



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Karrie D. Howard, Director

601 Lakeside Avenue, Room 230

Cleveland, Ohio 44114-1015

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www.cleveland-oh.gov

August 4, 2022

**Patrol Officer James Bronish #148
C/o First District Headquarters
3895 West 130th Street
Cleveland, Ohio 44111**

Re: CPD2020-0027, CPD2022-0035

Patrol Officer Bronish #148:

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.

SPECIFICATIONS

Specification #1: (CPD2020-0027) On or about April 3, 2020, you, Patrol Officer James Bronish #148, failed to notify the Communication Control Section after becoming aware of an incident that had just taken place in regards to a victim who was just chased by a female with a gun, and which occurred in close proximity to your location of 8712 Willard Avenue, in violation of Manual of Rules 4.10, 4.11, and 7.04. (*Group I Violation*)

Specification #2: (CPD2020-0027) On or about April 3, 2020, you, Patrol Officer James Bronish #148, failed to properly investigate an incident that came to your attention after being advised by the victim, who just prior to your contact, was chased by a female with a gun in close proximity to your location of 8712 Willard Avenue, in violation of Manual of Rules 4.18 and 9.07. (*Group I Violation*)

Specification #3: (CPD2020-0027) On or about April 3, 2020, you, Patrol Officer James Bronish #148, failed to activate your Wearable Camera System (WCS) prior to investigate and/or during enforcement contact with the public while at the intersection of West 93rd Street and Willard Avenue when speaking to a victim reporting a crime, in violation of General Police Order 4.06.04. (*Group I Violation*)

Specification #4: (CPD2020-0027) On or about May 5, 2020, you, Patrol Officer James Bronish #148, completed a typed order questionnaire understanding that it was in the course of an internal investigation. You intentionally omitted and/or concealed information regarding your contact with a victim while at the intersection of West 93rd Street and Willard Avenue on April 3, 2020, in violation of General Police Order 1.07.06 and Manual of Rules 3.12. (*Group III Violation*)

Specification #5: (CPD2020-0027) On or about May 20, 2020, you, Patrol Officer James Bronish #148, were deceptive and/or untruthful in an administrative Garrity interview when answering questions pertaining to your contact with a victim at the intersection of West 93rd Street and Willard Avenue on April 3, 2020, in violation of Manual of Rules 3.12. (*Group III Violation*)

Specification #6: (CPD2022-0035) On or about March 31, 2022, at approximately 0005 hours, you, Patrol Officer James Bronish #148, were involved in a vehicle pursuit near the area of West 121st Street and Elwood Avenue. At no point during the pursuit did you notify the Communications Control Section (CCS) about the pursuit, in violation of General Police Order 3.2.02. (*Group II Violation*)

Specification #7: (CPD2022-0035) On or about March 31, 2022, at approximately 0005 hours, you, Patrol Officer James Bronish #148, failed to place your Wearable Camera System (WCS) in event mode while engaged in a vehicle pursuit, in violation of General Police Order 4.06.04. (*Group I Violation*)

Specification #8: (CPD2022-0035) On or about March 31, 2022, at approximately 0005 hours, you, Patrol Officer James Bronish #148, witnessed a suspected stolen vehicle crash at West 121st Street and Elmwood Avenue and two occupants flee from the vehicle. You reacted by deactivating your emergency lights and leaving the area, in violation of Manual of Rules 2.14 and 4.18. (*Group III Violation*)

Specification #9: (CPD2022-0035) On or about March 31, 2022, at approximately 0005 hours, you, Patrol Officer James Bronish #148, informed Sergeant Daniel Day #9182 that you did not pursue a stolen Infiniti G35 which was found crashed at West 121st Street and Elmwood Avenue on March 31, 2022. The Automatic Vehicle Locator and surveillance evidence indicates you were untruthful in your response to Sergeant Day, in violation of Manual of Rules 3.12. (*Group III Violation*)

Specification #10: (CPD2022-0035) On or about April 21, 2022, you, Patrol Officer James Bronish #148, were untruthful during your Garrity interview when you stated you did not pursue a vehicle on March 31, 2022, near the area of West 121st Street and Elmwood Avenue, in violation of Manual of Rules 3.12. (*Group III 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 3.2.02: Vehicle Pursuits (revised: 5/22/2015)

POLICY: The Cleveland Division of Police shall regulate the conduct of vehicle pursuits while balancing the need to carry out its law enforcement mission against the duty to protect the general public. The Division of Police shall proactively and vigorously enforce criminal and traffic laws. The Division of Police acknowledges the dangers associated with vehicle pursuits. Unless specifically approved by the controlling supervisor, no more than two police motor vehicles shall engage in a motor vehicle pursuit.

PROCEDURES:

V. Pursuing Officers duties.

- A. Officers initiating a pursuit shall immediately notify CCS that a pursuit is underway, provide the reason for the pursuit, direction of travel, description of the vehicle, license plate number, number of occupants and the speeds involved. (Acknowledgment from CCS of an officer's engagement in a pursuit does NOT constitute permission to continue pursuit. That permission shall come from the controlling supervisor.)

General Police Order 4.06.04: Wearable Camera System (WCS) (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:

I. General Guidelines

- A. All officers assigned a WCS, while in the field, shall activate their camera prior to responding to all calls for service, prior to all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact. Officers shall understand there are exceptions and prohibited times to record set forth in Section II.C. and II.D. below.

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

II. ADMINISTRATIVE COMPLIANCE

- 2.14 The following are additional grounds for disciplining personnel, including removal, in addition to the grounds stated in Civil Service Commission rule 9.10:

- b. Gross neglect of duty

III. Ethics

- 3.12 Personnel shall be truthful and unbiased in all written reports, verbal reports, court testimony and conversations affecting the Division of Police, its officers and employees or persons under its jurisdiction.

IV. Duty

- 4.10 Personnel shall advise the radio dispatcher immediately of any incident, event or occurrence that may indicate the beginning of a significant civil disturbance, disaster, catastrophe or other police incident of a serious nature.
- 4.11 Personnel shall act immediately in every instance that comes to their attention where police assistance is required.

- 4.18 Officers shall investigate all reports of suspected criminal activity and non-criminal incidents requiring police action that come to their attention whether by observation, assignment or information.

VII. Communication

- 7.04 Personnel shall advise the radio dispatcher of their activities, the progress of any investigation and the preliminary descriptions of any persons, property and motor vehicles wanted in connection with the investigation.

IX. Reporting/Confidential Information

- 9.07 Personnel shall report on all matters referred to or investigated by them. Such reports may be either verbal or written as their superior officer may direct.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Friday, August 12, 2022 @ 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

August 4, 2022

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Sincerely,

A handwritten signature in black ink, appearing to read "Karrie D. Howard". The signature is fluid and cursive, with a large initial "K" and "H".

Karrie D. Howard, Chief Director
Department of Public Safety

KDH:dad:bpc:cl:la

cc: Dornat Drummond, Chief, Division of Police
George E. Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Sammy Morris, Acting Deputy Chief, Field Operations
Michael Butler, Commander, First District
Brian Carney, Commander, Bureau of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Bouton, Assistant Director of Law
Paul Patton, Director, Department of Human Resources
Michael Hess, Chairperson, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Hassan Aden, Federal Monitoring Team