



CLEVELAND DIVISION OF POLICE

DIVISIONAL NOTICE

DATE: NOVEMBER 14, 2023	NUMBER: 23-342
SUBJECT: PRE-DISCIPLINARY HEARING DISPOSITIONS (OCTOBER)	
CHIEF: <i>Dornat A. Drummond, Chief</i>	PAGE(S): 1 of 10

The following are dispositions of disciplinary hearings held by the Assistant Director of Public Safety on July 31, 2023.

Detective Thomas Kloock #1033:

Specifications: Failed to place his Wearable Camera System (WCS) into an Evidence Transfer Manager (ETM) slot by the end of his tour of duty (*General Police Order 4.06.04*) – Failed to seize evidence, enter it into evidence and complete an incident report (*General Police Order 3.4.09 and Divisional Notice 20-402*) – Failed to enforce liquor control laws (*General Police Order 4.2.06*) – Was one of the primary detectives on a stop, detention and arrest of a male, and failed to complete a Stop Form (×3) (*General Police Order 2.02.05*) – Failed to request a supervisor respond to the scene, did not have pre-approval in writing to conduct a strip search, and did not complete a police prisoner search report (*General Police Order 2.02.04*) – Became aware that a male was having difficulty breathing after a use of de minimus force and failed to obtain medical assistance (*General Police Order 2.01.03 and Manual of Rules 4.14*) – Improper tactics and training (*General Police Order 1.07.06*) – Failed to report a pistol point to the Communications Control Section (CCS) or his supervisor, and failed to create a Use of Force entry in Division tracking software (*General Police Order 2.01.05*).

Disposition: The charges of failing to seize evidence and enter it into evidence, failing to enforce liquor control laws, and conducting a strip search were dismissed. The officer received a Non-disciplinary Letter of Reinstruction for the remaining charges. In addition, the officer shall attend Retraining in Firearm Tactics (specifically: the proper method in retrieving a firearm from a suspect who is armed in a motor vehicle) with the Training Section by January 30, 2024.

Rationale: The officer encountered a male with marijuana and failed to seize the marijuana, enter it into evidence and complete the necessary incident report and encountered two males with an open container, failed to enforce liquor control laws, and did not issue a citation, however, these actions were observed and approved by a supervisor on-scene. A review of the incident indicates that the officer did not conduct a strip search, failed to place his Wearable Camera System (WCS) into an Evidence Transfer Manager (ETM) slot, was one of the primary detectives on-scene and failed to complete Stop Forms on three occasions, and failed to obtain medical assistance. In addition, The officer entered a motor vehicle with an armed subject and removed a firearm from that subject outside of tactics and training, and did use a Level-1 Use of Force when he pointed his firearm at a male and failed to report this pistol point to the Communications Control Section (CCS) or a supervisor. Reinstruction is appropriate regarding these instances.

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Detective John Spahia #2235:

Specification: Diminished the Esteem (discourteous comments) (*Manual of Rules 5.01 and 5.09*).

Disposition: The charge of discourteous comments more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer did make a discourteous comment regarding the suspect; however, the utterance was not within earshot of the suspect. Reinstruction is appropriate regarding this instance.

Detective Anthony Lampkin #2462:

Specifications: Failed to report an allegation of misconduct when a male told him that he was punched in the face by an officer (*General Police Order 1.07.05*) – Failed to get a male medical attention after he requested EMS (*Manual of Rules 4.14 and General Police Order 2.01.03*) – Failed to call EMS in a timely manner for a male (*Manual of Rules 4.14*) – Failed to report a use of unnecessary force (*General Police Order 1.07.05 and 2.01.05*) – Witnessed excessive and retaliatory force, and failed to intervene (*General Police Order 2.01.03*).

Disposition: The charge of failing to report an allegation of misconduct more closely comports with a Group II Violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety), the charge was amended from a Group III violation to a Group II violation. Found “Guilty” of two Group I violations, two Group II violations and one Group III violation. The officer received a Non-disciplinary Letter of Reinstruction for the charges of failing to get a male medical attention and failing to call EMS. Considering the officer’s active discipline history (none), the officer received a twenty-day suspension for the remaining charges. This corrective action is within the First Group III violation range of the discipline matrix when aggravating factors (*multiple violations*) outweigh mitigating factors (*no active discipline*).

