



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Dornat (Wayne) A. Drummond, Interim Chief

FBI NA #230

Division of Police

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Disposition Letter

August 10, 2022

Patrol Officer Timothy Munko #1159
C/o Fourth District Headquarters
9333 Kinsman Avenue
Cleveland, Ohio 44104

Re: VD2022-0021

Patrol Officer Munko #1159:

This letter is to advise you, Patrol Officer Timothy Munko #1159, of the result of the administrative pre-disciplinary hearing, which you attended on July 20, 2022, to address internal investigations 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: (VD2022-0021) On or about April 29, 2022, you, Patrol Officer Timothy Munko #1159, failed to keep your Wearable Camera System (WCS) in event mode until the completion of your assignment and without the approval from your immediate supervisor, in violation of General Police Order 4.06.04. (*Group I Violation*)

Specification #2: (VD2022-0021) On or about April 29, 2022, you, Patrol Officer Timothy Munko #1159, failed to immediately report damage to your zone car to a superior officer, in violation of Manual of Rules 6.06. (*Group I Violation*)

Specification #3: (VD2022-0021) On or about April 29, 2022, you, Patrol Officer Timothy Munko #1159, failed to contact Communications Control Section (CCS) when your Division of Police vehicle was involved in a Motor Vehicle Crash (MVC) and damaged, in violation of General Police Order 8.1.01. (*Group I Violation*)

These specifications are in violation of the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

General Police Order 8.1.01: Damage to City Vehicles (revised: 3/26/15)

General Police Order 4.06.04: Wearable camera System (WCS) (effective: 1/1/20)

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police 4.03, 6.05, and 6.06.

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing, were you, Vice President David Medina, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Vice President Luther Roddy of the Black Shield Police Association, Patrol Officer Steven Schmitz of the Fourth District, Sergeant Albert Oliver of the Fourth District, Lieutenant Charles DePenti of the Case Preparations Unit and Acting Deputy Chief Sammy Morris Field Operations, who presided over the hearing.

During the hearing, you acknowledged receipt of the charging 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, #2, and #3 of the administrative charges as set forth in the charging letter. Upon carefully reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be found "Guilty" of Specifications #1, #2 and #3.

FINDINGS AND CONCLUSION

I have carefully reviewed the evidence presented by the memorialized record, as well as the arguments of you and your representatives, and I have accepted the recommendation of the Hearing Officer. You violated General Police Order 4.06.04 by failing to keep your Wearable Camera System (WCS) in event mode until the completion of your assignment or the approval from your immediate supervisor. Further, I find you violated Manual of Rules 6.06 when you failed to immediately report damage to your zone car to a superior officer. In addition I find you have violated General Police Order 8.1.01 when you failed to contact Communications Control Section (CCS) when your Division of Police vehicle was involved in a Motor Vehicle Crash (MVC) and was damaged.

Based on the foregoing, I find you **"Guilty" of Specification #1, #2 and #3, and I am issuing you a three (3) workday suspension without pay.** Multiple violations arising from a single event escalates the disciplinary action to the maximum group range. This discipline is within the Second Group I violation range of the discipline matrix where aggravating factors (*multiple violations, failure to make proper notifications led to extensive damage to the police vehicle*) outweigh mitigating factors (*no active discipline*).

Additionally, you shall, within five (5) work days of returning from suspension, read General Police Orders 8.1.01 and 4.06.04 and Manual of Rules 4.03, 6.05 and 6.06, and expect to be reinstructed by a superior officer on those Orders and Rules. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to:

The Case Preparation Unit (caseprep@clevelandohio.gov)
Lieutenant Charles DePenti (cdepenti@clevelandohio.gov).

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, verbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Respectfully,



Dornat A. Drummond
Chief of Police

DAD:bpc:eld:la

cc: Joellen O'Neill, Deputy Chief Executive Officer
Sammy Morris, Acting Deputy Chief, Field Operations
Brandan Kutz, Commander, Fourth District
Brian Carney, Commander, Bureau of Compliance
Christopher Viland, Superintendent, Internal Affairs
William Mokshefsky, Acting Lieutenant, Officer-in-Charge, Personnel Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping 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
Paul Patton, Chief Human Resource Officer
George E. Coulter, Assistant Director, Department of Public Safety
Monique Young, Labor Relations Officer, Department of Human Resources
Michael Spreng, Secretary, Civil Service Commission
Hassan Aden, Federal Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission