



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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December 7, 2022

**Detective Daniel Hourihan #250
C/o Fourth District Headquarters
9333 Kinsman Avenue
Cleveland, Ohio 44104**

Re: OPS2020-0082

Detective Daniel Hourihan #250:

This letter is to advise you, Detective Daniel Hourihan #250, of the result of the administrative pre-disciplinary Civilian Police Review Board (CPRB) Appeal hearing you attended on Thursday, November 10, 2022. The hearing was held to address the results of an external investigation wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

FACTUAL SUMMARY

On September 19, 2022, a pre-disciplinary hearing was conducted in the Office of the Chief of Police before Deputy Chief Harold Pretel. The Civilian Police Review Board (CPRB) recommended discipline for one (1) Group I Violation regarding the specification contained in this letter. Based upon the recommendation of the Hearing Officer, the Chief departed from the CPRB recommendation and found you, "Not Guilty" of Specification #1. On November 8, 2022, as permitted by the City's Charter, the CPRB voted to appeal the Chief's decision to the Chief Director of Public Safety.

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: (OPS2020-0082) The Civilian Police Review Board (CPRB) has appealed to the Director of Public Safety that the allegation of *Improper Search* be sustained against you, Detective Daniel Hourihan #250, that on or about April 22, 2020, you violated General Police Order 2.02.02 when you improperly searched the complainant and his vehicle without permission and without reasonable suspicion. (*Group I 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 2.02.02: Search and Seizure (effective: 1/1/20)

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that Assistant Director of the Department of Public Safety George Coulter presided over, were you, Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Investigator Eric Richardson of the Office of Professional Standards, Assistant Director Amanda Boutton of the Department of Law, Lieutenant Charles DePenti of the Case Preparation Unit and Sergeant Kelly Smith of the Department of Public Safety.

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 Specification #1 as set forth in the charge letter.

HISTORY, FINDINGS AND CONCLUSIONS

Discipline History

No active discipline

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Aggravating: None

Mitigating: No active discipline

- ***Anomalies***

None

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. After carefully reviewing the investigation completed by the Office of Professional Standards, evidence incorporated into the record by reference, statements made at the Chief's level hearing and CPRB appeal hearing, and pertinent laws, rules, policies and procedures, I concur with the recommendation of the Chief of Police as outlined in the Chief's Departure Memorandum, dated November 7, 2022. The stop and search of the vehicle was lawful based on the totality of the circumstances (knowledge of the complainant's history with narcotics, picking up a female with a prior history of narcotics and prostitution, vehicle in question was impeding the flow of traffic) and the female passenger in the vehicle admitted to having heroin on her person prior to you searching the vehicle (*Specification #1*).

Based on the foregoing, I find you "**Not Guilty**," of the administrative charges as set forth in Specification #1. Therefore, this disciplinary action is dismissed.

Sincerely,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:DAD:kas

cc: Dornat A. Drummond, Chief, Cleveland Division of Police
Jakimah R. Dye, Assistant Director, Department of Public Safety
George E. Coulter, Assistant Director, Department of Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Sammy Morris, Deputy Chief, Field Operations
Maurice Brown, Commander, Fourth District
Brian Carney, Commander, Bureau of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Section
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Paul Patton, Chief Human Resources Officer
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Michael Hess, Chairman, Civilian Police Review Board
Jon Cudnik, Interim Administrator, Office of Professional Standards
Monique Young, Labor Relations Manager, Department of Public Safety
Mary L. Bradley, Executive Director, Civil Service Commission
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