



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

September 8, 2022

**Sergeant Higinio Rivera #9246
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103**

Re: CPD2021-0105

Sergeant Rivera #9246:

This letter is to advise you, Sergeant Higinio Rivera #9246, of the result of the administrative pre-disciplinary hearing you attended on August 22, 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: (CPD2021-0105) On or about October 27, 2021, you, Sergeant Higinio Rivera #9246, conducted an inventory of a vehicle's contents and failed to remove valuable items (i.e. wallet and wireless hotspot) from the vehicle and tag and enter them in the district or unit property book, in violation of General Police Order 8.2.01. (*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 8.2.01: Vehicle Tow or Release (revised: 5/30/03)

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Police Department: 1.06, 2.03, 2.14, 4.01, and 4.03

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing, were you, President James O'Malley, Vice President Daniel Bernath and Attorney Robert Barrett of the Fraternal Order of Police, Lodge #8, Sergeant Damir Savor of the First District, Commander Dorothy Todd of the Chief's Office, Lieutenant Charles DePenti of the Case Preparation Unit and Deputy Chief Daniel Fay of Administrative Operations, who presided over the hearing.

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 "Not Guilty" to Specification #1 of the administrative charges as set forth in the charge letter. Upon carefully reviewing the evidence presented, the Hearing Officer recommended that you be found "Guilty" of Specification #1.

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, and I accept and adopt the recommendation of the Hearing Officer. You violated General Police Order 8.2.01 when you conducted an inventory of a vehicle's contents and failed to remove valuable items from the vehicle and tag and enter them in the district or unit property book. As such, I find you "**Guilty**" of specification #1 and I am issuing you a **two (2) workday suspension without pay**. This discipline is within the Second Group I violation range of the discipline matrix where aggravating factors (*active discipline, supervisory rank of officer*) outweigh mitigating factors (*none*).

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, you shall read General Police Order 8.2.01 and Manual of Rules 1.06, 2.03, 2.14, 4.01, and 4.03 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 both:

**The Case Preparation Unit (caseprep@clevelandohio.gov)
Lieutenant Charles DePenti (cdepenti@clevelandohio.gov).**

Sergeant Higinio Rivera #9246

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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 Fraternal Order of Police, Lodge #8, disciplinary actions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Respectfully,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld:kfs

cc: Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Dorothy Todd, Commander, Chief's Office
Brian Carney, Commander, Bureau of Compliance
Michael Butler, Commander, Third District
Christopher Viland, Superintendent, Internal Affairs Unit
William Mokshefsky, Acting Lieutenant, Officer-in-Charge, Personnel Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
George E. Coulter, Assistant Director, Department of Public Safety
Monique Young, Labor Relations Officer, Department of Human Resources
Michael Spreng, Secretary, Civil Service Commission
Paul Patton, Chief Human Resource Officer
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Hassan Aden, Federal Monitoring Team