



# CLEVELAND DIVISION OF POLICE

## DIVISIONAL NOTICE

DATE: OCTOBER 3, 2023	NUMBER: 23-293
SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	
CHIEF: <i>Dornat A. Drummond, Chief</i>	PAGE(S): 1 of 11

The following are dispositions of disciplinary hearings held by the Director of Public Safety on June 2, 2023.

**Patrol Officer Danielle Bennett #721:**

**Specification:** Called off sick and failed to provide documentation to the Medical Director while on Step-1 of the Sick Abuse Program (×5) (*General Police Order 1.3.06*) – Failed to forward a felony report prior to completing her tour of duty (*Manual of Rules 2.02, 2.03, 9.04, 9.05, 9.08 and 9.12*) – Insubordinate to a superior officer (*Manual of Rules 2.06*) – Using sick time under circumstances that clearly indicate it was being used to obtain time off work that is unrelated to sickness, injury, a doctor/dental visit, serious health condition of family member, or pregnancy (*General Police Order 1.3.06*).

**Disposition:** Found “Guilty” of seven Group I violations and one Group II violation. Considering the officer’s active discipline history (11/1/2023: Step-1 sick abuse, 1/20/2023: 10-day suspension, 4/5/2023: Step-2 sick abuse), the officer received a fourteen-day suspension. This corrective action is within the second Group I and first Group II violation range of the discipline matrix when aggravating factors (*multiple violations, active discipline*) outweigh mitigating factors (*none*). In addition, the officer received a Non-disciplinary Letter of Reinstruction placing her on Step-3 of the Sick Leave Abuse Control Program until August 23, 2024.

**Rationale:** In the confrontation regarding failing to complete a report, the officer used unacceptable language towards a superior officer; however, because this behavior more closely comports with a Group II Violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety), the charge was amended from a Group III violation to a Group II violation. The officer violated the provisions of the Step-1 Sick Abuse Program when she failed to provide documentation upon her return from sick leave on multiple occasions and failed to forward a felony report prior to completing her tour of duty. After being confronted about failing to complete a report the previous day, she completed the report and then used sick leave outside of policy.

**Detective Sarene Saffo #1324:**

**Specification:** Failed to notify her direct supervisor that a prosecutor was unavailable for a criminality review after being instructed to formally charge a suspect with the misdemeanor charge of Endangering Children (*Detective Unit Manual and Manual of Rules 4.03*) – Failed to obtain the required prosecutor’s signature on a Misdemeanor Complaint Affidavit and instead typed the prosecutor’s name on the Affidavit. The officer submitted the paperwork to the Clerk’s Office to hold an arrested suspect in jail without authorization from the prosecutor (*Detective Unit Manual and Manual of Rules 4.17*) – Failed to follow the complete directions given to her by a City of Cleveland prosecutor. The prosecutor held felony criminal charges in abeyance for

PAGE: 2 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

an arrested suspect and instructed the officer to conduct further investigation by contacting the Department of Child and Family Services and the Fire Arson Unit. Despite obtaining enough information to file misdemeanor charges to hold the suspect in jail, she failed to follow through with further investigation as instructed (*Manual of Rules 4.18*).

**Disposition:** Found “Not Guilty” and the disciplinary action was dismissed.

**Rationale:** The decision to charge the suspect was based upon the confession of the suspect and at the direction of her immediate supervisor, who was aware that a prosecutor was not available for criminal review. The situation was further exacerbated, as the Cleveland Division of Police then lacked a contingency plan when a prosecutor was not available and timely charging is crucial. Additionally, neither the Fire Arson Unit nor the Division of Children and Family Services were available during this critical time.

**The following are dispositions of disciplinary hearings held by the Assistant Director of Operations on June 2, 2023.**

**Patrol Officer Rochelle Gamble #170:**

**Specification:** Refused to work mandatory overtime after being ordered to do so (*Manual of Rules 2.02, 2.04, 2.06 and 2.07*).

**Disposition:** Found “Not Guilty” and the disciplinary action was dismissed.

**Rationale:** This is the officer’s only instance of using sick leave when she was to be mandated for overtime and she provided satisfactory documentation regarding the sick leave taken.

