



City of Cleveland  
Justin M. Bibb, Mayor

Department of Public Safety  
Karrie D. Howard, Director  
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October 31, 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:

This letter is to advise you, Patrol Officer Melissa Marquard #1760, of the result of the administrative pre-disciplinary hearing you attended on Friday, September 9, 2022. The hearing was held to address the results of an internal investigations wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

#### **FACTUAL SUMMARY**

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. You admitted to driving your sister to the home of a member of the Cleveland Division of Police where your sister places screws near the driveway of the home where the vehicles were parked. Your complicity in damaging the tires resulted in you being named a suspect in a criminal damaging investigation by the Lakewood Police Department.

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

#### **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**

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

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

**Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police, Rules 2.01, 5.01, 5.08 and 5.09.**

### **PREDISCIPLINARY HEARING**

In attendance at the administrative pre-disciplinary hearing that I presided over were you, President Jeff Follmer, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Sergeant Jacquelyn Bennett of the Internal Affairs Unit, Sergeant Mark Pesta of the Second District, Assistant Director Michael Pike, Assistant Director Matthew Allman and Legal Intern Dustin Read of the Department of Law, Lieutenant Charles DePenti of the Case Preparation Unit, Sergeant Kelly Smith, Assistant Director George Coulter and Assistant Director Jakimah R. Dye of the Department of Public Safety.

During the hearing, you acknowledged receipt of the charge letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of "No Contest" to Specification #1 and Specification #2 and "Not Guilty" to Specification #3, as set forth in the charge letter.



### ***Discipline History***

7/20/2020—AWOL, Failed to Complete Reports—Suspended 7 Days

3/24/2021—Failed to Notify Medical Unit of Prescription Medications—Suspended 4 Days

### ***Findings and Conclusions***

- ***Mitigating and Aggravating Factors***

Mitigating: Accepted responsibility, paid restitution to both victims.

Aggravating: Active discipline, multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.

- ***Anomalies***

None.

### ***Disciplinary Conclusion***

A thorough review was conducted by the Department of Public Safety. Upon carefully reviewing the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I have determined that you, Patrol Officer Melissa Marquard #1760 violated ORC 2909.06, Criminal Damaging or Endangering and Manual of Rules 2.01, 5.01, 5.08, and 5.09 when you conspired with your sister to damage tires on vehicles owned by two (2) separate members of the Cleveland Division of Police. You admitted to driving your sister to the home of a member of the Cleveland Division of Police where your sister places screws near the driveway of the home where the vehicles were parked. Your complicity in damaging the tires resulted in you being named a suspect in a criminal damaging investigation by the Lakewood Police Department (*Specification #1*). You violated General Police Order 1.03.06 when you 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 (*Specification #3*). During your testimony, you stated that when you were contacted by the Lakewood Police Department concerning the criminal investigation in which you were a suspect that you did notify a supervisor in the Employee Assistance Unit regarding the circumstances and your involvement, satisfying the requirements of General Police Order 1.07.05 as it relates to Specification #2.

As a member of the Cleveland Division of Police, Department of Public Safety, you are obligated to abide by the Division's Manual of Rules, General Police Orders, and Code of Ethics; as well as the City's Human Resources Policies and the Civil Service Rules. These rules, codes and policies require members to acknowledge that the course of our duties place us in situations that require and demand public trust. Members are expected to carry themselves in a manner that promotes a culture of integrity and set high standards of professionalism both on and off duty. Your actions were inappropriate, distasteful and jeopardized the safety and well-being of other members of the Cleveland Division of Police.

The Division of Police cannot operate and professionally meet its objectives while tolerating a failure to comply with professional expectations or being subject to utter disregard for policy. Not only does the aforementioned conduct reasonably tend to diminish the esteem of the Division of Police in the eyes of the public, it has no place in any Department or Division within the City of Cleveland.

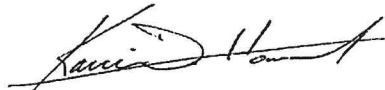
Based on the foregoing, I find you "**Guilty**" of Specifications #1 and #3 and "**Not Guilty**" of Specification #2. **Consistent with City of Cleveland policies and procedures, I am issuing you a twenty (20) workday suspension without pay for one (1) Group III Violation and one (1) Group I Violation. After the conclusion of your suspension, you shall be transferred from District 2 to District 1, in accordance with General Police Order 1.07.06 (I. Table of Discipline, Section F). Additionally, I am placing you on Step-1 of the Sick Leave Abuse Control Program.** Pursuant to the procedures of the Step-1 Sick Abuse, you are to provide documentation to the Medical Director prior to being returned to duty for any sick leave taken from the date of this letter until October 31, 2023. Further, members who are found to be abusing sick leave within one year of completing Step-1 Sick Abuse shall result in the member

automatically escalating to Step-2 Sick Abuse. This corrective action is within the First Group III violation range of the discipline matrix where aggravating factors (*active discipline, multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*accepted responsibility, paid restitution to both victims*).

The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer or designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer or designee upon reporting for duty. **Additionally, you shall, within five (5) work days of returning from suspension, read General Police Order 1.3.06 and Manual of Rules 2.01, 5.01, 5.08 and 5.09, and expect to be reinstructed by a superior officer on that Order and those Rules. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to the Case Preparation Unit (caseprep@clevelandohio.gov) and The Department of Public Safety (publicsafetyadmin@clevelandohio.gov).**

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, verbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Sincerely,



Karrie D. Howard, Chief Director  
Department of Public Safety

KDH:DAD:kas

cc: Dornat Drummond, Chief, Division of Police  
George Coulter, Assistant Director of Operations, Department of Public Safety  
Jakimah R. Dye, Assistant Director, Department of Public Safety  
Dorothy Todd, Deputy Chief, Chief of Staff  
Sammy Morris, Acting Deputy Chief, Field Operations  
Brian Carney, Commander, Bureau of Compliance  
Thomas Stacho, Commander, Second District  
Kevin Schwartz, Acting Commander, First District  
William Menzalora, Chief Assistant Director of Law  
Michael Pike, Assistant Director of Law  
Amanda Boutton, Assistant Director of Law  
Christopher Viland, Superintendent, Internal Affairs Unit  
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Unit  
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association  
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit  
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit  
Paul Patton, Director, Department of Human Resources  
Michael Spreng, Secretary, Civil Service Commission  
Michael Evanovich, Investigator, Department of Justice  
Richard Rosenthal, Member, Monitoring Team  
Jason Goodrick, Executive Director, Cleveland Community Police Commission  
Hassan Aden, Federal Monitoring Team