Rationale: While the subject did not suffer any visible or incapacitating injuries, the officer still failed to get medical attention for the subject after he requested EMS and failed to call for EMS in a timely manner for a subject possibly requiring medical assistance. Reinstruction is appropriate regarding these instances. The officer failed to report a use of force that was outside of policy, as there is no evidence that a supervisor or the Internal Affairs Unit was notified, and he witnessed misconduct when a Cleveland Police detective assaulted and/or used unnecessary, not proportional, and unreasonable force on a subject and failed to report it. In addition, the officer also failed to intervene and inquire about medical attention when he had witnessed this out of policy use of force. Multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.

Detective Eric Shelton #2015:

Specifications: Engaged in a vehicle pursuit with a suspect who was not suspected of committing a violent felony and was not suspected of Operating a Vehicle While Impaired (OVI) (*General Police Order 3.2.02*) – Failed to activate his Wearable Camera System (WCS) while engaged in a pursuit (*General Police Order 4.06.04*) – Showed incompetence in his decision

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making at the time of the incident when he attempted to explain the incident (*Manual of Rules 2.14*).

Disposition: The charge of showing incompetence in decision-making was dismissed. The charge of engaging in a vehicle pursuit with a suspect who was not suspected of committing a violent felony and was not suspected of OVI was amended to a Group I violation. Found “Guilty” of two Group I violations. Considering the officer’s active discipline history (none), the officer received a three-day suspension. This corrective action is within the Group I violation range of the discipline matrix when aggravating factors (*multiple violations within the same incident*) outweigh mitigating factors (*accepted partial responsibility*).

Rationale: The officer accepted partial responsibility. The inability to articulate the reasoning behind his actions does not necessarily equate to incompetence, as judgment of those responses may be subjective. The officer failed to activate his Wearable Camera System while engaged in a vehicle pursuit. Pursuit violations which do not result in death or serious bodily injury are designated as Group I violations. The officer engaged in a vehicle pursuit while operating an unmarked vehicle and without emergency lights or siren, and failed to immediately notify the Communications Control Section that a pursuit is underway. Multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.

The following is a disposition of a disciplinary hearing held by the Deputy Chief, Chief of Staff on August 9, 2023.

Detective Daniel Florentz #2586:

Specification: Failed to have a supervisor present during his interview with a complainant’s juvenile son (*CDP Detective Unit Manual – Procedures of Juvenile Offenders*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: The juvenile’s mother and adult sister were present and the language in the Cleveland Division of Police Detective Unit Manual would indicate to a detective that a supervisor is not required when obtaining a statement from a juvenile when a parent or guardian is present.

The following are dispositions of disciplinary hearings held by the Director of Public Safety on September 8, 2023.

Detective Nicholas Lombardi #1130:

Specifications: Failed to place his Wearable Camera System (WCS) into an Evidence Transfer Manager (ETM) slot by the end of his tour of duty (*General Police Order 4.06.04*) – Conducted an investigatory stop and failed to complete a Stop Form (×2) (*General Police Order 2.02.05*) – Failed to seize evidence, enter it into evidence and complete an incident report (*General Police Order 3.4.09 and Divisional Notice 20-402*) – Failed to enforce liquor control laws (*General Police Order 4.2.06*) – Failed to report an allegation of misconduct when a male told him that he was punched in the face and struck with a flashlight by an officer (*General Police Order 1.07.05*) – Engaged in a vehicle pursuit with a suspect who was not suspected of committing a violent felony and was not suspected of Operating a Vehicle While Impaired (OVI) (*General Police Order 3.2.02*).

Disposition: The charges of failing to seize evidence and enter it into evidence, and failing to enforce liquor control laws were dismissed. The charge of engaging in a vehicle pursuit with a

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suspect who was not suspected of committing a violent felony and was not suspected of OVI was amended to a Group I violation. The charge of failing to report an allegation of misconduct more closely comports with a Group I Violation (conduct that has a negative impact on the operations or professional image of the Division or that negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group III violation to a Group I violation. Found “Guilty” of five Group I violations. The officer received a Non-disciplinary Letter of Reinstruction for the charges of failing to place his WCS into an ETM slot, failing to complete Stop Forms on two occasions, and failing to report an allegation of misconduct. Considering the officer’s active discipline history (none), the officer received a two-day suspension for the remaining charge. This corrective action is within the First Group I violation range of the discipline matrix when aggravating factors (*multiple violations*) outweigh mitigating factors (*accepted partial responsibility, no active discipline*).

