



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Dornat (Wayne) A. Drummond, Chief
FBI NA #230
Division of Police
1300 Ontario Street, Suite 929
Cleveland, Ohio 44113
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Pre-Disciplinary Hearing Letter

September 5, 2022

Patrol Officer Jared Germaine #1606
C/o Bureau of Special Services
1300 Ontario Street
Cleveland, Ohio 44113

Re: OPS2021-0277

Patrol Officer Germaine #1606:

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: (OPS2021-0277) The Civilian Police Review Board (CPRB) is recommending to the Chief of Police that the allegation of *Unprofessional Behavior/Conduct* be sustained against you, Patrol Officer Jared Germaine #1606, that on or about October 27, 2021, you violated General Police Order 2.01.02 and Manual of Rules 5.01, 5.08, and 5.09 when you failed to avoid taking unnecessary actions that may escalate the need to use force when you used a harsh level of voice and tone. You did not use strategic communication or voice commands to de-escalate the situation. You did not verbalize to the complainant in a calm manner and normal tone of voice when you threatened to break the complainant's "fucking window" and threatened to "tase" him. (*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 2.01.02: De-escalation (effective 1/1/18)

PROCEDURES:

I. De-escalation Tactics and Techniques

B. Officers shall avoid taking unnecessary actions that may escalate the need to use force, (e.g. aggressive body language, proximity, harsh level of voice and tone, officer's own stress level or excitement).

G. De-escalation Techniques include:

1. Proactive use of distance, cover, concealment, and time.
 - a. Separating oneself from the threat and create a safe distance to speak with subject(s). This allows officers to assess the situation and their options, bring additional resources to the scene, and develop a plan for resolving the incident without use of force;
3. Strategic communication or voice commands to de-escalate the situation
 - b. Ask questions rather than issue orders;
 - c. Advise the subject(s) of the actions that officers will take to end their crisis in the best way possible;
 - d. As a last resort, inform the subject that not following orders may result in the need to use force. When possible and appropriate, give subjects the opportunity to comply with directives.

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

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 **Monday, September 19, 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.**

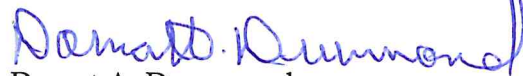
If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours prior to the scheduled hearing. It is your responsibility to notify said witnesses of the date and time of the hearing. 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: Harold Pretel, Deputy Chief, Homeland Special Operations
Brian Carney, Commander, Bureau of Compliance
Maurice Brown, Acting Commander, Bureau of Special Services
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Henry Roney, Interim Administrator, Office of Professional Standards
Michael Hess, Chairman, Civilian Police Review Board
Spyridon Kodellas, Research Analyst, Office of Professional Standards
Hassan Aden, Federal Monitoring Team