



CLEVELAND DIVISION OF POLICE

DIVISIONAL NOTICE

DATE: NOVEMBER 1, 2023	NUMBER: 23-324
SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (SEPTEMBER)	
CHIEF: <i>Dornat A. Drummond, Chief</i>	PAGE(S): 1 of 15

The following are dispositions of disciplinary hearings held by the Director of Public Safety on June 23, 2023.

Lieutenant Christopher Mobley #8571:

Specifications: Failed to complete quarterly Wearable Camera System (WCS) audits for the Fourth Quarter of 2021 (*General Police Order 4.06.04*) – Failed to properly supervise subordinates (failed to ensure proper Stop Form procedures were followed) (*General Police Order 2.02.05 and Manual of Rules 1.06*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer was new to the position of “Acting Lieutenant” and did fail to complete quarterly Wearable Camera System (WCS) audits for the Fourth Quarter of 2021. Failed to ensure proper Stop Form procedures were followed – any information that would have been captured on the Stop Form would have been contained in the incident report. Reinstruction is appropriate regarding these instances.

Sergeant Antwuan Wells #9281:

Specification: Was informed that a citizen in his custody wanted to go to the hospital for an injury. The officer did not acknowledge the request and the citizen was conveyed to the Cuyahoga County Juvenile Center where he was not accepted due to the injury, causing a delay in medical treatment (*General Police Order 2.01.03*).

Disposition: Found “Guilty” of one Group II violation. Considering the officer’s active discipline history (none), the officer received a six-day suspension. This corrective action is within the First Group II violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

Rationale: The officer did cause a delay in a juvenile receiving medical attention when he did not acknowledge the request to go to the hospital or recognize the need for medical evaluation.

Sergeant Marlon Wills #9321:

Specifications: While in an unmarked vehicle without activating the lights or siren, engaged in a vehicle pursuit of a suspect who was not suspected of committing a violent felony and was not suspected of Operating a Vehicle While Impaired, and drove at speeds reaching ninety-six miles per hour on city streets. Failed to immediately notify the Communications Control Section (CCS) that a pursuit was underway and failed terminate the pursuit when the suspect showed a blatant disregard for the safety of other vehicles or pedestrians (*General Police Order 3.2.02*) – Deactivated Wearable Camera System while engaged in a vehicle pursuit (*General Police Order 4.06.04*) – showed incompetence in decision making at the time of the incident while attempting to explain the incident (*Manual of Rules 2.14*).

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Disposition: The charge of incompetence in decision-making was dismissed. Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (none), the officer received a three-day suspension. This corrective action is within the First Group I violation range of the discipline matrix when aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*no active discipline, accepted responsibility*).

Rationale: The officer pled “No Contest” and accepted responsibility. The inability of the officer to articulate the reasoning behind his actions does not necessarily equate to incompetence as judgment of those responses may be subjective. The officer intentionally deactivated his Wearable Camera System (WCS) while engaged in a vehicle pursuit and engaged in a vehicle pursuit of a suspect who was not suspected of committing a violent felony. The officer did not immediately terminate the pursuit even though the suspect had a blatant disregard for the safety of other vehicles or pedestrians.

The following are dispositions of disciplinary hearings held by the Director of Public Safety on July 6, 2023.

Commander Alfred Johnson #6135:

Specifications: Did not obtain permission from investigative personnel to give permission to the on-scene members to turn their Wearable Camera Systems (WCS) off before the Force Investigation Team arrived on scene to begin the formal investigative process (*General Police Order 4.06.04*) – Failed to supervise subordinates (*General Police Orders 2.02.05, 3.4.09, 4.2.06, 8.2.05, 3.2.14, 3.4.14, 2.01.03, and Manual of Rules 1.06*) – Failed to complete quarterly Wearable Camera System (WCS) audits (*General Police Order 4.06.04*) – Failed to report an allegation of misconduct when a male told him that he was punched in the face by an officer (*General Police Order 1.07.05*) – Failed to investigate an alleged pursuit, failed to report an allegation of misconduct, failed to ensure a Stop Form was completed, and failed to ensure his interview of a male was captured on video. This non-action constituted a gross neglect of duty (*Manual of Rules 2.14*) – Failed to report an allegation of misconduct to the Internal Affairs Unit when a male complained multiple times about a finger being in his rectum and his rights being violated (*General Police Order 1.07.05*) – Used force on a male and failed to report it (*General Police Order 2.01.05*) – Witnessed and became aware of a strip search performed by a Detective and failed to explain to the individual the reason for the search and give the individual the opportunity to voluntarily produce the suspected item and also failed to complete a pre-approved form for strip searches (*General Police Order 2.02.04*) – Failed to supervise subordinates in completing Stop Forms, properly reporting and documenting a use of force, properly conducting and reporting a strip search, and failed to report an allegation of misconduct. This constituted a gross neglect of duty (*Manual of Rules 2.14*) – Failed to call EMS in a timely manner (*Manual of Rules 4.14*) – Discourteous comments (*Manual of Rules 5.09*) – Became aware that a male was having difficulty breathing after a use of de minimus force and failed to obtain medical assistance (*General Police Order 2.01.03 and Manual of Rules 4.14*) – Was informed that a male was allegedly choked, kneed, punched, and his head was pushed into the ground and failed to immediately report the incident to a supervisor or the Internal Affairs Unit and completed a use of force investigation that did not address the involved citizen's allegations (*General Police Order 1.07.05*) – Observed an injury to a male after a use of force was used by members and failed to obtain professional medical care from EMS or convey the male for medical treatment causing a delay in medical treatment (*General Police Order 2.01.03 and Manual of Rules 4.14*) – Failed to properly handle evidence by storing the evidence in an vacant office (x7) (*Manual of*

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Rules 2.14, 4.03, 4.06 and Bureau of Special Services Investigative Unit Manual) – Failed to properly handle 19 shell casings that were turned over to him for evidence, storing the evidence in a vacant office causing a Property Found report to be generated (*Manual of Rules 2.14, 4.03, 4.06 and Bureau of Special Services Investigative Unit Manual*) – Failed to properly handle United States currency that is associated with the Expense Fund that is regulated by City of Cleveland Codified Ordinance 135.091, by leaving the money in a desk drawer of a vacant office, and not returning the money to the Budget Unit or the Fund Custodian for safe keeping (*Manual of Rules 2.14, 4.03, 4.06, Bureau of Special Services Investigative Unit Manual and Expense Fund for Chief of Police*).

Disposition: The charges of failing to explain to an individual the reason for a strip search, failing to call EMS, and failing to properly handle United States currency were dismissed. The two charges of failing to report an allegation of misconduct, and using force on a male and failing to report it more closely comports with a Group II Violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety), the charges were amended from Group III violations to Group II violations. The charge of failing to obtain medical assistance more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. Found “Guilty” of four Group I violations, twelve Group II violations and one Group III violation. Considering the officer’s active discipline history (none), the officer’s appointment as Commander is revoked and he shall return to his civil service rank of Sergeant and receive a 30-day suspension. This corrective action is within the Group III violation range of the discipline matrix when aggravating factors (*supervisory or command rank of the officer, multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*none*). In addition, the officer received a Non-disciplinary Letter of Reinstruction for not obtaining permission from the investigative personnel to give permission to the on-scene members to turn their Wearable Camera Systems off, failing to complete quarterly Wearable Camera System audits and failing to obtain medical assistance for a male having difficulty breathing.

Rationale: Both charges of failing to supervise subordinates and failing to: investigate an alleged pursuit, report an allegation of misconduct, ensure a Stop Form was completed, and ensure an interview of a male was captured on video charges were merged into other specifications to reduce duplicative charges. A review of the incident indicates that a "strip search" did not occur and the officer was notified of the suspect's status, conducted an evaluation of the suspect, and initiated the call to EMS. The officer was removed from the Unit, which did not afford him the ability to provide proper notification concerning the status of the Unit money, nor was an inventory of the contents of the office conducted at the time of his removal. The officer did give permission to on-scene members to turn their Wearable Camera Systems (WCS) off before the Force Investigation Team arrived to begin a formal investigation. The officer failed to report an allegation of Misconduct when he was told by a complainant that he was punched in the face by an officer and when he was told of an allegation of an improper strip search. The officer failed to report that force was used on a complainant and failed to obtain medical attention for an individual who was having difficulty breathing after the use of de-minimus force by detectives when a citizen informed him that he was allegedly choked, kneed, punched, and his head was pushed into the ground. He was discourteous to a male when he stated: “Stop it dummy,” when the male was having a medical emergency and failed to obtain medical care from EMS or convey the citizen for medical treatment, causing a delay in

