



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Dornat (Wayne) A. Drummond, Chief

FBI NA #230

Division of Police

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Disposition Letter

December 29, 2022

Patrol Officer Kenneth Potchatek #2016
Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: DBI2022-0108

Patrol Officer Potchatek #2016:

This letter is to advise you, Patrol Officer Kenneth Potchatek #2016, of the result of the administrative pre-disciplinary hearing you attended on November 23, 2022, to address an internal investigation wherein you were alleged to have engaged in improper procedure and/or conduct.

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: (DBI2022-0108) On or about August 25, 2022, you, Patrol Officer Kenneth Potchatek #2016, failed to place your Wearable Camera System (WCS) into event mode while participating in the execution of a search warrant, in violation of General Police Order 4.06.04. (*Group I Violation*)

This specification violates the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

General Police Order 4.06.04: Wearable Camera System (Effective: 1/1/20)

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing, were you, President Jeffrey Follmer, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, President Emmanuel Velez of the Hispanic Police Officers' Association, Vice President Luther Roddy of the Black Shield Police Association, Sergeant Mark Worsencroft of the Third District, Lieutenant Charles DePenti of the Case Preparation Unit and Deputy Chief Harold Pretel of Homeland Special Operations, who presided over the hearing.

During the hearing, you acknowledged receipt of the charging 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 as set forth in the charging letter. Upon reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be issued a Letter of Reinstruction.

FINDINGS AND CONCLUSION

I have carefully reviewed the evidence incorporated into the record by reference, the memorialized record, including statements made at your hearing, and the applicable Rules, Policies and Procedures. I accept and adopt the recommendation of the Hearing Officer. You have no previous Wearable Camera System (WCS) violations and no evidence was lost as other WCSs on scene were active. Based on the foregoing, I am issuing you this **Non-disciplinary Letter of Reinstruction**. Please review General Police Order 4.06.04 and ensure that you follow it verbatim.

Pursuant to the Manual of Rules, you are personally responsible for maintaining a current set of General Police Orders either as a paper copy or in electronic format. Furthermore, your Commanding Officer maintains all Divisional directives, which you are obligated to also know pursuant to the Manual of Rules. Please inform your Commanding Officer, through the chain of command, if you cannot access these policies and protocols. If you have any questions, please contact your immediate supervisor for specific answers about any of the Division's policies and protocols and their application.

This letter is not discipline and should not be regarded as such.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dornat A. Drummond".

Dornat A. Drummond
Chief of Police

Patrol Officer Kenneth Potchatek #2016

December 29, 2022

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DAD:bpc:cld:la

cc: Karrie D. Howard, Chief Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, HomelandSpecial Operations
Brian Carney, Commander, Bureau of Compliance
Robert Tucker, Commander, Third District
Robert Simon, Captain, Office of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Shawn Smith, Lieutenant, Training Section
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
William Menzalora, Chief Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Mary L. Bradley, Executive Director, Civil Service Commission
Sylvia Grimes, Secretary, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ayesha Bell Hardaway, Interim Monitor, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Dr. Leigh Anderson, Executive Director of the Police Accountability Team