**Patrol Officer Antoine Payne #1751:**

**Specification:** Did engage in conduct that would constitute the crime of Assault, by pushing a female during a verbal argument (*Manual of Rules 2.01*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a seven-day suspension. This corrective action is within the first Group II violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

**Rationale:** The charge was amended from a Group III violation to a Group II violation. The conduct was unbecoming of an officer in the Cleveland Division of Police. However, the conduct more closely comports with a Group II Violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety).

**The following are dispositions of disciplinary hearings held by the Deputy Chief, Chief of Staff on June 12, 2023.**

**Sergeant Patricia Katynski #9302:**

**Specification:** Failed to de-escalate (*General Police Order 5.11.03 and 2.01.02*) – Told a complainant’s neighbor that she had responded to a “psych incident” (*Manual of Rules 5.01*) – Failed to ensure that the required documentation for emergency hospitalization had been completed and submitted upon a Complainant’s transport to the hospital (*General Police Order 5.11.03*).

PAGE: 3 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

**Disposition:** Found “Not Guilty” and the disciplinary action was dismissed.

**Rationale:** The officer responded to an assignment regarding the complainant being possibly suicidal. The officer interviewing the neighbor as part of the investigation asked about what had happened and the officer used generalities to describe the incident. The required form(s) were completed and submitted for transport to and acceptance by the hospital. Any form required by General Police Order is superseded by any form required by hospitals for patient admission and had the required forms not been completed, the hospital would not have accepted the complainant. In addition, the complaint was filed beyond the six-month time period in which the incident occurred; the member’s Collective Bargaining Agreement prohibits discipline when a citizen complaint is filed more than six months after the date of the alleged event.

**Patrol Officer Eric McGreer #1065:**

**Specification:** Failed to Report (*City of Cleveland Ohio Codified Ordinance 672.12 Seizure and Confiscation of a Deadly Weapon, General Police Order 5.10.01 and Manual of Rules 2.03, 4.02 and 9.12*) – Failed to investigate (*City of Cleveland Ohio Codified Ordinance 672.12 Seizure and Confiscation of a Deadly Weapon, General Police Order 5.10.01 and Manual of Rules 2.03, 4.02 and 9.12*).

**Disposition:** The officer received a Non-disciplinary Letter of Reinstruction.

**Rationale:** The charge of failing to report was dismissed, the officer did complete a Felonious Assault / Named Suspect report which led to a Felonious Assault warrant being issued for the Named Suspect. With the information given to the officer, a more thorough investigation should have taken place (i.e. looking for shell casings, inquiring further about the victim returning fire). Reinstruction is appropriate regarding this instance.

**The following are dispositions of disciplinary hearings held by the Director of Public Safety on June 16, 2023.**

**Patrol Officer Nathaniel Ellis #1524:**

**Specification:** Failed to investigate and report suspected criminal activity reported to him (*Manual of Rules 4.18, 9.01, and 9.07*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (7/22/2019: 1-day suspension, 5/4/2023: 1-day suspension), the officer received a 3-day suspension. This discipline is within the Second Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*).

**Rationale:** There may not have been enough physical evidence to determine culpability, but comments made by both parties should have warranted a more thorough inquiry on-scene (talking to witnesses, canvassing the area for cameras, etc.).

**Patrol Officer Brendan Marzan #1135:**

**Specification:** Failed to utilize de-escalation tactics when responding to a call for a crisis intervention (*General Police Orders 5.11.03 and 2.01.02*) – Made comments about a complainant’s sexual orientation that were not useful or beneficial for delivery of police services (*Manual of Rules 5.11*).

**Disposition:** Found “Not Guilty” and the disciplinary action was dismissed.

PAGE: 4 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

**Rationale:** The complaint was filed beyond the six-month time period in which the incident occurred, the member's Collective Bargaining Agreement prohibits discipline when a citizen complaint is filed more than six months after the date of the alleged event.

**The following is a disposition of a disciplinary hearing held by the Deputy Chief of Administrative Operations on June 26, 2023.**

**Patrol Officer Joseph Danczak #1828:**

**Specification:** Drove a complainant's disabled vehicle in lieu of calling for an emergency tow (*Manual of Rules 4.01 and 5.01*) – Acted defensively toward a complainant's boyfriend and threatened to tow the complainant's vehicle after the boyfriend expressed his disapproval with the manner in which the officer handled the call for service (*Manual of Rules 5.09*) – Failed to activate his Wearable Camera System (WCS) until seventeen minutes into the call for service (*General Police Order 4.06.04*).

