



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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Pre-Disciplinary Hearing

September 1, 2022

Patrol Officer Melissa Marquard #1760
C/o Second District Headquarters
3481 Fulton Road
Cleveland, Ohio 44109

Re: CPD2022-0008, SR2022-0579

Patrol Officer Marquard #1760:

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: (CPD2022-0008) On or about January 6, 2022, you, Patrol Officer Melissa Marquard #1760, conspired with your sister to damage tires on vehicles owned by two (2) separate members of the Cleveland Division of Police. Subsequently, you admitted to driving your sister to the home of a member of the Cleveland Division of Police where your sister placed screws near the driveway of the home where both vehicles were parked. The screws flattened tires on two (2) vehicles owned by members of the Division of Police. Your complicity in damaging the tires is in violation of ORC 2909.06, Criminal Damaging or Endangering and Manual of Rules 2.01, 5.01, 5.08, and 5.09. (*Group III Violation*)

Specification #2: (CPD2022-0008) On or about May 17, 2022, you, Patrol Officer Melissa Marquard #1760, during a Garrity interview, admitted that you failed to notify your immediate supervisor that you were the subject of a criminal investigation by the Lakewood Police Department (22-000070) which involved an incident that took place on or about January 6, 2022, in violation of General Police Order 1.07.05. (*Group III Violation*)

Specification #3: (SR2022-0579) During the second quarter 2022 sick review, you, Patrol Officer Melissa Marquard #1760, used thirty-five (35) hours of undocumented sick time, and fifty-two (52) hours total of sick time indicating a pattern of sick abuse usage, in violation of General Police Order 1.3.06. (*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

Ohio Revised Code 2906.06: Criminal Damaging or Endangering

- (A) No person shall cause, or create substantial risk of physical harm to any property or another without the person's consent:
 - (1) Knowingly, by any means;
 - (2) Recklessly, by means of fire, explosion, flood, poison gas, radioactive material, or other inherently dangerous agency or substance.
- (B) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree.

General Police Order 1.07.05 Internal Complaints of Misconduct (effective date: 2/21/2020)

POLICY: It is the policy of the Division to ensure that all allegations of member misconduct observed or that a member becomes aware of are reported to a supervisor, Internal Affairs or anonymously to Internal Affairs (IA) or the Employee Assistance Unit (EAU). All allegations of misconduct shall be considered and fully, fairly, and efficiently investigated.

IV. Reporting Certain Events

- A. Officers detained as the subject of a criminal investigation, or who become the subject of a criminal investigation, shall immediately notify their immediate supervisor or the next available.

General Police Order 1.3.06: Sick Leave Review (revised: 3/14/13)

PROCEDURES:

- I. Sick Leave Abuse is identified by observation of a single instance of abuse or by a pattern that indicates abuse.
 - A. Single Instance of Sick Leave Abuse
 - 2. Examples of a single instance of sick leave abuse include: a. Using sick leave under circumstances that clearly indicate it is being used to obtain time off work that is unrelated to sickness, injury, doctor/dental visits for the member, serious health condition of family member, or pregnancy.

B. Sick Leave Abuse indicated by a pattern of sick leave usage

1. Sick leave abuse is often detected by careful analysis of sick leave use patterns.
2. A pattern of abuse is any of the following that occur repetitively or in combination:
 - a. Use of sick leave on Fridays, Saturdays, Sundays or days that precede or follow scheduled vacation days, holidays, personal holidays, furloughs, or compensatory time.
 - d. Any other pattern of sick leave use that indicates abuse.

II. Quarterly Review

- A. Members who have used 40 or more hours of sick leave in a rolling three month period shall be reviewed for sick leave abuse.

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

II. Administrative Compliance

- 2.01 Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.

V. Behavior

- 5.01 Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.
- 5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.
- 5.09 Personnel shall be courteous and respectful in their speech, conduct, and contact with others.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Friday, September 9 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

Sincerely,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:dad:bpc:cld: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
Thomas Stacho, Commander, Second District
Brian Carney, Commander, Bureau of Compliance
Dorothy Todd, Commander, Chief's Office
Christopher Viland, Superintendent, Internal Affairs Unit
Jarod Schlacht, Lieutenant, Officer-in-Charge, 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