group III violation range of the discipline matrix where aggravating factors (*active discipline, multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*accepted responsibility on four of the five specifications*).

**Rationale:** The member did commit the criminal offenses of Driving or Physical Control While Under the Influence (OVI), Using Weapons While Intoxicated and Open Container Prohibited. In addition, the member did engage in conduct that would reasonably tend to diminish the esteem of the Division of Police in the eyes of the public when, without solicitation, he identified himself as working for the Cleveland Division of Police to Stow Police Officers when committing the aforementioned crimes and while failing to fully answer questions about the status of his firearm to the Stow Police Officers and follow basic instructions and requests made by Stow Police.

**The following are dispositions of disciplinary hearings held by the Deputy Chief, Chief of Staff on April 26, 2023.**

**Patrol Officer Chad Collins #926:**

**Specification:** The officer was unprofessional when he stated, “Do you want me to tow this shit?” and called a citizen a loudmouth (*General Police Order 1.01.02 and Manual of Rules 5.01, 5.02 and 5.09*)

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

**Rationale:** The comments were not directed at the complainant; however, it was within earshot of the complainant. Reinstruction is appropriate regarding this instance.

**Detective Antonio Curtis #195:**

**Specification:** Failed to conduct an interview with a felony suspect (*Detective Unit Manual- Detective Responsibilities #4 and #5, and Manual of Rules 4.18*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), he 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*) outweigh aggravating factors (*none*).

**Rationale:** There were many impediments to conducting an interview with the suspect (Cuyahoga County Jail interview rules, COVID protocols, Fifth Amendment Rights, etc.); however, at the minimum, an attempt to interview the suspect should have been made.

**Patrol Officer Ta’Lor Payne #900:**

**Specification:** Posted on social media about an open homicide investigation (*General Police Orders 1.01.01, 1.07.04 and 7.03.03, and Manual of Rules 5.01*).

**Disposition:** Found “Guilty” of one Group II violation. Considering the officer’s active discipline history (1/29/2021: twenty-day suspension), she received a ten-day suspension. This corrective action is within the Second Group II violation range of the discipline matrix when

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aggravating factors (*active and similar (social media violation) discipline*) outweigh mitigating factors (*none*).

**Rationale:** Posted on Social Media information regarding a homicide investigation which may cause the citizens of the City of Cleveland and elsewhere to believe a less than professional investigation into this homicide would be performed.

**Patrol Officer Nathaniel Ellis #1524:**

**Specification:** Failed to generate a police report upon the request of the complainant (*Manual of Rules 9.01*) – Failed to activate his Wearable Camera System during his encounter with the complainant (*General Police Order 4.06.04*).

**Disposition:** Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (*none*), he received a one-day suspension. This corrective action is within the First Group I violation range of the discipline matrix when aggravating factors (*multiple violations*) outweigh mitigating factors (*accepted responsibility, no active discipline*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer did fail to generate a police report upon the request of a complainant, and he did fail to activate his Wearable Camera System during an encounter with a complainant.

**Patrol Officer Trevor Smith #1615:**

**Specification:** Accused a complainant of lying regarding who was driving her vehicle at the scene of a hit-skip crash (*General Police Order 1.01.03 and Manual of Rules 5.08 and 5.09*).

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

**Rationale:** While the complainant’s story is unlikely, because the complainant was not in her car at the time of the crash, a better course of action would have been to continue to ask questions to ascertain the truth and ensure everything stated, including dubious statements, is in the report. Reinstruction is appropriate regarding this instance.

**Patrol Officer Timothy McKenzie #1816:**

**Specification:** Failed to place his Wearable Camera System (WCS) into event mode prior to responding to a call for service (*General Police Order 4.06.04*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (*none*), he 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 (*violation occurred twice, each on a separate date*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer did fail to activate his Wearable Camera System on two separate dates.

**Patrol Officer Darian Laska #757:**

**Specification:** Failed to place his Wearable Camera System (WCS) into event mode prior to responding to a call for service (*General Police Order 4.06.04*) – Engaged in speech/statements towards a complainant that is deemed to be discourteous and disrespectful in nature (*Manual of Rules 5.09*).

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**Disposition:** Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (none), he 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 (*violation occurred twice, each on a separate date*).

