



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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November 10, 2022

Patrol Officer Thomas Hicks #2410
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: CPD2022-0089

Patrol Officer Hicks #2410

This letter is to advise you, Patrol Officer Thomas Hicks #2410, of the result of the administrative pre-disciplinary hearing you attended on Friday, September 9, 2022. The hearing was held to address the results of an internal 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 or about March 4, 2022, you, Patrol Officer Thomas Hicks #2410, failed to notify your immediate supervisor that you were respondent of a restraining order after becoming aware that through the Superior Court of Justice in Ontario Canada.

On or about July 26, 2022, you, Patrol Officer Thomas Hicks #2410, failed to notify your immediate supervisor that you were the subject of a criminal investigation being conducted by the Ontario Provincial Police regarding the violation of a court-ordered restraining order.

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: (CPD2022-0089) On or about March 4, 2022, you, Patrol Officer Thomas Hicks #2410, failed to notify your immediate supervisor that you were respondent of a restraining order after becoming aware through the Superior Court of Justice in Ontario Canada, all in violation of General Police Order 1.07.05. (*Group III Violation*)

Specification #2: (CPD2022-0089) On or about July 26, 2022, you, Patrol Officer Thomas Hicks #2410, failed to notify your immediate supervisor that you were the subject of a criminal investigation being conducted by the Ontario Provincial Police regarding the violation of a court-ordered restraining order, all in violation of General Police Order 1.07.05. (*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 1.07.05: Internal Complaints of Misconduct (effective date: February 21, 2020)

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that I the Department of Public Safety presided over were you, President Jeffrey Follmer, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Assistant Director Michael Pike, Assistant Director Matthew Allman and Legal Intern Dustin Read of the Department of Law, Sergeant Justin Cajka of the Internal Affairs Unit, Lieutenant Charles DePenti of the Case Preparation Unit, Sergeant Kelly Smith, Assistant Director George Coulter and Assistant Director Jakimah R. Dye 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 and Specification #2, as set forth in the charge letter.

Discipline History

No active discipline.

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Mitigating: No active discipline, email sent to your former spouse was out of care and concern for your daughter.

Aggravating: None.

- ***Anomalies***

None.

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. Upon carefully reviewing the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I have determined that you, Patrol Officer Thomas Hicks #2410 violated General Police Order 1.07.05 when you failed to notify your immediate supervisor that you were respondent of a restraining order after becoming aware that through the Superior Court of Justice in Ontario Canada (*Specification #1*) and when you failed to notify your immediate supervisor that you were the subject of a criminal investigation being conducted by the Ontario Provincial Police regarding the violation of a court-ordered restraining order (*Specification #2*). During your testimony, you admitted to being respondent of a restraining order, to understanding that disobeying a court order is a criminal offense and that you did not notify an immediate supervisor as outlined in General Police Order 1.07.05. You stated that you contacted your former spouse via email and explained that this was not with malicious intent and only out of care and concern for your young daughter. This information was verified by Sergeant Cajka of the Internal Affairs Unit.


Based on the foregoing, I find you **"Guilty"** of Specification #1 and Specification #2. **Consistent with City of Cleveland policies and procedures, I am issuing you a ten (10) workday suspension without pay for two (2) Group III Violations.** This corrective action is within the First Group III violation range of the discipline matrix where mitigating factors (*no active discipline, email sent to your former spouse was out of care and concern for your daughter*) outweigh aggravating factors (*none*).

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 days, you shall retrieve the aforementioned property from your Commanding Officer or designee upon reporting for duty. **Additionally, you shall, within five (5) work days of returning from suspension, read General Police Order 1.07.05 and expect to be reinstructed by a superior officer on that Order. 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)
- The Department of Public Safety (publicsafetyadmin@clevelandohio.gov).

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.

Sincerely,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:DAD:kas

cc: Dornat Drummond, Chief, Division of Police
George Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Michael Butler, Interim Commander, Third District
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Christopher Viland, Superintendent, Internal Affairs Unit
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Paul Patton, Chief Human Resources Officer
Mary L. Bradley, Executive Director, Civil Service Commission
Michael Evanovich, Investigator, Department of Justice
Richard Rosenthal, Member, Monitoring Team

Patrol Officer Thomas Hicks #2410
November 10, 2022
Page 4 of 4

Jason Goodrick, Executive Director, Cleveland Community Police Commission
Ayesha Hardaway, Federal Monitoring Team