**Disposition:** The charge of driving a complainant's disabled vehicle in lieu of calling for an emergency tow was dismissed. Found "Guilty" of two Group I violations. Considering the officer's active discipline history (3/3/2023: 2-day suspension), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*violation occurred prior to the previous discipline, accepted responsibility for the WCS violation, circumstances where the rule was violated: aggressive manner of the complainant*) outweigh aggravating factors (*active discipline*).

**Rationale:** The officer was ordered to "Get that car out of here," and it was imperative to get the vehicle to a safer location and a tow had already been ordered and he mostly used the downward slope of the bridge to coast the car into a safe and legal location. After the officer moved the complainant's car to a safe and legal location he engaged the complainant's boyfriend in an argumentative fashion, and then threatened to impound the vehicle. Further, the officer did not have his Wearable Camera System activated for the entire incident.

**The following are dispositions of disciplinary hearings held by the Assistant Director of Public Safety on June 30, 2023.**

**Patrol Officer José Ortiz #1284:**

**Specification:** Failed to investigate an assault allegation (*Manual of Rules 4.01*) – Failed to request medical attention for an assault victim who was detained and requested medical attention (*Manual of Rules 4.14*).

**Disposition:** Found "Guilty" of one Group I violation and one Group II violation. Considering the officer's active discipline history (none), the officer received a seven-day suspension. This corrective action is within the first Group II violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*multiple violations*).

**Rationale:** The officer did not request medical attention for an assault victim who was detained and requested medical attention. However, because the complainant did not suffer any visible or incapacitating injuries one of the Group II specifications, the failing to request medical attention charge, more closely comports with a Group I violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public) and was amended from a Group II violation to a Group I violation. The officer failed to document victim or witness statements despite multiple requests

PAGE: 5 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

by the victim and witness to provide the information. Without these statements, a true understanding of the incident is not possible, and as such the officer hindered the Cleveland Division of Police's ability to arrest and prosecute offenders, preserve the public peace and enforce laws and ordinances in accordance of the law.

**Patrol Officer Brittany Vajusi #16:**

**Specification:** Failed to investigate an assault allegation (*Manual of Rules 4.01*) – Failed to request medical attention for an assault victim who was detained and requested medical attention (*Manual of Rules 4.14*).

**Disposition:** Found “Guilty” of one Group I violation and one Group II violation. Considering the officer’s active discipline history (8/24/2021: eight-day suspension), the officer received a nine-day suspension. This corrective action is within the second Group II violation range of the discipline matrix when aggravating factors (*active discipline, multiple violations*) outweigh mitigating factors (*none*).

**Rationale:** The officer did not request medical attention for an assault victim who was detained and requested medical attention. However, because the complainant did not suffer any visible or incapacitating injuries one of the Group II specifications, the failing to request medical attention charge, more closely comports with a Group I violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public) and was amended from a Group II violation to a Group I violation. The officer failed to document victim or witness statements despite multiple requests by the victim and witness to provide the information. Without these statements, a true understanding of the incident is not possible, and as such the officer hindered the Cleveland Division of Police's ability to arrest and prosecute offenders, preserve the public peace and enforce laws and ordinances in accordance of the law.

**Patrol Officer Marcelous Fox #1137:**

**Specification:** Failed to investigate an assault allegation (*Manual of Rules 4.01*) – Failed to request medical attention for an assault victim who was detained and requested medical attention (*Manual of Rules 4.14*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (*none*), the officer received a written reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

**Rationale:** The incident involved multiple locations and the officer was not in the vicinity of the victim or the witness when they made multiple requests to provide the information; as such, the charge of failing to investigate was dismissed. The officer did not request medical attention for an assault victim who was detained and requested medical attention. However, because the complainant did not suffer any visible or incapacitating injuries; the failing to request medical attention charge more closely comports with a Group I violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public) and was amended from a Group II violation to a Group I violation.

**The following is a disposition of a disciplinary hearing held by the Assistant Director of Public Safety on July 14, 2023.**



PAGE: 6 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

**Patrol Officer Kenneth Kirk #572:**

**Specification:** Failed to properly categorize the appropriate level of force and record it as such in Division tracking software (*General Police Order 2.01.03*) – Used an unnecessary level of force by placing his knee on the head of the suspect when a reasonably effective alternative to the use of force existed (e.g. using hands to subdue the suspect’s head instead of a knee) (*General Police Order 2.01.03*).

**Disposition:** Found “Not Guilty” and the disciplinary action was dismissed.

**Rationale:** The investigating officers acknowledge that the officer’s account of the use of force was both accurate and factual. The officer’s description of the force used was approved by his chain of command. A review of the lobby camera footage shows that his use of force was calculated and without malicious intent as he was helping other officers in securing a combative citizen and his use of force lasted approximately twenty seconds and ended when officers were able to successfully secure the citizen.

**The following is a disposition of a disciplinary hearing held by the Deputy Chief of Administrative Operations on July 17, 2023.**

**Patrol Officer Daniel Smith #816:**

**Specification:** Asked a complainant if she was addressing him in an aggressive manner because he was black (*General Police Order 1.1.03*) – Failed to provide his name and badge number when requested by a complainant (*Manual of Rules 4.13*) – Worked secondary employment without prior authorization (*General Police Order 1.02.13*).

**Disposition:** The charge of asking a complainant if she was addressing him in an aggressive manner because he was black was dismissed. Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (none), he received a one-day suspension. This discipline is within the First Group I violation range of the discipline matrix when aggravating factors (*liability to the City and was aware of General Police Order 1.02.13 via Divisional Notice 21-0264 issued November 11, 2021*) outweigh mitigating factors (*accepted responsibility and no active discipline*). In addition, the officer received a Non-disciplinary Letter of Reinstruction for failing to provide his name and badge number to a complainant when requested.

**Rationale:** The officer should have provided his name and badge number to a complainant when requested; reinstruction is appropriate regarding this instance. The officer did engage in secondary employment without prior authorization.

**The following are dispositions of disciplinary hearings held by the Deputy Chief of Field Operations on July 26, 2023.**

**Sergeant Randolph Murphy #9268:**

**Specification:** Electronically forwarded a Field Case Report to the Records Bureau with the incorrect merge code of “Pending LEADS - 2<sup>nd</sup> Check” as opposed to the correct code “Pending Priority/LEADS,” which resulted in a stolen vehicle not being entered into LEADS (*Manual of Rules 4.03 and 9.09*).

**Disposition:** The officer received a Non-disciplinary Letter of Reinstruction.

PAGE: 7 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer made a simple key-stroke error which resulted in a stolen vehicle not being entered into LEADS. Reinstruction is appropriate regarding this instance.

**Patrol Officer José Garcia #2168:**

**Specification:** Failed to contact a complainant after being assigned a Grand Theft Motor Vehicle assignment (*Cleveland Division of Police Detective Manual*).

**Disposition:** The officer received a Non-disciplinary Letter of Reinstruction.

**Rationale:** The officer was detailed to the Second District, Detective Unit and failed to contact the victim of a Grand Theft Motor Vehicle. Because he was only detailed to the Detective Unit for a short period of time, reinstruction is appropriate regarding this instance.

**Detective Curtis Orr #2320:**

**Specification:** Failed to interview a complainant when investigating a criminal complaint (*Manual of Rules 4.18 and the Cleveland Division of Police Detective Manual*).

**Disposition:** The officer received a Non-disciplinary Letter of Reinstruction.

**Rationale:** An attempt to contact the suspect/complainant regarding the Cleveland Division of Police Report should have been made. Reinstruction is appropriate regarding this instance. In addition, the complaint was filed beyond the six-month time period in which the incident occurred; the member’s Collective Bargaining Agreement prohibits discipline when a citizen complaint is filed more than six months after the date of the alleged event.

**Patrol Officer Chaze Henderson #1533:**

**Specification:** Failed to safeguard and secure his City-issued equipment (Wearable Camera System) which was entrusted in his care (*General Police Order 4.06.07 and Manual of Rules 6.05*).

**Disposition:** The member received a Non-disciplinary Letter of Reinstruction. In addition, the officer is required to reimburse the City of Cleveland for the cost of the Wearable Camera System.

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer did fail to safeguard his Wearable Camera System and was forthright regarding the damage to the City’s property. Reinstruction is appropriate regarding this instance.

**Patrol Officer John Jordan #2227:**

**Specification:** Failed to activate his Wearable Camera System (WCS) during an incident (*General Police Order 4.06.04*).

**Disposition:** The member received a Non-disciplinary Letter of Reinstruction.

**Rationale:** The officer did fail to immediately activate his Wearable Camera System during adversarial contact with the public. Because there were several other Wearable Camera Systems active and capturing video at the time and his last Wearable Camera System violation occurred over five years ago, reinstruction is appropriate regarding this instance.

PAGE: 8 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

**Detective Ronald Berry #354:**

**Specification:** Sick leave abuse in the First Quarter of 2023 (*General Police Order 1.3.06*).

**Disposition:** The member received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until August 7, 2024.

**Rationale:** The officer exhibited a pattern of sick time abuse, to wit: during the First Quarter of 2023, he took forty hours of undocumented sick leave, all of which tied into V-Days. Additionally, the two-month look-back period revealed an additional sixteen hours of undocumented sick leave, all of which tied into a V-Day.

**Patrol Officer Lucas Nezbeth #1850:**

**Specification:** Failed to place his Wearable Camera System (WCS) into event mode prior to and during a pursuit (*General Police Order 4.06.04*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (1/2/2023: 1-day suspension), the officer received a 2-day suspension. This discipline is within the Second Group I violation range of the discipline matrix where mitigating factors (*circumstances under which the rule was violated: assigned to a Special Response car, suddenly saw the suspect vehicle, the pursuit only lasted 30 seconds*) outweigh aggravating factors (*active discipline, similar misconduct within the last year*).

**Rationale:** The officer did fail to activate his Wearable Camera System prior to engaging in a vehicle pursuit and had recently been issued a Letter of Reinstruction (WCS).

**Patrol Officer Timothy McKenzie #1816:**

**Specification:** Failed to properly and accurately notify a supervisor of a Level 2 Use of Force (OC Spray) application while on scene (*General Police Order 2.01.05*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (5/9/2023: Written Reprimand), the officer received a three-day suspension. This discipline is within the Second Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*).

**Rationale:** The officer did deploy pepper spray in the direction of a crowd and failed to notify a supervisor.

**Patrol Officer Gregory Barnett #2119:**

**Specification:** Failed to report Division issued body armor missing or stolen (*General Police Order 6.04.03 and 1.1.19*).

**Disposition:** Considering the officer’s active discipline history (3/12/2020: 10-day suspension, 3/31/2021: 8-day suspension (Arbitration: reduced to 2-day suspension)), the officer received a two-day suspension. This discipline is within the Second Group I violation range of the discipline matrix when mitigating factors (*accepted responsibility*) outweigh aggravating factors (*active discipline*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer failed to report that his City-issued body armor was stolen and continued to wear expired body armor, compromising his safety.



PAGE: 9 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
------------------	--	-------------------

**Patrol Officer Earl Holcomb #877:**

**Specification:** Queried his social security number through OHLEG (*Manual of Rules 2.01*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (1/26/2021: 2-day suspension, 1/20/2023: 25-day suspension, 4/24/2023: 3-day suspension, 6/20/2023: 6-day suspension), he received a ten-day suspension. Because this is the officer’s third Group II violation within a three-year period, the discipline automatically progresses into the next higher group. This discipline is within the Group III violation range of the discipline matrix where mitigating factors (*accepted responsibility*) outweigh aggravating factors (*active discipline*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. The officer did violate OHLEG policy when he queried his social security number through the OHLEG database.

**Detective Stephen Loomis #2416:**

**Specification:** Attended a political rally in Akron, Ohio while wearing a Cleveland Division of Police, Class-A uniform (*Rule 18.30 of The Rules of the Civil Service Commission City of Cleveland*) – Participated in a political advertisement that was aired on a radio station; during the advertisement, the officer endorsed a political candidate while informing listeners that he was the “Cleveland Police Patrolmen’s Association former President.” The political endorsement was also sent by text message advertisement (*Rule 18.30 of The Rules of the Civil Service Commission City of Cleveland*).

