



City of Cleveland  
Justin M. Bibb, Mayor

Department of Public Safety  
Karrie D. Howard, Director  
601 Lakeside Avenue, Room 230  
Cleveland, Ohio 44114-1015  
216/664-2560 • Fax: 216/664-3734  
[www.cleveland-oh.gov](http://www.cleveland-oh.gov)

## Pre-Disciplinary Hearing

July 15, 2022

**Patrol Officer Ashley Santa #1358**  
**Fourth District Headquarters**  
**9333 Kinsman Road**  
**Cleveland, Ohio 44102**

**Re: CPD2021-0087**

Patrol Officer Santa #1358:

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:** (CPD2021-0087) On or about August 19, 2021 you, Patrol Officer Ashley Santa #1358, used your personal cell phone to capture a photo of a crime victim while on duty and outside the scope of your duties, in violation of General Police Order 4.06.04. (*Group I Violation*)

**Specification #2:** (CPD2021-0087) On or about August 19, 2021 you, Patrol Officer Ashley Santa #1358, shared a photo of a crime victim via your personal cell phone while on duty and uploaded this photo to a social media platform, which would also reasonably tend to diminish the esteem of the Division, all in violation of General Police Order 7.03.03 and Manual of Rules 5.01. (*Group III 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 4.06.04: Wearable Camera System** (Effective Date: January 1, 2020)

**POLICY:** The WCS shall be deployed to ensure transparency and foster trust within our community. It shall be the responsibility of each officer to deploy their WCS in accordance with this order.

#### **I. General Guidelines**

- K. Officers shall use only Division issued recording devices (WCS, video/audio recorders) while on-duty. THE USE OF PERSONAL RECORDING DEVICES (VIDEO AND/OR AUDIO) WHILE ON-DUTY IS STRICTLY PROHIBITED.

### **General Police Order 7.03.03: Social Media Policy and Usage** (effective date: August 24, 2020)

**POLICY:** The Division recognizes the benefits of the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes, and foster productivity. Social media provides a valuable means of assisting the Division and its members in meeting community outreach, investigative crime prevention, and related objectives. The Division also recognizes the role of social media in the personal lives of its members. Members of the CDP shall adhere to all Division rules and regulations as they relate to personal conduct and communications in their use of social media subject to the current Division Disciplinary Guidance GPO. Members are prohibited from posting or publishing statements, endorsements, or other speech, information, images or personnel matters which could reasonably be interpreted to represent or undermine the views or positions of the Division without any legitimate purpose, or may place the Division in disrepute or negatively impact the ability of the Division in carrying out its mission, pursuant to the policy as stated herein.

#### **III. Personal Use**

- A. As public employees, Division personnel are cautioned that speech on or off-duty made in reference to their official duties (i.e., regarding the employee's professional duties and responsibilities as a Cleveland Police Officer) may not be protected speech under the First Amendment. Thus, such speech may form the basis for discipline if deemed detrimental to the Division or interferes with the employee's or another member's responsibilities.
- B. Similarly, members are cautioned that public posts or communications may create individual personal liability in civil actions based on their content.
- C. Members are advised that any information, data, photo, video, or similar content that is captured while on-duty, including secondary employment, or as a result of the member's employment position and access, is the sole property of the Division. No person has the authority to post, share, or otherwise disseminate this material outside the scope of assigned duties and powers without the express written consent of the Chief of Police or the Chief's designee.

- D. It is expressly acknowledged and understood that speech of members who use social media or other internet-based functions is protected to the fullest extent permitted by law and the City of Cleveland. However, members shall not engage in speech that is not protected under the First Amendment and that is inconsistent with this policy. Speech that is inconsistent with this policy may include, but is not limited to information that:
1. Contains any text, photograph, audio, video, or any other multimedia file of:
    - a. Any crime scene or motor vehicle accident, other than those original recordings involving a person in the member's household, made while off duty and not related to a law enforcement function.
    - b. Information related to ongoing civil or criminal investigations conducted by or involving the Division as stated in GPO 7.03.02 Disclosure of Information, including Division members, other law enforcement officers, officers of the court, suspects, victims, or witnesses.
    - c. Allegations of internal police misconduct.

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

##### **V. Behavior**

- 5.01: Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

#### **HEARING INFORMATION**

The pre-disciplinary hearing is scheduled for **Friday, July 22, 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](mailto: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.**



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In accordance with General Police Order 1.1.12: Sworn Officers Uniform 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,

A handwritten signature in black ink, appearing to read 'Karrie D. Howard', with a stylized flourish at the end.

Karrie D. Howard, Chief Director  
Department of Public Safety

KDH:dad:ww:cld:la

cc: Dornat A. Drummond, Interim Chief, Division of Police  
George Coulter, Assistant Director of Operations, Department of Public Safety  
Jakimah R. Dye, Assistant Director, Department of Public Safety  
Brian Carney, Commander, Bureau of Compliance  
Brandon Kutz, Commander, Fourth District  
Christopher Viland, Superintendent, 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  
William Menzalora, Chief Assistant Director of Law  
Amanda Boutton, Assistant Director of Law  
Hassan Aden, Federal Monitoring Team