



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Dornat (Wayne) A. Drummond, Chief
FBI NA #230
Division of Police
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Cleveland, Ohio 44113
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Pre-Disciplinary Hearing Letter

October 25, 2022

Patrol Officer John Kraynik #1517
C/o Fourth District Headquarters
9333 Kinsman Road
Cleveland, Ohio 44104

Re: DBI2022-0053, DBI2022-0020, OPS2022-0070

Patrol Officer Kraynik #1517:

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.

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: (DBI2022-0053) On or about February 7, 2022, you, Patrol Officer John Kraynik #1517, failed to continually monitor an arrestee's actions that was secured in the rear of your zone car, resulting in the prisoner escaping, in violation of General Police Order 3.01.01. *(Group II violation)*

Specification #2: (DBI2022-0053) On or about February 7, 2022, you, Patrol Officer John Kraynik #1517, failed to fasten an arrestee's seatbelt while transporting the arrestee in you zone car, in violation of General Police Order 3.01.01. *(Group I violation)*

Specification #3: (DBI2022-0020) On or about February 28, 2022, you, Patrol Officer John Kraynik #1517, failed to properly conduct a prisoner inventory upon taking custody from Solon Police Department, in violation of Manual of Rules 8.02. (*Group I violation*)

Specification #4: (DBI2022-0020) On or about February 28, 2022, you, Patrol Officer John Kraynik #1517, failed to properly secure prisoner property upon taking custody from Solon Police Department, in violation of Manual of Rules 4.03. (*Group I violation*)

Specification #5: (OPS2022-0070) The Civilian Police Review Board is recommending to the Chief of Police that the allegation of *Damaged/Missing Property* be sustained against you, Patrol Officer John Kraynik #1517, that on or about February 28, 2022, you violated Manual of Rules 4.01 and 4.03 when you failed to secure the complainant's property inside the patrol car during prisoner transport, causing the complainant's property to be lost or damaged. (*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 3.01.01: Arrestee Restraint, Transport, and Supervision (effective: 11/30/20)

POLICY: It is the policy of the Cleveland Division of Police that its members shall comply with the Division's Use of Force directives and properly restrain, transport, and supervise arrestees. Retaliatory force or any other form of punishment on a non-compliant and/or violent arrestee is strictly prohibited. Division members shall transport male, female, and juvenile arrestees in separate vehicles.

PROCEDURE:

II. Transport

C. Members shall continually monitor arrestees during transport.

F. The act of fastening an arrestee's seatbelt can place a member into a vulnerable and exposed position.

1. An arrestee's seatbelt shall be fastened during transport unless the arrested person displays, verbally and/or physically, an articulable intent to cause injury to a member while seat belting.

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Police Department

II. ADMINISTRATIVE COMPLIANCE

- 2.02 Personnel shall not willfully disobey any rules, General Police Orders or directives of the Division of Police, or any lawful orders, written or oral, issued to them by a superior officer of the Division of Police.
- 2.03 Personnel shall perform all duties required by rules, General Police Orders, directives, or orders of the Division of Police.
- 2.04 Personnel shall study all rules, General Police Orders and directives pertaining to their duties, and shall be held accountable for any action contrary to these instructions.

IV. DUTY

- 4.01 Officers shall protect life and property, prevent crimes, detect, arrest and prosecute offenders, preserve the public peace and enforce laws and ordinances within the scope of their job classifications and in accordance to law.
- 4.03 Personnel shall give full attention to the performance of their duties.

VIII. PRISONERS

- 8.02 Personnel shall search all persons who are physically arrested as governed by Divisional directives.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Monday, November 14, 2022, at 1000 hours** in the **Cleveland Division of Police Headquarters, Room 924**. 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: Uniform and Clothing 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,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld:kfs

cc: Karrie D. Howard, Chief Director, Department of Public Safety
Dorothy Todd, Deputy Chief Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Brandon Kutz, Commander, Fourth District
Brian Carney, Commander, Bureau of Compliance
Robert Simon, Captain, Office of Compliance
Jarod Schlacht, Lieutenant, Internal Affairs Unit
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Mark Griffin, Chief Director of Law
William Menzalora, Chief Assistant Director of Law
Timothy Puin, Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Hassan Aden, Federal Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission