



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

Disposition Letter

December 30, 2022

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

Re: DBI2022-0115

Safety Telephone Operator Simmons #009:

This letter is to advise you, Safety Telephone Operator Mercedes Simmons #009, of the result of the administrative pre-disciplinary hearing you attended on December 12, 2022, to address an internal investigation wherein you were alleged to have engaged in improper procedure and/or conduct.

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 2.06 and 10.01

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing were you, First Vice President David Medina, Union Representative Amanda Cline and Attorney Keith Wolgamuth of the Cleveland Police Patrolmen's Association, Chief Dispatcher Kelly Rusnak of the Communications Control Section, Lieutenant Charles DePenti of the Case Preparation Unit and Deputy Chief Sammy Morris of Field Operations, who presided over the hearing.

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 Specifications #1 and #2 as set forth in the charge letter. Upon reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that Specification #1 be "Dismissed" and you be issued a "Letter of Reinstruction" for Specification #2.

FINDINGS AND CONCLUSION

I have carefully reviewed the evidence incorporated into the record by reference, the memorialized record, including statements made at your hearing, and the applicable Rules, Policies and Procedures. I accept and adopt the recommendation of the Hearing Officer. I am "Dismissing" Specification #1, as you are not required to be "properly relieved" while using the restroom. However, regarding Specification #2, you were rude and discourteous with a chief dispatcher when asked about being in a "Not Ready" status while still on duty. Because you were whispering to yourself when you were rude and discourteous to the chief dispatcher, I believe Specification #2 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). As such, I am revising Specification #2 from a Group II violation to a Group I violation, and I am issuing you this **Non-disciplinary Letter of Reinstruction**. Please review Manual of Rules 2.06 and ensure that you follow it verbatim.

Pursuant to the Manual of Rules, you are personally responsible for maintaining a current set of General Police Orders either as a paper copy or in electronic format. Furthermore, your Commanding Officer maintains all Divisional directives, which you are obligated to also know pursuant to the Manual of Rules. Please inform your Commanding Officer, through the chain of command, if you cannot access these policies and protocols. If you have any questions, please contact your immediate supervisor for specific answers about any of the Division's policies and protocols and their application.

This letter is not discipline and should not be regarded as such.

December 30, 2022

Page 3 of 3

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, Deputy Chief, Field Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
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
Shawn Smith, Lieutenant, Training Section
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
Paul Patton, Chief Human Resource Officer
Monique Tabb-Young, Labor Relations Officer, Human Relations
Mary L. Bradley, Executive Director, Civil Service Commission
Sylvia Grimes, Secretary, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ayesha Bell Hardaway, Interim Monitor, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Dr. Leigh Anderson, Executive Director of the Police Accountability Team