



City of Cleveland  
Justin M. Bibb, Mayor

Department of Public Safety  
Dornat (Wayne) A. Drummond, Chief  
FBI NA #230  
Division of Police  
1300 Ontario Street, Suite 929  
Cleveland, Ohio 44113  
216/623-5005 • 216/623-5584 Fax  
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## Pre-Disciplinary Hearing Letter

September 29, 2022

**Patrol Officer Kevin Nussbaum #325**  
**C/o Fourth District Headquarters**  
**9333 Kinsman Avenue**  
**Cleveland, Ohio 44104**

**Re: VC2022-0108**

Patrol Officer Nussbaum #325:

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.

### **SPECIFICATION**

**Specification #1:** (VC2022-0108) On or about July 4, 2022, you, Patrol Officer Kevin Nussbaum #325, operated a Police vehicle that was involved a motor vehicle crash that was reviewed by the Traffic Safety Analysis Panel and determined to be preventable, in violation of General Police Order 4.01.01 and Manual of Rules 4.03, 6.03 and 6.05 and Civil Service Rules 9.10 (12) and (18). (*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**

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

#### **IV. Duty**

4.03 Personnel shall give full attention to the performance of their duties.

#### **VI. Vehicles and Equipment**

6.03 Personnel shall operate police vehicles in a safe and lawful manner.

6.05 Personnel shall be held responsible and accountable for the proper care, maintenance, serviceability, cleanliness and safekeeping of all police vehicles, equipment and property in their care.

#### **CIVIL SERVICE COMMISSION Rule 9.10: Tenure:**

The tenure of every officer or employee in the classified service shall be during good behavior and efficient service.

No such officer or employee shall be discharged, suspended or demoted for political, racial or religious reasons, or for refusing to contribute to any political fund, or refusal to render political service.

But any officer or employee in the classified service may be discharged, suspended or reduced in rank for any one or more of the following causes:

- 12. Negligent or willful damage to public property.
- 18. For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance or nonfeasance in office.

## **HEARING INFORMATION**

The pre-disciplinary hearing is scheduled for **Monday, October 10, 2022, at 1000 hours** in the **Cleveland Division of Police Headquarters, Room 924.** 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.

In accordance with General Police Order 1.1.12: Uniform and Clothing 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,



Dornat A. Drummond  
Chief of Police

DAD:bpc:cld:la

cc: Sammy Morris, Acting Deputy Chief, Field Operations  
Dorothy Todd, Deputy Chief, Chief of Staff  
Brian Carney, Commander, Bureau of Compliance  
Brandon Kutz, Commander, Fourth District  
Christopher Viland, Superintendent, Internal Affairs Unit  
Melissa Dawson, Sergeant, Employee Assistance Unit  
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association  
Hassan Aden, Federal Monitoring Team