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treatment. Additionally, the officer failed to properly handle evidence on multiple occasions and failed to complete quarterly Wearable Camera System (WCS) audits.

Detective James Donnellan #633:

Specifications: Used unnecessary force on a citizen, by placing his knee on the citizen's head, and again used unnecessary force when he pushed the citizen's head to the ground, causing injury (*General Police Order 2.01.03 and Manual of Rules 4.05*) – Used force on a citizen and did not identify and report the level 3 use of force to a supervisor (*General Police Order 2.01.05*) – Failed to place his Wearable Camera System (WCS) into event mode before engaging in a foot pursuit (*General Police Order 4.06.04*) – Failed to place his Wearable Camera System (WCS) into an Evidence Transfer Manager (ETM) slot by the end of his tour of duty causing a total of at least 92 WCS recordings to be delayed in uploading for up to four months, and at least 32 WCS recordings to be delayed in uploading for up to 26 days (*General Police Order 4.06.04*) – Conducted a strip search on a male where he failed to explain to him the reason for the search, did not get written pre-approval from a police supervisor, and did not complete a Cleveland Division of Police Prisoner Search Report (*General Police Order 2.02.04*) – Was aware that a male was having difficulty breathing after a use of de-minimus force and failed to obtain medical assistance (*General Police Order 2.01.03 and Manual of Rules 4.14*) – Was one of the primary detectives in a stop, detention, and arrest of a male and failed to complete a Stop Form (*General Police Order 2.02.05*).

Disposition: The charges of using unnecessary force on a citizen and conducting a strip search were dismissed. Found “Guilty” of five Group I violations. Considering the officer’s active discipline history (12/27/2021: 2-day suspension), the officer received a three-day suspension for failing to place his Wearable Camera System into event mode before engaging in a foot pursuit and received a Non-disciplinary Letter of Reinstruction for the remaining charges. This corrective action is within the Second Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*). In addition, the officer shall attend retraining through the Training Section on Use of Force Reporting and Procedures.

Rationale: The contact between the officer’s knee and the head of the suspect was momentary and incidental as a result of the suspect being taken into custody, and a review of the incident indicates that a "strip search" did not occur. The officer did fail to place his Wearable Camera System into event mode before engaging in a foot pursuit. In addition, he failed on multiple occasions to place his WCS into an ETM slot by the end of his tour of duty; reinstruction is appropriate regarding this instance. The officer reported the use of force incident to his supervisor on-scene and described what he believed to be his use of force – his lack of knowledge concerning uses of force caused him to incorrectly report the level of force; reinstruction is appropriate regarding this instance. The officer failed to obtain medical assistance; however, the suspect did not suffer any visible or incapacitating injuries as a result of his actions and a Stop Form was not completed; reinstruction is appropriate regarding these instances.

The following are dispositions of disciplinary hearings held by the Assistant Director of Public Safety on July 7, 2023.

Detective Ian Santoferraro #2458:

Specification: Failed to report an allegation of misconduct (*General Police Order 1.07.05*).

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Disposition: The charge of failing to report an allegation of misconduct more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or that negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a one-day suspension. This corrective action is within the First Group I violation range of the discipline matrix when aggravating factors (*possible liability to the City*) outweigh mitigating factors (*acknowledged and accepted full responsibility, no active discipline*).

Rationale: The suspect told the officer that he was punched in the face by a member of the Division of Police, the officer did not witness the violation and the suspect had no visible injuries.

Detective Robert Kowza #1368:

Specification: Failed to complete a Stop Form (*General Police Order 2.02.05*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, accepted responsibility*) outweigh aggravating factors (*none*).

