



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

September 14, 2022

Patrol Officer John McCartney #820
C/o Fourth District Headquarters
9333 Kinsman Road
Cleveland, Ohio 44104

Re: OPS2020-0098

Patrol Officer McCartney #820:

This letter is to advise you, Patrol Officer John McCartney #820, of the result of the administrative pre-disciplinary hearing you attended on May 23, 2022, to address an external investigation 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.

RULES, POLICIES AND PROCEDURES

General Police Order 2.01.02: De-escalation (effective: 1/1/18)

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police 5.01, 5.08, and 5.09.

SPECIFICATION

Specification #1: (OPS2020-0098) The Civilian Police Review Board (CPRB) is recommending to the Chief of Police that the allegation of *Unprofessional Conduct* be sustained against you, Patrol Officer John McCartney #820, that on or about May 24, 2020, you violated Manual of Rules 5.01, 5.08, and 5.09, and General Police Order 2.01.02 when you told the complainant, "I'm looking at a Child. That's what I'm looking at." Your statements to the complainant failed to de-escalate the complainant's actions. (*Group I Violation*)

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

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing, were you, Vice President David Medina and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Vice President Luther Roddy of the Black Shield Police Association, Investigator Art Bowker, Investigator Julie Delaney, and Investigator Hercules Harris of the Office of Professional Standards, Lieutenant Charles DePenti of the Case Preparations Unit and Acting Deputy Chief Sammy Morris of Field 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 "Not Guilty" to the specification as set forth in the charging letter. Upon reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be issued a Letter of Reinstruction.

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. I accept and adopt the recommendation of the Hearing Officer and the Civilian Police Review Board. You made the unnecessary comment "I'm looking at a child," during an incident where the parties were leaving and the situation was nearly complete. I believe reinstruction is appropriate. Therefore, am issuing you this **Non-disciplinary Letter of Reinstruction**. Please review General Police Order 2.01.02 and Manual of Rules 5.01, 5.08 and 5.09 and ensure that you follow them verbatim. This discipline is within the First Group I violation range of the discipline matrix where mitigating factors (*no active discipline*) outweigh aggravating factors (*failed to de-escalate*).

Pursuant to the Manual of Rules, you are personally responsible for maintaining a current set of General Police Orders either as a paper copy or in electronic format. Furthermore, your Commanding Officer maintains all Divisional directives, which you are obligated to also know pursuant to the Manual of Rules. Please inform your Commanding Officer, through the chain of command, if you cannot access these policies and protocols. If you have any questions, please contact your immediate supervisor for specific answers about any of the Division's policies and protocols and their application.

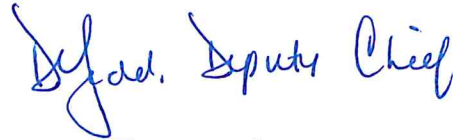
This letter is not discipline and should not be regarded as such.

Patrol Officer John McCartney #820

September 14, 2022

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Sincerely,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld

cc: Karrie Howard, Chief Director, Public Safety
George Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Public Safety
Sammy Morris, Acting Deputy Chief, Field Operations
Brandon Kutz, Commander, Fourth District
Brian Carney, Commander, Bureau of Compliance
Dorothy Todd, Deputy Chief of Staff
Christopher Viland, Superintendent, Internal Affairs Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Thomas Fisher, Interim Administrator, Office of Professional Standards
Michael Hess, Chairman, Civilian Police Review Board
Hassan Aden, Federal Monitoring Team
Richard Rosenthal, Federal Monitoring Team