



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
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Pre-Disciplinary Hearing Letter

December 2, 2022

Sergeant José Torres #9199
C/o Bureau of Technology and Property
4501 Chester Avenue
Cleveland, Ohio 44103

Re: CPD2022-0079

Sergeant Torres #9199:

Please be advised, in accordance with Article 4 of the collective bargaining agreement between the City of Cleveland and the Fraternal Order of Police, Lodge #8, 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: (CPD2022-0079) On or about July 14, 2022, you, Sergeant José Torres #9199, worked secondary employment without proper authorization, in violation of General Police Order 1.02.13. (*Group I Violation*)

This specification violates the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

General Police Order 1.02.13: Secondary Employment (effective: 12/30/20)

POLICY: *It is the policy of the Cleveland Division of Police* that upon permission from the Chief of Police and the Director of Public Safety, members may engage in secondary employment if the work does not interfere with Division employment and there is no conflict of interest between the secondary employment and the CDP. The Chief or the Safety Director may at any time revoke authorization to work secondary employment based upon the operational needs of the Division.

The rules and regulations of the CDP govern its members when engaged in secondary employment. Violation of the provisions of this order may result in immediate termination of permission to work secondary employment and subject the member to disciplinary action.

II. Secondary Employment Requirements

- A. Members shall obtain permission consistent with procedures within this order before engaging in secondary employment.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Monday, December 12, 2022, at 1000 hours** in the **Cleveland Division of Police Headquarters, Room 924**. Should you desire union representation, you must 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 a later date. **Any documentation explaining any of the above allegations shall be forwarded to the Case Preparation Unit a minimum of 48 hours before the scheduled hearing. Any new or additional evidence brought to the hearing will result in the hearing being suspended, and the matter shall be returned to the Internal Affairs Unit or the Police Review Board for consideration, as appropriate. In addition, you must 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) a minimum of 48 hours before the scheduled hearing. You are to ensure the attendance of any witnesses appearing on your behalf, and it is your responsibility to notify said witnesses of the date and time of the hearing. Prior permission for any Division member's attendance **MUST** be obtained from the Case Preparation Unit. Any witnesses appearing are to be in the 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 the **"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 any conflicts would cause your lack of attendance at 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: 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 Carney, Commander, Bureau of Compliance
Brian McEntee, Acting Commander, Bureau of Communication and Property Control
Robert Simon, Captain, Office of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
William Menzalora, Chief Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Mary L. Bradley, Executive Director, Civil Service Commission
Sylvia Grimes, Secretary, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ayesha Bell Hardaway, Interim Monitor, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission