



## City of Cleveland

Justin M. Bibb, Mayor

### Department of Public Safety

Karrie D. Howard, Director

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### Pre-Disciplinary Hearing

October 7, 2022

**Patrol Officer Anthony Shumpert #1773**

**C/o Fourth District Headquarters**

**9333 Kinsman Road**

**Cleveland, Ohio 44104**

**Re: SR2022-0340, DBI2022-0052, OPS2022-0043**

**Patrol Officer Shumpert #1773:**

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:** (SR2022-0340) On or about November 24, 2021, you, Patrol Officer Anthony Shumpert #1773, used undocumented sick leave and failed to provide documentation to the Medical Director while on Step-1 of the Sick Leave Abuse Control Program, in violation of General Police Order 1.3.06 and Manual of Rules 10.01 and 10.02. (*Group I Violation*)

**Specification #2:** (DBI2022-0052) On or about March 30, 2022, you, Patrol Officer Anthony Shumpert #1773, failed to report for duty at your assigned time without notifying a supervisor. You did not call until approximately two and one-half (2½) hours after your assigned start time, in violation of General Police Order 1.3.24 and Manual of Rules 10.01. (*Group II Violation*)

**Specification #3:** (OPS2022-0043) On or about February 1, 2022, you, Patrol Officer Anthony Shumpert #1773, knew or should reasonably have been aware of the complainant's need for immediate medical attention, and transported the complainant to jail instead of the hospital, in violation of General Police Order 3.02.01. (*Group I Violation*)

**Specification #4:** (OPS2022-0043) On or about February 1, 2022, you, Patrol Officer Anthony Shumpert #1773, failed to provide the complainant with your name and badge number after he repeatedly asked for it during his transport to jail, in violation of Manual of Rules 4.13. (*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 1.3.06: Sick Leave Review** (effective: 3/1/02)

**POLICY:** Through sick leave, the Division of Police accommodates employees who cannot report to work due:

- An actual sickness or injury
- Confinement by reason of a contagious disease
- Visit to a doctor or dentist for medical or dental care
- Serious illness of a member or member's immediate family (emergency).

Sick leave shall be monitored on a quarterly basis wherein every month constituting that quarter is evaluated in the context of the preceding two months. Employees abusing sick leave are subject to progressive disciplinary action.

#### **PROCEDURES:**

I. Sick Leave Abuse is identified by observation of a single instance of abuse or by a pattern that indicates abuse.

A. Single Instance of Sick Leave Abuse

1. A single instance of suspected sick leave abuse requires a supervisory investigation at the time of first suspicion or as assigned. The investigation shall not be delayed for the Quarterly Review to be conducted. If the investigation results in a disciplinary recommendation against the member, the hours under investigation shall not count toward the 40 hour threshold for a Quarterly Review.

#### **IV. Disciplinary Action**

D. Failure to provide documentation to the Medical Director while under any of the step disciplines shall be considered a single instance of sick abuse and shall be subject to the formal discipline process.

E. All recommendations for disciplinary charges of sick leave abuse whether discovered through a single instance, or through the Quarterly Review, are subject to the disciplinary process. Discipline is progressive and is as follows:

1. Step 1: A letter of first warning will be issued requiring the member to provide documentation to the Medical Director prior to being returned to duty for any sick leave taken in a 12 month period.

2. Step 2: Further abuse while on Step 1 will result in a letter of second warning continuing the requirement for documented sick leave and revoking permission to engage in secondary employment for 12 months.

**General Police Order 1.3.24: Sick Leave** (effective: 1/1/06)

**POLICY:** The Cleveland Division of Police shall grant sick leave per the existing collective bargaining agreements and establish procedures for returning members back to full duty following the use of sick leave.

**PROCEDURES:**

**II. Conditions of Sick Leave**

- C. Members are paid sick leave only if they notify their immediate supervisor before their scheduled starting time on the first day of absence. Members who fail to make the proper notification shall be considered Absent Without Leave (AWOL) and shall be subject to disciplinary charges.

**General Police Order 3.02.01: Arrestee Medical and Mental Health Needs** (effective: 2/2/2021)

**POLICY:** It is the policy of the Cleveland Division of Police that its members shall respond promptly to the medical and mental health needs of arrestees. Once an arrestee is in the custody of the Cuyahoga County Corrections Center (CCCC), the CCCC will provide for an arrestee's medical and mental health needs.

**PROCEDURES:**

**I. General Guidelines**

- A. Members shall not convey any arrestee who they know, or should be reasonably aware, is in need of immediate medical attention

**II. Medical Treatment**

**A. Members shall:**

1. Transport the arrestee to the nearest hospital for medical treatment.

**II. St. Vincent Charity Hospital Psychiatric Emergency Department**

**A. Members shall:**

1. Respond to the psychiatric emergency department, ring the bell for entry and/or request prior notification by the CCS.
  - a. Officers will be met by hospital security at the psychiatric emergency department entrance.



## Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police

### 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.
- 2.14 The following are additional grounds for disciplining personnel, including removal, in addition to the grounds stated in Civil Service Commission rule 9.10:
  - e. Failure to obey orders given by proper authority
  - f. Any other reasonable and just cause

### IV. Duty

- 4.13 Personnel shall furnish their name, rank, and badge number to any person who may request it.

### X. Schedule and Duty Hours

- 10.01 Personnel shall work such hours as assigned, report promptly for duty at the time and place assigned, and shall not be absent from duty without permission from their superior officer.
- 10.02 Personnel shall receive a superior officer's approval for any deviation from an assigned vacation class schedule, furlough or duty hours.

### 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: 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,



Karrie D. Howard, Chief Director  
Department of Public Safety

KDH:dad:bpc:cld:kfs

cc: Dornat Drummond, Chief, Division of Police  
George E. 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  
Brandon Kutz, Commander, Fourth 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