**Disposition:** The member received a Non-disciplinary Letter of Reinstruction.

**Rationale:** In a photograph of a then Presidential Candidate Donald Trump speech, the officer was clearly visible in his Cleveland Division of Police uniform. While employed by the City, the officer endorsed a candidate in an election for judge in a radio spot on a radio station. Because there may have been confusion regarding the permissibility of these actions, I believe reinstruction is appropriate.

**The following is a disposition of a disciplinary action taken for a pre-disciplinary hearing that was waived by a member and their respective collective bargaining unit during the month of May.**

**Detective Michael Cox #163:**

**Specification:** Involved in a motor vehicle accident that was reviewed by the Traffic Safety Analysis Panel and determined to be preventable (*Manual of Rules 4.03, 6.03 and 6.05*).

**Disposition:** Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (11/3/2021: one-day suspension, 7/17/2022: Letter of Reinstruction), he received a two-day suspension. This discipline is within the Second Group I violation range of the discipline matrix where mitigating factors (*accepted responsibility*) outweigh aggravating factors (*active discipline*).

**Rationale:** The officer pled “No Contest” and accepted responsibility. This is the officer’s second preventable motor vehicle accident within two years.

**With charges of misconduct pending, the following member separated from the Division of Police.**

PAGE: 10 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
-------------------	--	-------------------

**Sergeant Michael Stanton #9301:**

**Specification:** Disclosed in a recorded Pre-Polygraph Examination interview and Pre-Polygraph Background Questionnaire packet that he had smoked marijuana while employed as a member of the Cleveland Division of Police (*Manual of Rules 5.07*) – Disclosed in a recorded Pre-Polygraph Examination interview, Pre-Polygraph Background Questionnaire packet and Personal History Questionnaire packet that he had used MDMA or Ecstasy, while employed as a member of the Cleveland Division of Police (*Manual of Rules 2.01 and 5.07*) – Disclosed in a recorded Pre-Polygraph Examination interview and Pre-Polygraph Background Questionnaire packet that he had used “cocaine” while employed as a member of the Cleveland Division of Police (*Manual of Rules 2.01 and 5.07*) – Disclosed in a recorded Pre-Polygraph Examination interview and Pre-Polygraph Background Questionnaire packet that he had consumed alcohol while on-duty “6 or 7 times” as a Patrol Officer assigned to the Third District and as a Sergeant assigned to the Academy Unit (*Manual of Rules 5.04*) – Disclosed in a recorded Pre-Polygraph Examination interview that he had consumed alcoholic beverages at the end of his shift with a firearm on his person (*Manual of Rules 5.13*) – Disclosed in a recorded Pre-Polygraph Examination interview that while employed as a member of the Cleveland Division of Police, that he illegally took a steel drum garbage can from Impett Park. This offense violates Cleveland Codified Ordinance (Part 6) 625.05: Petty Theft, (*Manual of Rules 2.01*) – Diminished the Esteem of the Cleveland Division of Police in the eyes of other law enforcement agencies when he answered background investigation questions for the Westlake Police Department where he indicated illegal drug use and the North Olmsted Police Department when they conducted a polygraph examination for the Westlake Police Department; as part of the polygraph examination he admitted to a litany of criminal offenses in the pre-test interview and was found to be deceptive during the polygraph test (*Manual of Rules 5.01*) – Found to be carrying a personal Glock 43 firearm on his person, in lieu of his City-issued primary Glock 17 firearm, while on-duty and without prior authorization from the Chief of Police (*General Police Order 4.06.02*) – Disclosed that during the 2022 Active Shooter In-Service Training, he brought intoxicating beverages into a City of Cleveland Divisional Building, Cleveland Public Safety Training Center (*Manual of Rules 5.05*) – Untruthful in his Garrity interview with Internal Affairs Unit investigators regarding drug use. The officer stated, “I did not” when asked if he had used cocaine (*Manual of Rule 3.12*) – Untruthful in his Garrity interview with Internal Affairs Unit investigators regarding alcohol consumption on-duty while assigned to the Third District and the Academy Unit (*Manual of Rule 3.12*) – Untruthful in his Garrity interview with Internal Affairs Unit investigators regarding alcohol consumption occurrences with members of the Academy Unit at the Cleveland Public Safety Training Center (*Manual of Rules 3.12*) – Untruthful in his Cleveland Police – Personal History Statement, selecting “No” when asked, “Since the age of 16 or in the last 7 years, whichever is shorter, have you illegally used any controlled substance, for example marijuana” (*Manual of Rules 3.12*).

