



City of Cleveland Memorandum
Justin M. Bibb, Mayor

TO: Michael Hess, Chairperson, Civilian Police Review Board

FROM: Dornat A. Drummond, Chief of Police

SUBJECT: OPS2020-0098 Departure

DATE: September 7, 2022

Based upon its review of the information contained in the investigative files, OPS #2020-0098, the Civilian Police Review Board (CPRB) ruled the complainant's allegations of *Unprofessional Conduct* be sustained against Patrol Officer Gino Trinh #505. The CPRB found that on May 24, 2020, Patrol Officer Gino Trinh violated General Police Order 2.01.02 and Manual of Rules 5.01, 5.08 and 5.09 when, he referred to the complainant, "Mr. Don't Touch Me" in his interactions with the complainant, and that his statements to the complainant were mocking in nature. For this reason, CPRB recommended discipline that is consistent with a Group I violation for *Unprofessional Conduct* (Specification #1).

OPS #2020-0098 was submitted to the Chief's Office on April 21, 2022. A pre-disciplinary hearing was held on Monday, May 23, 2022, before Acting Deputy Chief Sammy Morris. Patrol Officer Gino Trinh pled "Not Guilty" to the specification. Evidence was presented by Sergeant Stephanie Maye at her hearing (same incident and case number, OPS2020-0098). Because new evidence was submitted at a related hearing, Patrol Officer Trinh's hearing was suspended in compliance with paragraph 241 of the US v Cleveland - Consent Decree, and the matter was returned to the Civilian Police Review Board for consideration. On August 31, 2022, Interim Senior Investigator Eric Richardson emailed the Case Preparation Unit regarding that CPRB decision, "The case was presented to the CPRB during the August hearings. The Board voted to sustain the lack of service allegation, in a manner consistent with their initial findings made during the earlier hearing."

Specification #1: (OPS2020-0098) The Civilian Police Review Board (CPRB) is recommending to the Chief of Police that the allegation of *Unprofessional Conduct* be sustained against you, Patrol Officer Gino Trinh #505, that on or about May 24, 2020, you violated Manual of Rules 5.01, 5.08, and 5.09, and General Police Order 2.01.02 when, you referred to the complainant as, "Mr. Don't Touch Me" in your interactions with the complainant, and that your statements to the complainant were mocking in nature. (*Group I Violation*)

I have carefully reviewed the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies, procedures and Wearable Camera System video. My findings follow.

While a review of all the video from this incident is recommended, a careful review of Patrol Officer Trinh's Wearable Camera System (WCS) video beginning at the 11:00 minute mark and ending at the 29:00 minute mark clearly demonstrates that Patrol Officer Trinh's actions and language were used to de-escalate the situation and the language, while seemingly unorthodox, was **not** "mocking in nature." Additionally, Patrol Officer Trinh did begin using the complainant's real name at the 26:10 mark, and the complainant reacted negatively, so Patrol Officer Trinh reverted back to "Mr. Don't Touch Me."

Based on the foregoing, I find Patrol Officer Gino Trinh #505 **"Not Guilty"** of Specification #1.

Pursuant to the Civilian Police Review Board manual (L.), the Board may vote to impose its original recommendation regarding discipline or other remedial action and shall prepare an amended final summary explaining its rationale to send to the Director of Public Safety with a copy to the Chief and the Case Preparation Unit.

An appeal hearing will be scheduled with the Director of Public Safety on Friday, September 16, 2022. If the Civilian Police Review Board votes to not appeal this decision, please notify the Safety Director's Office and the Case Preparation Unit. Please do not hesitate to contact the Chief's Office to schedule a meeting if you have any further questions regarding this matter.

DAD:bpc:cld

cc: Karrie Howard, Chief Director, Public Safety
George Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Public Safety
Sammy Morris, Acting Deputy Chief, Field Operations
Brandon Kutz, Commander, Fourth District
Brian Carney, Commander, Bureau of Compliance
Dorothy Todd, Commander, Chief's Office
Christopher Viland, Superintendent, Internal Affairs Unit
Jeffrey Follmer, President, Cleveland Police Patrolman's Association
Thomas Fisher, Interim Administrator, Office of Professional Standards
Michael Hess, Chairman, Civilian Police Review Board
Hassan Aden, Federal Monitoring Team
Richard Rosenthal, Federal Monitoring Team