



## City of Cleveland

Justin M. Bibb, Mayor

### Department of Public Safety

Dornat (Wayne) A. Drummond, Interim Chief

FBI NA #230

Division of Police

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## Pre-Disciplinary Hearing

July 22, 2022

**Patrol Officer Kyle Kelly #1057**  
**C/o Second District Headquarters**  
**3481 Fulton Road**  
**Cleveland, Ohio 44109**

**Re: IU2022-0008**

Patrol Officer Kelly #1057:

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:** (IU2022-0008) On or about March 5, 2022, you, Patrol Officer Kyle Kelly #1057, while investigating an Motor Vehicle Crash, removed your Wearable Camera System (WCS) from your person and placed it on the roof of your vehicle while having a conversation with your supervisor regarding an off-duty member off the division involved in the incident, in violation of General Police Order 4.06.04. (*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**

### **General Police Order 4.06.04: Wearable camera System** (effective: 1/1/20)

**POLICY:** The WCS shall be deployed to ensure transparency and foster trust within our community. It shall be the responsibility of each officer to deploy their WCS in accordance with this order.

### **PROCEDURES:**

#### **II. Camera Deployment**

A. Beginning of tour of duty officers shall:

2. Place the WCS, with the camera in the upright position, in a location, on the upper chest, that will most closely capture the officer's field of view.

## **HEARING INFORMATION**

The pre-disciplinary hearing is scheduled for **Monday, August 22, 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  
Brian Carney, Commander, Bureau of Compliance  
Thomas Stacho, Commander, Second District  
Melissa Dawson, Sergeant, Employee Assistance Unit  
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association  
Hassan Aden, Federal Monitoring Team