Rationale: The officer pled “No Contest” and accepted responsibility. The officer was the primary detective in the stop, detention and arrest of a male and a Stop Form should have been completed. Reinstruction is appropriate regarding this instance.

Detective Willie Thomas Jr. #1744:

Specifications: Failed to call EMS in a timely manner (*Manual of Rules 4.14*) – Failed to complete a Stop Form (*General Police Order 2.02.05*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction. This corrective action is within the Group I violation range of the discipline matrix when mitigating factors (*no active discipline, accepted partial responsibility*) outweigh aggravating factors (*none*).

Rationale: Medical attention was delayed; however, the suspect did not suffer any visible or incapacitating injuries because of the delay and a Stop Form should have been completed. Reinstruction is appropriate regarding these instances.

The following are dispositions of disciplinary hearings held by the Director of Public Safety on July 21, 2023.

Patrol Officer José Garcia #2168:

Specification: Failed to identify as a Police Officer when taking a police action off-duty and in plain clothes (*General Police Order 3.4.23*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: The officers’ actions did not constitute a police action when he initially approached the complainant and did leave the area but was followed by the complainant.

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Patrol Officer Bolivar Villafuerte #1608:

Specifications: Failed to inform a supervisor or the Internal Affairs Unit of possible criminal activity by a member of the Cleveland Division of Police (*General Police Order 1.07.05*) – Failed to complete a written report (*Manual of Rules 9.05*).

Disposition: The charge of failing to inform a supervisor or the Internal Affairs Unit of possible criminal activity by a member of the Cleveland Division of Police more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group III violation to a Group I violation. Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (12/16/2021: 1-day suspension), the officer received a four-day suspension. This corrective action is within the Second Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*).

Rationale: The officer did fail to immediately inform a supervisor or the Internal Affairs Unit that the victim alleged that suspects in the crime committed against her may have been a current Cleveland Police Officer and failed to complete the required report for a victim, causing the victim to be re-victimized.

Patrol Officer Brittan Jackson #824:

Specification: Engaged in a verbal argument which led to a physical altercation with another officer (*General Police Order 1.1.08 and Manual of Rules 2.02, 2.04 and 2.13*).

Disposition: The charge of engaging in a verbal argument which led to a physical altercation more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group III violation to a Group I violation. Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (*none*), the officer received a Written Reprimand and is required to complete an Anger Management Program through Ease at Work. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, accepted responsibility*) outweigh aggravating factors (*none*).

Rationale: The officer pled “No Contest” and accepted responsibility. The officer did engage in a physical altercation with another officer, which was limited to the officers shoving each other with no injuries.

The following are dispositions of disciplinary hearings held by the Assistant Director of Public Safety on July 31, 2023.

Detective Conor O’Dea #873:

Specification: Failed to call EMS in a timely manner (*Manual of Rules 4.14*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction. This corrective action is within the Group I violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

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Rationale: Medical attention was delayed; however, the suspect did not suffer any visible or incapacitating injuries as a result of the delay. Reinstruction is appropriate regarding this instance.

Patrol Officer Deonte White #437:

Specification: Failed to inform a supervisor or the Internal Affairs Unit of possible criminal activity by a member of the Cleveland Division of Police (*General Police Order 1.07.05*).

Disposition: The charge of failing to inform a supervisor or the Internal Affairs Unit of possible criminal activity by a member of the Cleveland Division of Police more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group III violation to a Group I violation. Found “Guilty” of one Group I violation. Three or more sustained violations occurring in the same group (Group I) within a two-year period automatically progresses the discipline into the next higher group (Group II). Considering the officer’s active discipline history (2/11/2021: 1-day suspension, 2/15/2022: 3-day suspension, 11/21/2022: 7-day suspension), the officer received a seven-day suspension. This corrective action is within the First Group II violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*).

Rationale: The officer did fail to immediately inform a supervisor or the Internal Affairs Unit that the victim alleged that suspects in the crime committed against her may have been a current Cleveland Police Officer.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Field Operations on August 21, 2023.