**Rationale:** The officer did fail to activate his Wearable Camera System as required. The officer was not courteous and respectful when he followed an employee into the kitchen area of the restaurant and told him, “Call your momma and let her know you’re gonna go to jail if you run your mouth at me,”

**Patrol Officer Felton Collier #1168:**

**Specification:** Failed to wear City-issued body armor while working secondary employment (*General Police Orders 1.02.13 and 4.06.01*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), he 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 (*previously issued a Verbal Counseling for failing to wear body armor*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer did fail to wear his City-issued body armor while working approved secondary employment.

**Patrol Officer Dominik Pendleton #37:**

**Specification:** Without informing a supervisor, left his scheduled shift nine and one-half (9½) hours early after telling another officer to put him down as “AWOL” (*General Police Order 1.07.06 and Manual of Rules 10.01*).

**Disposition:** Found “Guilty” of one Group II violation. Considering the officer’s active discipline history (7/8/2020: eight-day suspension, 3/22/2021: two-day suspension), he received a ten-day suspension. This corrective action is within the Second Group II violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*accepted responsibility*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer left his assignment without notifying a supervisor, placing the platoon short of working officers and forcing a late notice mandate from the previous platoon.

**Patrol Officer Ty McFadden #286:**

**Specification:** Failed to place his Wearable Camera System (WCS) into event mode prior to responding to a call for service regarding a welfare check and did not activate his WCS until approximately twenty-seven minutes after his arrival (*General Police Order 4.06.04*).

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

**Rationale:** The officer pled “No Contest” and accepted responsibility. This is the officer’s first Wearable Camera System violation. Reinstruction is appropriate regarding this instance.



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**Patrol Officer Joshua Brogan #491:**

**Specification:** Failed to place his Wearable Camera System (WCS) into event mode prior to responding to a call for service (*General Police Order 4.06.04*).

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

**Rationale:** The officer pled “No Contest” and accepted responsibility. This is the officer’s first Wearable Camera System violation. Reinstruction is appropriate regarding this instance.

**Patrol Officer Tony Gonzalez #112:**

**Specification:** Failed to safeguard and secure City-issued equipment (Wearable Camera System) which was entrusted in his care (*General Police Order 4.06.07 and Manual of Rules 6.05*).

**Disposition:** The officer received a Non-disciplinary Letter of Reinstruction. In addition, the officer is required to reimburse the City of Cleveland for the cost of one Wearable Camera System.

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer failed to safeguard a City-issued Wearable Camera System. Reinstruction is appropriate regarding this instance.

**Patrol Officer Dimitri Blackwell #710:**

**Specification:** Failed to fully investigate a complaint while at a call for service (*Manual of Rules 4.01*) – Failed to enforce City of Cleveland Ordinances (*Manual of Rules 4.18*) – Behavior and conversation during an incident was not courteous and respectful (*General Police Order 1.1.03 and Manual of Rules 5.01, 5.02 and 5.09*) – Failed to investigate a report of suspected criminal activity (*Manual of Rules 4.18*).

**Disposition:** Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (3/24/2021: two-day suspension), he received a three-day suspension. This corrective action is within the Second Group I violation range of the discipline matrix when aggravating factors (*multiple violations, active discipline*) outweigh mitigating factors (*none*).

**Rationale:** The charges of failing to fully investigate a complaint while at a call for service and failing to enforce City of Cleveland Ordinances are duplicative of the other two charges; in addition, as the Division waited for the parallel Office of Professional Standards’ investigation to conclude, time expired and therefore these charges were dismissed. The charge of failing to investigate a report of suspected criminal activity 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).

**The following are dispositions of disciplinary hearings held by the Deputy Chief of Administrative Operations on May 8, 2023.**

**Patrol Officer Kyle Paridon #938:**

**Specification:** Not courteous in speech, conduct and contact with citizens (*Manual of Rules 5.01, 5.08 and 5.09*) – Violated the uniform and clothing regulation of the Division of Police (*General Police Order 1.1.12*).

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**Disposition:** The officer pled “No Contest” and accepted responsibility. Considering the officer’s active discipline history (none), he received a six-day suspension for the discourteous speech and conduct. In addition, the officer received a Non-disciplinary Letter of Reinstruction for the remaining charge. This corrective action is within the First Group II violation range of the discipline matrix when mitigating factors (*accepted responsibility, no active discipline*) outweigh aggravating factors (*multiple violations*). In addition, it is recommended the officer follow-up with the Employee Assistance Unit.

**Rationale:** The officer was discourteous and did reasonably diminish the esteem of the Division of Police in the eyes of the public with the language used, both while en route to the incident, and then while on the scene. The officer did not meet the dress code standards when he wore his Cleveland Police baseball cap backwards on his head while riding in the patrol car while en route to an assignment.

**The following is a disposition of a disciplinary action taken for a pre-disciplinary hearing that was waived by a member and their respective collective bargaining unit during the month of May.**

**Patrol Officer LaNita Glass #586:**

**Specification:** Arrested by the Garfield Heights Police Department for Operating a Vehicle Under the Influence (OVI), in violation of the City of Garfield Heights Codified Ordinance 333.01, a First Degree Misdemeanor. On or about March 22, 2023, in Garfield Heights Mayor’s Court, docket #TRC230022, pled “No Contest” to an amended charge of Ohio Revised Code 4511.194: Having Physical Control of Vehicle while Under the Influence, a First Degree Misdemeanor (*Manual of Rules 2.01 and 5.01*).

**Disposition:** Found “Guilty” of one Group II violation. Considering the officer’s active discipline history (none), she received an eight-day suspension. This discipline is within the First Group II violation range of the discipline matrix where aggravating factors (*actions had the potential to cause injury and harm to the public*) outweigh mitigating factors (*no discipline history, accepted responsibility*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer was arrested by the Garfield Heights Police Department for Operating a Vehicle Under the Influence (OVI) and pled guilty to the amended charge of Ohio Revised Code 4511.194: Having Physical Control of Vehicle while Under the Influence, a First Degree Misdemeanor.

**With a pre-disciplinary hearing pending, the following members separated from the Division of Police.**

**Patrol Officer Nicholas Foster #156:**

**Specification:** Engaged in a verbal argument which led to a physical altercation, violence in the workplace incident (*General Police Order 1.1.08 and Manual of Rules 2.202, 2.04 and 2.13*).

**Disposition:** On April 19, 2023, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an

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employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

**The following member was terminated from employment with the City of Cleveland during the month of May.**

**Detective Lisa Mielnik #1530:**

**Specification:** Failed to properly identify the correct suspect when issuing a warrant, causing a mistakenly identified citizen to be held in jail for thirty-six hours. The officer was provided the correct identifying suspect information via the Cuyahoga County Metropolitan Housing Authority Police Department incident report, and did not take the extra step to obtain and verify additional suspect information with the victim, in person, prior to issuing a warrant for the mistakenly identified suspect. This resulted in the court case being dismissed by the City of Cleveland Prosecutor’s Office. This conduct constitutes the crime of Dereliction of Duty in the State of Ohio under ORC 2921.44(B), a misdemeanor of the 2nd degree (*Manual of Rules 2.01, 4.03 and 4.17*) – Failed to ensure the prosecutor was aware of all the elements present for the crime of Domestic Violence causing that crime to be omitted from the Misdemeanor Review Form (*Manual of Rules 4.03*) – The officer hand wrote “Domestic Violence” on a Misdemeanor Review Form without consulting the Reviewing Prosecutor, causing an arrest warrant to be improperly served against a suspect which resulted in the court cases being dismissed by the City of Cleveland Prosecutor’s Office. In addition, this caused inability for the officer to work as a Cleveland Division of Police representative to the City Prosecutor’s Office and tarnished the reputation of Cleveland Division of Police members with the County Public Defender Office (*Manual of Rules 4.17*) – Caused the Cleveland Division of Police to be the focus of negative media attention stemming from the officer’s failure to properly investigate two Domestic Violence cases (*Manual of Rules 5.01*)

**Disposition:** Found “Guilty” of two Group II Violations and two Group III violations. On May 25, 2023, the officer was terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police. This corrective action is within the First Group III violation range of the discipline matrix when aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*no active discipline*).

**Rationale:** The officer failed to properly identify the correct suspect when issuing a warrant which caused a mistakenly identified citizen to be held in jail for thirty-six hours; when the officer failed to ensure the prosecutor was aware of all the elements present for the crime of Domestic Violence causing that crime to be omitted from the Misdemeanor Review form; and when as a result of the officers actions, the Cleveland Division of Police became the focus of negative media attention.