



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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Cleveland, Ohio 44114-1015
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January 14, 2022

Patrol Officer Angelia Gaston #2294
C/o Fifth District Headquarters
881 East 152nd Street
Cleveland, Ohio 44110

Re: OPS2020-0196

Patrol Officer Gaston #2294:

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: (OPS2021-0196) The Civilian Police Review Board (CPRB) is recommending to the Chief Officer of Public Safety that the allegation of *Failure to Report* be sustained against you, Patrol Officer Angelia Gaston #2294, that on or about September 8, 2020, as a Crisis Intervention Team Officer, failed to complete a crisis intervention report and stat sheet after your interaction with the Complainant's tenant, in violation of General Police Order 5.11.03. (*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 5.11.03: Crisis Intervention Team Response (Effective: 1/1/18)

PROCEDURES:

II. Officer Responsibilities

A. When responding to individuals in crisis, officers shall:

1. Assess risks to selves and others to determine the course of action.
2. Assess the situation to determine whether the individual may be in crisis, and if so, request a Specialized CIT Officer if one is not on scene.
4. Treat each crisis as unique.
5. Consider the possibility that the individual may be non-compliant due to:
 - a. The influence of medication, street drugs and/or alcohol;
 - b. Known or reasonably apparent mental illness, developmental disability, or behavioral crisis incident;
 - c. Known or reasonably apparent physical disability or other medical or physical condition, including visual or hearing impairment;
 - d. Limited English proficiency or other language or cultural barrier;
6. Determine if an on-scene family member/friend can provide information to assist in interacting with the individual in crisis.
7. Continue to assess the situation for escalating risk and de-escalate, when possible.

III. Specialized CIT Officer Responsibilities

A. In addition to officer responsibilities when responding to an individual in crisis, Specialized CIT Officers shall:

3. Take primary responsibility for handling a crisis incident when on scene or dispatched to a crisis incident;
4. Continue de-escalation techniques and identify resolutions to the crisis;
5. Once the incident is under control, inform the individual in crisis of the next steps;

VIII. Diversion Options and Transportation

- A. After an officer has control of the scene, the officer, with the input of the supervisor, if requested, and the family, if on-scene, shall assess and determine the next step to assist the individual in receiving the care needed. The officer shall consider the following:
 - 1. Is there a legal obligation to arrest, or is diversion an option?
 - 2. Does the individual need hospitalization or referral to a mental health or social service agency? (See Attachments C-G)
- D. Officers shall make the following determination:
 - 1. If a non-violent individual has the ability to seek care voluntarily on their own then the officers shall:
 - a. Provide the individual, and family member if on scene, with a name of a referral agency and phone number or address to assist them;
 - b. Notify the referral agency and advise the agency of the referral; and,
- X. Law Enforcement Emergency Admissions
 - A. Under Sec. 5122.10 of the Ohio Revised Code, Emergency Hospitalization, a police officer has authority to take a mentally ill person subject to court order, as defined by ORC 5122.01(B), and described below in Section X.B, into custody involuntarily and immediately transport the person to a facility for a mental health evaluation when the individual represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination.
 - B. Conveying officers shall complete a written statement under ORC 5122.10 (pink slip: See Attachment B) explaining the circumstances under which the individual was taken into custody. The pink slip will also state the reasons for the emergency admission, including at least one of the following circumstances, which define "mentally ill person subject to a court order":
 - d. The individual would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.
- XV. Incident Reports with "Crisis Intervention" in the title and CIT Stat Sheet
 - A. An incident report, including "Crisis Intervention" in the title and a CIT Stat Sheet shall be completed whenever officers respond to an individual in crisis.
 - 1. Even if an individual is not transported to a mental health facility or arrested, an incident report titled "Crisis Intervention" and CIT Stat Sheet are required.

2. If a Specialized CIT Officer is on scene, that officer shall complete the incident report and CIT Stat Sheet.
- B. These reports may assist officers in the future by providing:
1. Documentation about all previous contacts with this individual;
 2. Previously successful and unsuccessful intervention tactics, including referrals or resources provided; and
 3. Documenting potential need for additional Specialized CIT Officers, training, etc.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Friday, January 21, 2022 at 1000 hours**, in the **Cleveland Public Auditorium, Room LL09**. 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) 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: Sworn Officers Uniform 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,



Karrie D. Howard, Chief Officer
Department of Public Safety

KDH:dad:bpc:kas

cc:

Dornat A. Drummond, Interim Chief, Division of Police

Patrol Officer Angelia Gaston #2294

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Brian Carney, Commander, Bureau of Compliance
Jason DeFranco, Acting Commander, Fifth District
Robert Simon, Captain, Internal Affairs Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
William Menzalora, Chief Assistant Director of Law
Paul Patton, Chief Human Resources Officer
Jakimah R. Dye, Coordinator of Operations, Department of Public Safety
Henry Roney, Interim Administrator, Office of Professional Standards
LeeAnn Hanlon, Private Secretary, Office of Professional Standards
Hassan Aden, Federal Monitoring Team
Michael Hess, Chairperson, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice