



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

December 16, 2022

Patrol Officer Melissa Marquard #1760
First District Headquarters
3895 West 130th Street
Cleveland, Ohio 44111

Re: DBI2022-0101, DBI2022-0107

Patrol Officer Marquard #1760:

This letter is to advise you, Patrol Officer Melissa Marquard #1760, of the result of the administrative pre-disciplinary hearing, which you attended on December 7, 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.

SPECIFICATIONS

Specification #1: (DBI2022-0101) On or about August 6, 2022, at 0800 hours, you, Patrol Officer Melissa Marquard #1760, were Absent Without Leave (AWOL). An officer responded to your home, and after the officer conferred with you, you called to use sick time, all in violation of General Police Order 1.3.24 and Manual of Rules 10.01. (*Group I Violation*)

Specification #2: (DBI2022-0107) On or about August 21, 2022, you, Patrol Officer Melissa Marquard #1760, failed to report for duty at your scheduled start time for a second time within a week, with the previous tardy occurring on August 15, 2022, all in violation of Manual of Rules 10.01. (*Group I Violation*)

These specifications violate the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES, AND PROCEDURES

General Police Order 1.3.24: Sick Leave (effective: 1/1/06)

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police 10.01

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing were you, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Vice President Erik Melendez of the Hispanic Police Officers' Association, First Vice President Mister Jackson of the Black Shield Police Association, Sergeant Mark Pesta of the Second District, Lieutenant Charles DePenti of the Case Preparation Unit, and Deputy Chief Daniel Fay of Administrative 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 Specifications #1, and #2, 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 the specifications.

FINDINGS AND CONCLUSION

I have carefully reviewed the evidence incorporated into the record, including statements made at your hearing and the applicable Rules, Policies and Procedures. I accept and adopt the recommendation of the Hearing Officer. You violated General Police Order 1.3.24 and Manual of Rules 10.01 when you were Absent Without Leave (AWOL). After you failed to report for duty, an officer responded to your home, and after the officer conferred with you, you called to use sick time. Unrelated to the previous incident, you failed to report for duty at your scheduled start time for a second time within a week.

Based on the foregoing, I find you "**Guilty**" of the two specifications, and I am issuing you a **six (6) workday suspension without pay**. Because you have three (3) or more sustained Group I violations occurring within a three year period, this discipline automatically progressed into the Group II range. This discipline is within the First Group II violation range of the discipline matrix when mitigating factors (*circumstances under which the rule was violated: had just undergone a medical procedure, voluntarily worked 965 hours of overtime this year*) outweigh aggravating factors (*multiple violations, active discipline*).

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 Orders 1.02.13, 1.1.12, 2.01.04, 4.06.01, Manual of Rules 2.02, 2.03, and 2.04 and expect to be reinstructed by a superior officer on that Order and 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:

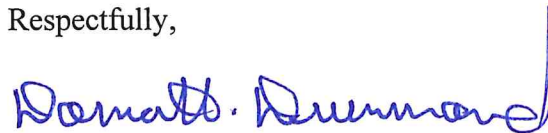
The Case Preparation Unit (caseprep@clevelandohio.gov)

Lieutenant Charles DePenti (cdepenti@clevelandohio.gov)

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 the 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: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 Services
Brian Carney, Commander, Bureau of Compliance
Robert Simon, Captain, Office of Compliance
Christopher Viland, Superintendent, Internal Affairs
Jarod Schlacht, Commander, First District
Kenneth Ryan, Lieutenant, Personnel Section
William Mokshefsky, Sergeant, Personnel Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Sylvia Grimes, Secretary, Civilian Police Review Board
William Menzalora, Chief Assistant Director of Law
Mary L. Bradley, Executive Director, Civil Service Commission
Delante Thomas, Chief Ethics Officer
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
Dr. Leigh Anderson, Executive Director of the Police Accountability Team