Lieutenant Louis Pipoly #8450:

Specification: Failed to apprise his commanding officer of possible mandated staffing changes required of the Cleveland Division of Police at Cleveland Hopkins International Airport (*General Police Order 4.05.02*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: Testimony revealed a phone call the officer had with his then Deputy Chief where he was informed of the possible changes, and interviews of the officer’s direct supervisor or his Commander were not completed.

Lieutenant Jacquelyn Bennett #8565:

Specification: Inappropriate comments (*Manual of Rules 5.09 and 5.11*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer pled “No Contest” and accepted responsibility. Reinstruction is appropriate regarding this instance.

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Sergeant Michael Schroeder #9249:

Specifications: Failed to restrict overtime to the minimum when he created three hours of overtime by adjusting his start times (*General Police Order 4.05.02*) – Failed to restrict overtime to the minimum when he submitted overlapping overtime cards, causing double overtime payments (pyramiding) to occur for combined total of five hours (*General Police Order 4.05.02*).

Disposition: The charge of creating three hours of overtime was dismissed. Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (12/17/2020: three-day suspension), the officer received a two-day suspension. This corrective action is within the Second Group I violation range of the discipline matrix when mitigating factors (*circumstances under which the rule was violated: evidence reflects the violation was not purposeful but the result of inattention*) outweigh aggravating factors (*active discipline, supervisory rank*).

Rationale: The change in his start time was previously approved and with unforeseen overtime. On two occasions the officer submitted overtime cards which led to double overtime payments (pyramiding) for the same time period, one for two hours and another for three hours.

Patrol Officer Brizillo Hall #476:

Specification: Posted in Kronos overtime cards (two cards total), each without a command officer’s approval signature (*General Police Order 4.04.05*).

Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

Rationale: The officer did enter two overtime cards without the required Command level approval.

Patrol Officer Spencer Camp #1516:

Specification: Failed to safeguard an arrested person's property (*General Police Order 3.03.02*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer pled “No Contest” and accepted responsibility. The officer did fail to properly secure the prisoner’s property when he set it on the roof of his patrol car and drove away. He did search for the property; however, it had received damage from falling off of the patrol car. Reinstruction is appropriate regarding this instance.

Patrol Officer Megan Hollenbeck #187:

Specifications: Refused a direct order (*Manual of Rules 2.02, 2.06, and 2.07*) – Yelled at her direct supervisor (*Manual of Rules 5.09*) – Attempted to leave before turning in an OH-1 prior to supervisor approval and failed to complete and turn in a BMV 2255 form for an Operating a Vehicle While Impaired arrest (*Manual of Rules 9.08*).

Disposition: The charge of refusing a direct order was dismissed. The officer received a Non-disciplinary Letter of Reinstruction for the remaining charges.

Rationale: Refusing a direct order charge happened after their shift was over and the officer and the supervisor were both out of uniform, and outside of the Headquarters building. In this

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instance, the charge of yelling at a direct supervisor more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. The officer did yell at a superior officer and failed to complete and turn in reports prior to reporting off duty. Reinstruction is appropriate regarding these instances.

Patrol Officer Xavier Lynch #730:

Specification: Sick leave abuse in the First Quarter of 2023 (*General Police Order 1.3.06*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until September 1, 2024.

Rationale: The officer exhibited a pattern of sick time abuse, to wit: during the First Quarter of 2023, he took one-hundred hours of sick leave, with ninety of the hours attached to vacation days. Additionally, forty of the one-hundred hours of Sick Leave taken were undocumented, and of those forty undocumented hours, thirty hours connected to vacation days and the final ten hours were on a weekend. Additionally, the two-month look-back period revealed an additional ninety hours of sick leave, with all ninety hours attached to vacation days. Finally, thirty hours of the ninety hours taken during the look-back period were undocumented, and all thirty undocumented hours were tied to a vacation day.

Patrol Officer Logan Pudlinski #892:

Specifications: Failed to arrest the suspect of a Domestic Violence and Rape despite having probable cause (*General Police Order 5.05.01 and Manual of Rules 4.01*) – Failed to provide a domestic violence victim with a Misdemeanor Complaint Statement and failed to complete a Danger Assessment - Law Enforcement Form (*General Police Order 5.05.01*).