**Disposition:** On August 17, 2023, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

**The following member was terminated from employment with the City of Cleveland during the month of August.**

PAGE: 11 of 11	SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (AUGUST)	NUMBER: 23-293
-------------------	--	-------------------

**Patrol Officer Rorell Dickerson #872:**

**Specification:** Receive two Uniform Traffic Tickets in the City of Cleveland, for violating CCO 433.02A Operation in Willful or Wanton Disregard of Safety and CCO 435.07A Driving Under Suspension or Revocation, subsequently found guilty of the amended charge of 435.01 License Required to Operate (*Manual of Rules 2.01*) – Operated a Cleveland Division of Police patrol car for eighteen tours of duty while having a suspended Driver License (*Manual of Rules 2.01*) – Failed to follow the guidelines of behavior when off-duty and in plain clothes while being challenged by an on-duty police officer taking a police action (*General Police Order 3.4.23*) – Did have unauthorized ammunition in his service weapon while on-duty (*General Police Order 1.3.11*) – Was untruthful in his Garrity interview, that a vehicle's title was given when he received a bike. While initially on scene, he contradicted that statement multiple times, all recorded on a Cleveland Police Wearable Camera System (*Manual of Rules 3.12*) – Was untruthful when he made statements about his interaction with an on-duty officer, referring to statements that the on-duty officer never made (*Manual of Rules 3.12*) – Failed to maintain a valid Driver License and did not notify a supervisor of the change to his Driver License status (*General Police Order 1.3.05*) – Was charged in Parma Municipal Court for ORC 2921.13(A)(5) Falsification (M1) and ORC 4505.03 Certificate of Title (M4). Subsequently, he pled guilty to, and was found guilty of an amended charge of Parma Codified Ordinance 606.14 (M2) Obstructing Official Business (*Manual of Rules 2.01*) – Was charged in Parma Municipal Court, for ORC 2921.13 (A)(5) Falsification (M1). Subsequently he pled guilty to, and was found guilty of an amended charge of Parma Codified Ordinance 606.14 (M2) Obstructing Official Business (*Manual of Rules 2.01*) – Used a Cleveland, Ohio address for all Cleveland Division of Police records, knowing that he did not reside at this address and failed to notify his superior officer in writing of the change to his correct home address (*Manual of Rules 2.12*) – Knowingly made false statements on Bureau of Motor Vehicle forms by using the Cleveland Division of Police Fifth District Headquarters address as his residential address. He was criminally charged by the Bureau of Motor Vehicles for ORC 2913.31 Forgery and ORC 2913.42 Tampering with Records, and subjected to adjudication in the Cuyahoga County Court of Common Pleas. Furthermore, he went to the same Bureau of Motor Vehicles and registered two other vehicles in the same manner. — Found Guilty on two counts of Tampering with Records (F3) and two counts of Forgery (F5). As a result of his criminal convictions, the esteem of the Division has been reasonably diminished in the eyes of the public (*Manual of Rules 5.01*).

**Disposition:** Found “Guilty” of one Group I violation, two Group II violations and ten Group III violations. On August 31, 2023, the officer was terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police. This corrective action is within the First Group III violation range of the discipline matrix when aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range, active discipline*) outweigh mitigating factors (*none*).

**Rationale:** The officer was untruthful during his *Garrity* interview and when making a statement to a Cleveland Police Sergeant. In addition, he violated numerous State criminal codes, City of Cleveland criminal codes and City of Parma criminal codes, as well as various General Police Orders and Manual of Rules of the City of Cleveland, Division of Police. The officer was found guilty in courts of law of several criminal violations, including four felonies and imprisoned.