



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Dornat (Wayne) A. Drummond, Chief
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Division of Police
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Disposition Letter

September 20, 2022

Sergeant Brian Davis #9165
C/o Second District Headquarters
3481 Fulton Road
Cleveland, Ohio 44109

Re: UOF2022-0130

Sergeant Davis #9165:

This letter is to advise you, Sergeant Brian Davis #9165, of the result of the administrative pre-disciplinary hearing you attended on August 22, 2022, to address an internal 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.

SPECIFICATIONS

Specification #1: (UOF2022-0130) On or about May 23, 2022, you, Sergeant Brian Davis #9165, were not approved for secondary employment at First Federal of Lakewood (6610 Detroit Avenue, Cleveland, Ohio 44102), in violation of General Police Order 1.02.13. (*Group I Violation*)

Specification #2: (UOF2022-0130) On or about May 23, 2022, you, Sergeant Brian Davis #9165, failed to wear your ballistic vest while engaged in secondary employment at First Federal of Lakewood (6610 Detroit Avenue, Cleveland, Ohio 44102), in violation of General Police Order 4.06.01. (*Group I Violation*)

Specification #3: (UOF2022-0130) On or about May 23, 2022, you, Sergeant Brian Davis #9165, failed to carry intermediate weapons while engaged in secondary employment at First Federal of Lakewood (6610 Detroit Avenue, Cleveland, Ohio 44102), in violation of General Police Order 1.02.13. (*Group I 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 1.02.13: Secondary Employment (effective: 12/30/20)

General Police Order 2.01.04: Use of Force-Intermediate Weapons (effective: 7/1/19)

General Police Order 4.06.01: Body Armor (effective: 11/9/20)

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing, were you, President James O'Malley, Vice President Daniel Bernath and Attorney Robert Barrett of the Fraternal Order of Police, Lodge #8, Lieutenant Gregory Farmer of the Second District, Commander Dorothy Todd of the Chief's Office, 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 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 "No Contest" to Specification #1, Specification #2 and Specification #3 of the administrative charges as set forth in the charge letter. Upon carefully reviewing the evidence presented, the Hearing Officer recommended that you be found "Guilty" of all specifications.

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, and I accept and adopt the recommendation of the Hearing Officer. You violated General Police Order 1.02.13 when you worked secondary employment at the First Federal of Lakewood bank without approval. You violated General Police Orders 2.01.04 and 4.06.01 when you failed to carry intermediate weapons and wear your ballistic vest while working this unauthorized secondary employment. As such, I find you **"Guilty"** of Specification #1, Specification #2 and Specification #3 and I am issuing you a **two (2) workday suspension without pay**. This discipline is within the First Group I violation range of the discipline matrix where aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range, supervisory rank of officer*) outweigh mitigating factors (*no active discipline, took responsibility*).

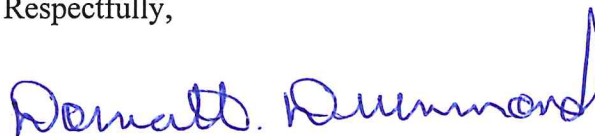
The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer 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, you shall read General Police Order 1.02.13, 2.01.04 and 4.06.01, and expect to be reinstructed by a superior officer on those Orders. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to both:

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 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 Fraternal Order of Police, Lodge #8, disciplinary actions 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:old:kfs

cc: Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Brian Carney, Commander, Bureau of Compliance
Thomas Stacho, Commander, Second District
Christopher Viland, Superintendent, Internal Affairs Unit
Mark Maguth, Commander, Bureau of Support Services
William Mokshefsky, Sergeant, Personnel Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
George E. Coulter, Assistant Director, Department of Public Safety
Megan Schenk, Labor Relations Manager, Department of Human Resources
Monique Young, Labor Relations Officer, Department of Human Resources
Michael Spreng, Secretary, Civil Service Commission
Paul Patton, Chief Human Resource Officer
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Hassan Aden, Federal Monitoring Team