Disposition: The charge of failing to arrest the suspect of a Domestic Violence and Rape was dismissed. The officer received a Non-disciplinary Letter of Reinstruction for the remaining charge.

Rationale: While the officer did fail to arrest the suspect while having probable cause to do so, at the time the officer was inexperienced and he did contact a supervisor for guidance and the supervisor ultimately steered the officer away from the decision to arrest. The officer did fail to complete the required DA-LE (Danger Assessment - Law Enforcement) Form. Because this is his first instance of failing to complete this form, reinstruction is appropriate regarding this violation.

Patrol Officer Nicholas Beach #1948:

Specifications: Failed to arrest the suspect of a Domestic Violence and Rape despite having probable cause (*General Police Order 5.05.01 and Manual of Rules 4.01*) – Failed to assume responsibility of a scene involving a Rape and Domestic Violence suspect by deferring all judgment and responsibility to a less senior patrol officer (*Manual of Rules 4.19*).

Disposition: The charge of failing to arrest the suspect of a Domestic Violence and Rape was dismissed. The charge of failing to assume responsibility of a scene more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public) – the charge was amended from a Group II violation to a Group I violation. Found “Guilty” of one

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Group I violation. Considering the officer's active discipline history (none), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

Rationale: While the officer did fail to arrest the suspect while having probable cause to do so, he did contact a supervisor for guidance and the supervisor ultimately steered the officer away from the decision to arrest. This was the officer's assignment and he did defer all judgment and responsibility to a less senior patrol officer.

Patrol Officer Steven Obed #2134:

Specification: Inappropriate and discourteous comments while off-duty (*General Police Order 1.1.03*).

Disposition: The charge of inappropriate and discourteous comments while off-duty more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer was captured on a Berea Police Officer's body camera making inappropriate and discourteous comments. Reinstruction is appropriate regarding this instance.

Patrol Officer David Morrison #1017:

Specification: Failed to place his Wearable Camera System (WCS) into event mode prior to responding to a call for service (*General Police Order 4.06.04*).

Disposition: Found "Guilty" of one Group I violation. Considering the officer's active discipline history (none), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, accepted responsibility*) outweigh aggravating factors (*previous Letter of Reinstruction for a Wearable Camera System violation*).

Rationale: The officer pled "No Contest" and accepted responsibility. The officer failed to activate his Wearable Camera System while in route to a call for service and then was involved in a traffic crash.

Patrol Officer Seth Mercer #868:

Specifications: Involved in a motor vehicle accident in his personal vehicle (off-duty) and failed to contact Communications Control Section (CCS) or a supervisor (*Manual of Rules 4.20*) – Involved in a motor vehicle accident in his personal vehicle and failed to notify the Cleveland Division of Police (CDP) (*General Police Order 8.1.01*).

Disposition: Found "Guilty" of two Group I violations. Considering the officer's active discipline history (none), the officer received a two-day suspension. This corrective action is within the Second Group I violation range of the discipline matrix when aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range, delay in reporting presents an appearance of impropriety*) outweigh mitigating factors (*no active discipline, accepted responsibility*).

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Rationale: The officer pled “No Contest” and accepted responsibility. The officer failed to contact Communications Control Section when he was involved in an off-duty Motor Vehicle Crash which occurred within the City of Cleveland and failed to immediately notify the Cleveland Division of Police of this accident, making a proper investigation impossible.

Senior Data Conversion Operator Betty McCutchen #3398:

Specification: Failed to detect an error in a report or failed to return it for corrections which resulted in a stolen vehicle not being entered into LEADS (*Manual of Rules 1.09, 4.03, and 9.09*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction.

Rationale: The member failed to check, detect and return a report which resulted in a stolen vehicle not being entered into LEADS. Reinstruction is appropriate regarding this instance.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Administrative Operations on August 30, 2023.

Patrol Officer Mackenley Weaver #2499:

Specifications: Failed to correctly complete and submit an OH-1 crash report in a timely manner (×8) (*General Police Order 8.1.02 and Manual of Rules 9.08 and 9.12*) – Observed a Motor Vehicle Accident and delayed in correctly completing and submitting an OH-1 crash report, causing it to be delivered to the Record File Section late (*General Police Order 8.1.02 and Manual of Rules 9.08 and 9.12*) – Failed to properly categorize Wearable Camera System (WCS) videos in nine incidents (*General Police Order 4.06.04*) – Sick leave abuse in the First Quarter of 2023 (*General Police Order 1.3.06*).

Disposition: Found “Guilty” of eleven Group I violations. Considering the officer’s active discipline history (none), the officer received a five-day suspension. This corrective action is within the Group I violation range of the discipline matrix when aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range, delay in reporting further victimizes citizens*) outweigh mitigating factors (*no active discipline, accepted responsibility*). In addition, the officer received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until September 6, 2024.

Rationale: The officer pled “No Contest” and accepted responsibility for failing to complete nine OH-1 Crash Reports in a timely manner and correctly categorizing them in Evidence.com. In addition, the officer exhibited a pattern of sick time abuse, to wit: during the First Quarter of 2023, he used 63 hours of undocumented sick leave with 32 hours taken on weekends and the other 31 hours attached to those weekend hours. Additionally, during the two-month look-back period, he used another 24 hours of undocumented sick leave, of which 16 hours were on weekends.

Patrol Officer Katie Medwid #1184:

Specification: Discharge of City-issued firearm in an unsafe manner (*Manual of Rules 5.13*).

Disposition: In this instance, the charge of discharging of City-issued firearm in an unsafe manner more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with

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other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, rapidly evolving incident*) outweigh aggravating factors (*none*). In addition, the officer shall attend Retraining in Firearm Tactics with the Training Section by December 31, 2023.

Rationale: The officer did discharge her City-issued pistol in a general direction that included an Animal Care and Control Officer; this was primarily due to poor tactical positioning prior to what became an incredibly fast moving and dangerous incident with a large and vicious dog charging towards the officer. Because she was assisting an officer from another Division, the tactics may not be cohesive.

Patrol Officer Roberto Ortiz #826:

Specification: Involved in a motor vehicle accident that was reviewed by the Traffic Safety Analysis Panel and determined to be preventable (*Manual of Rules 4.03, 6.03 and 6.05*) – Failed to place his Wearable Camera System (WCS) into event mode prior to responding to a call for service (*General Police Order 4.06.04*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer pled “No Contest” and accepted responsibility. This is the officer’s first preventable motor vehicle accident and his first Wearable Camera System violation. Reinstruction is appropriate regarding these instances.

Patrol Officer Dylan Coda #1927:

Specification: Unacceptable language and derogatory remarks (*Manual Rules 5.09*).

Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, accepted responsibility*) outweigh aggravating factors (*none*).

Rationale: The officer pled “No Contest” and accepted responsibility. The officer engaged in a verbal confrontation where he used unacceptable language and derogatory remarks towards a female resident of a homeless shelter.

Patrol Officer Lamar Heath #817:

Specification: Unauthorized secondary employment (*General Police Order 1.02.13*) – Failed to immediately act (*Manual of Rules 4.11*).

Disposition: Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (none), the officer received a three-day suspension. This discipline is within the Group I violation range of the discipline matrix when aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*no active discipline, partially accepted responsibility*).

Rationale: The officer pled “No Contest” and accepted responsibility for working secondary employment without authorization. In addition, the officer did delay in rendering assistance while at the scene of a mass shooting.

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Dispatcher Beth Mandl #145:

Specification: Refused a direct order (*Manual of Rules 2.02, 2.04, 2.06 and 2.07*).

Disposition: In this instance, the charge of refusing a direct order more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. Found “Guilty” of one Group I violation. Considering the member’s active discipline history (none), the member received a two-day suspension. This corrective action is within the First Group I violation range of the discipline matrix when aggravating factors (*delay in obeying an order can interfere with the operations of the Division*) outweigh mitigating factors (*no active discipline*).

Rationale: The member did disobey the order of a superior officer when she delayed in meeting with a superior officer with the union representative available regarding Quality Assurance Review #2 for 2023. The member requested the Chief Union Steward to represent her, and the Chief Union Steward was in route. The Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen’s Association only requires that a union representative be present, and her request to have a particular union representative present is not granted in the Collective Bargaining Agreement. However, the Chief Union Steward was in route and the meeting would have been delayed approximately twenty to twenty-five minutes.

