



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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Disposition Letter

October 28, 2022

**Patrol Officer Marcel Pagan #1682**  
**C/o Bureau of Communications and Property Control**  
**4501 Chester Avenue**  
**Cleveland, Ohio 44103**

**Re: CPD2022-0033**

Patrol Officer Pagan #1682:

This letter is to advise you, Patrol Officer Marcel Pagan #1682, of the result of the administrative pre-disciplinary hearing, which you attended on September 19, 2022, to address internal investigations wherein you were alleged to have engaged in improper procedure and/or conduct.

### **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:** (CPD2022-0033) On or about March 14, 2022, you, Patrol Officer Marcel Pagan #1682, were arrested by the North Royalton Police Department for Operating a Vehicle Under the Influence (OVI), in violation of North Royalton Codified Ordinance 434.01a1A (M-1); On May 12, 2022, you pled “no contest” in North Royalton Mayor’s Court (22TRC00297) to an amended charge of Physical Control, North Royalton Codified Ordinance 434.01(o) (M-1), all in violation of Manual of Rules 2.01, 4.12, 5.01 and 5.08. (*Group II Violation*)

This specification is in violation of the rules and procedures of the Division of Police, Department of Public Safety.

## RULES, POLICIES AND PROCEDURES

**North Royalton Codified Ordinance 434.01: Driving or Physical Control While Under the Influence of Alcohol or Drugs**

**Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Police Department: 2.01, 4.12, 5.01 and 5.08**

## PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing, were you, President Jeffery Follmer, Vice President David Medina and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Vice President Erik Melendez of the Hispanic Police Officer's Association, Sergeant Justin Cajka, Sergeant Terry Lowther and Sergeant Dalia Lopez of the Internal Affairs Unit, Lieutenant Charles DePenti of the Case Preparation Unit and Deputy Chief Harold Pretel of Homeland Special Operations, who presided over the hearing.

During the hearing, you acknowledged receipt of the charging 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 "No Contest" to Specification #1 of the administrative charges as set forth in the charging letter. Upon carefully reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be found "Guilty" of Specification #1.

## FINDINGS AND CONCLUSION

I have carefully reviewed the evidence incorporated into the record by reference, the memorialized record, including statements made at your hearing and the applicable Rules, Policies and Procedures, and I accept and adopt the recommendation of the Hearing Officer. You violated Manual of Rules 2.01, 4.12, 5.01 and 5.08 when you were arrested by the North Royalton Police Department for Operating a Vehicle Under the Influence (OVI) which was amended to Physical Control.

Based on the foregoing, I find you "**Guilty**" of Specification #1, and I am issuing you an **eight (8) workday suspension without pay**. This discipline is within the First Group II violation range of the discipline matrix where aggravating factors (*actions had the potential to cause injury and harm to the public*) outweigh mitigating factors (*no discipline history, accepted responsibility*).

**Additionally, you shall, within five (5) workdays of returning from suspension, read Manual of Rules 2.01, 4.12, 5.01 and 5.08, and expect to be reinstructed by a superior officer on those Rules. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to:**

**The Case Preparation Unit (caseprep@clevelandohio.gov)  
Lieutenant Charles DePenti (cdepenti@clevelandohio.gov).**

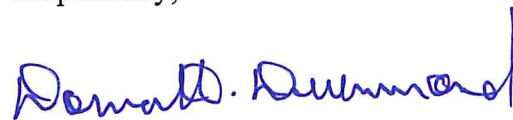
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The above imposed suspension shall commence and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer, or designee, at the end of your shift. Upon completion of the suspension day(s), you shall retrieve the aforementioned property from your Commanding Officer, or designee, upon reporting for duty.

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, verbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Respectfully,



Dornat A. Drummond  
Chief of Police

DAD:bpc:clد: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  
Daniel Fay, Deputy Chief, Administrative Operations  
Harold Pretel, Deputy Chief, Homeland Special Operations  
Brian McEntee, Acting Commander, Bureau of Communication and Property Control  
Brian Carney, Commander, Bureau of Compliance  
Mark Maguth, Commander, Bureau of Support Services  
Robert Simon, Captain, Office of Compliance  
Jarod Schlacht, Lieutenant, Internal Affairs Unit  
Christopher Viland, Superintendent, Internal Affairs Unit  
Cynthia Oliver, Sergeant, Timekeeping Unit  
Kenneth Ryan, Lieutenant, Personnel 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  
Delante Thomas, Chief Ethics Officer  
Michael Spreng, Secretary, Civil Service Commission  
Richard Rosenthal, Member, Monitoring Team  
Michael Evanovich, Investigator, Department of Justice  
Hassan Aden, Federal Monitoring Team  
Jason Goodrick, Executive Director, Cleveland Community Police Commission