



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-2560 • Fax: 216/664-3734
www.cleveland-oh.gov

Pre-Disciplinary Hearing

October 7, 2022

Patrol Officer Anthony VonMayhem #2396
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: CPD2020-0124

Patrol Officer VonMayhem #2396:

Please be advised, in accordance with Article 28 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, 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. Note: This letter was set to be issued on August 11, 2022, with a Pre-disciplinary Hearing date of August 19, 2022. This letter was not issued until today because you were on a Military Leave of Absence.

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.

SPECIFICATION

Specification #1: (CPD2020-0124) On or about December 5, 2020, you, Patrol Officer Anthony VonMayhem #2396, discharged your service weapon during a use of deadly force incident. Subsequent to your application of force in discharging your weapon, your service rounds struck a multitude of occupied residential townhomes, creating a risk to bystanders and residents, all in violation of General Police Order 2.01.03. (*Group III Violation*)

This specification is in violation of the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

General Police Order 2.01.03: Use of Force - General (effective date: April 27, 2020)

POLICY: Consistent with the Division's mission, including the commitment to carry out its duties with a reverence for the sanctity of human life, it is the policy of the Division to use only that force which is necessary, proportional to the level of resistance, and objectively reasonable based on the totality of circumstances confronting an officer. Officers shall also take all reasonable measures to de-escalate an incident and reduce the likelihood or level of force. Any use of force that is not necessary, proportional, and objectively reasonable and does not reflect reasonable de-escalation efforts, when safe and feasible to do so, is prohibited and inconsistent with Divisional policy.

PROCEDURES:

VI. General

- C. Officers shall take all reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other involved civilians, as well as other officers and emergency personnel.
- D. Officers shall consider their surroundings when unholstering or before discharging their firearm and shall avoid unnecessary risk to bystanders, victims, and other officers.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Friday, October 14, 2022, at 1000 hours** in the **Cleveland Public Auditorium (Room LL09)**. Should you desire union representation, it is your responsibility to notify your union of this hearing. All officers 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: Sworn Officers Uniform Regulations, you are to appear in **"CLASS A" UNIFORM** and have your badge, city issued service weapon, and 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.

THIS WILL BE YOUR TOUR OF DUTY

THESE CHARGES MAY BE AMENDED AT A LATER DATE

Sincerely,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:dad:bpc:cl:la

cc: Dornat A. Drummond, Chief, Division of Police
George Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Michael Butler, Commander, Third District
Brian Carney, Commander, Bureau of Compliance
Robert Simon, Captain, Office of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Jarod Schlacht, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Paul Patton, Chief Human Resources Officer
Mark Griffin, Chief Director of Law
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Timothy Puin, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Michael Hess, Chairperson, 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