The following are dispositions of disciplinary hearings held by the Deputy Chief, Chief of Staff on September 18, 2023.

Lieutenant Timothy Stacho #8535:

Specification: Discourteousness in speech (*Manual of Rules 5.09*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: The officer was off-duty and he did not indicate that he was a member of the Cleveland Division of Police nor did any attire represent him as a member of the Cleveland Division of Police while he was engaged in a private argument with another person.

Patrol Officer Matthew Dickerson #786:

Specification: Failed to fully investigate suspected criminal activity (*Manual of Rules 4.18*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer conveyed a victim back to her home and the suspect was present. The victim advised that the suspect was on probation, and with this information, the officer should have inquired about the crime report the victim completed to determine if there may be a probation violation. However, because the officer did recover the victim’s property and ensure her safety, reinstruction is appropriate regarding this instance.

Patrol Officer Christopher Wilson Jr. #571:

Specification: Unauthorized secondary employment (*General Police Order 1.02.13*).

Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (11/4/2022: ten-day suspension), the officer received a one-day suspension. This corrective action is within the First Group I violation range of the discipline matrix when

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aggravating factors (*active discipline, liability to the City and was aware of General Police Order 1.02.13 via Divisional Notice 2021-0264 issued November 11, 2021*) outweigh mitigating factors (*accepted responsibility*).

Rationale: The officer pled “No Contest” and accepted responsibility for working secondary employment without authorization.

Patrol Officer Michael Kane Jr. #997:

Specification: Failed to notify Communication Control Section (CCS) that a pursuit was underway (*General Police Order 3.2.02 and Divisional Notice #16-304*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: The officer engaged in a pursuit and was broadcasting information regarding the suspect vehicle’s location and direction. Once he engaged with the suspect vehicle, there was significant radio traffic which appeared to hinder his ability to broadcast that he was now in a pursuit which lasted about 20 seconds, as such the officer had limited opportunity to notify the Communications Control Section (CCS) that he was in a pursuit.

Patrol Officer Nathan Dawson #940:

Specification: Involved in a motor vehicle accident that was reviewed by the Traffic Safety Analysis Panel and determined to be preventable (*Manual of Rules 4.03, 6.03 and 6.05*) – Failed to place his Wearable Camera System (WCS) into event mode immediately after becoming involved in an accident (*General Police Order 4.06.04*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer pled “No Contest” and accepted responsibility. This is the officer’s first preventable motor vehicle accident and his first Wearable Camera System violation. Reinstruction is appropriate regarding these instances.

With charges of misconduct pending, the following member separated from the Division of Police.

Patrol Officer David Helmuth #2215:

Specification: Did show a pattern of sick abuse when he avoided undesirable duties by reporting off “sick” after being ordered to work mandatory overtime (×3) (*General Police Order 1.3.06 and Manual of Rules 1.07, 2.07, 4.08 and 10.01*) – insubordinate and mutinous behavior towards a superior officer (*Manual of Rules 1.07, 2.02, 2.06 and 10.01*).

Disposition: On September 27, 2023, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

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Patrol Officer Chad Collins #926:

Specification: Untruthful (*Manual of Rules 3.12*) – conduct unbecoming an officer of the Division of Police (*General Police Order 1.07.06*).

Disposition: On September 27, 2023, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

Patrol Officer Danielle Bennett #721:

Specification: Sick leave abuse in the First Quarter of 2023 (×2) (*General Police Order 1.3.06*) – Failed to provide documentation while on Step-1 of the Sick Abuse Control Program (×6) (*General Police Order 1.3.06*) – Failed to provide documentation while on Step-2 of the Sick Abuse Control Program (*General Police Order 1.3.06* and *Manual of Rules 2.02*) – Sick leave abuse in the Second Quarter of 2023 (*General Police Order 1.3.06*) – Absent Without Leave (×2) (*General Police Order 4.04.01* and *Manual of Rules 10.01*) – Deceptive (*Manual of Rules 3.12*).

Disposition: On September 28, 2023, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”