Rationale: The officer accepted partial responsibility. The officer encountered a male with marijuana and failed to seize the marijuana, enter it into evidence and complete the necessary incident report, and encountered two males with an open container, failed to enforce liquor control laws, and did not issue a citation, however, these actions were observed and approved by a supervisor on-scene. A review of the incident indicates that the officer did not place his Wearable Camera System (WCS) into an Evidence Transfer Manager (ETM) slot, did conduct investigatory stops and failed to complete a Stop Form on two occasions, and failed to report an allegation of misconduct, reinstruction is appropriate regarding these instances. The officer engaged in a vehicle pursuit while operating an unmarked vehicle and without emergency lights or siren, and also failed to immediately notify the Communications Control Section that a pursuit is underway. Multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.

Detective William Cunningham II #1724:

Specifications: Failed to fully investigate a domestic violence allegation (×3) (*Manual of Rules 4.01, 4.03 and 4.18*) – Failed to follow a lawful order (*Manual of Rules 2.02*) – Insubordination (*Manual of Rules 2.06*).

Disposition: The three charges of failing to fully investigate a domestic violence allegation are similar in nature and conduct, and are combined to one charge. The charge of insubordination more closely comports with a Group II Violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety), the charge was amended from a Group III violation to a Group II violation. Found “Guilty” of three Group II violations. Considering the officer’s active discipline history (6/2/2022: twenty-day suspension), the officer received a ten-day suspension. This corrective action is within the Second Group II violation range of the discipline matrix when aggravating factors (*active discipline, multiple violations*) outweigh mitigating factors (*none*).

Rationale: The officer failed to properly investigate and complete three domestic violence allegations in a timely manner and failed to follow a lawful order from his supervisor when he was ordered to provide, in writing, a complete explanation as to why he needed more time for investigations, and he failed to do so. In addition, the officer failed to complete three cases or provide a Form-1 by the end of the workday as ordered by his supervisor. Multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.

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The following is a disposition of a disciplinary hearing held by the Deputy Chief, Chief of Staff on September 18, 2023.

Patrol Officer Darryl Turner #2200:

Specification: Failed to actively investigate a threat made against a complainant (*Manual of Rules 4.01*).

Disposition: Found “Not Guilty” and the disciplinary action was dismissed.

Rationale: The complainant was not aware of the threat and he could not be a victim of Aggravated Menacing. In addition, the complaint was filed beyond the six-month time period in which the incident occurred; the member’s Collective Bargaining Agreement prohibits discipline when a citizen complaint is filed more than six months after the date of the alleged event.

The following is a disposition of a disciplinary hearing held by the Director of Public Safety on September 22, 2023.

Patrol Officer Brian Brunner #2083:

Specifications: Assaulted a complainant following a road rage incident by approaching his vehicle and slapping him in the face through the driver side window (*Cleveland Codified Ordinance 621.03: Assault and Manual of Rules 2.01*) – Drove his vehicle at an excessive rate of speed through an “entertainment” or “nightlife” area consisting of vehicular and pedestrian traffic (*Cleveland Codified Ordinance 433.02: Operation in Willful or Wanton Disregard of Safety and Manual of Rules 2.01*).

Disposition: The charge of driving at an excessive rate of speed was dismissed. Found “Guilty” of one Group III violation. Considering the member’s active discipline history (none), the member received a fifteen-day suspension. This corrective action is within the First Group III violation range of the discipline matrix when aggravating factors (*the actions escalated the incident increasing the risk of injury to all parties*) outweigh mitigating factors (*accepted partial responsibility, no active discipline*).

Rationale: The officer accepted partial responsibility. The rate of speed of the officers’ vehicle could not be verified. The officer did assault a driver when he approached his vehicle and then slapped his face.

The following are dispositions of disciplinary hearings held by the Deputy Chief Homeland Special Operations on September 25, 2023.

Patrol Officer Lawrence McGervey #2352:

Specification: As he approached a complainant, he placed his hand on his firearm (*General Police Order 2.01.02*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer unnecessarily approached the complainant, creating the possibility of escalating the encounter as opposed to using distance to de-escalate the situation. Reinstruction is appropriate regarding this instance.

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Patrol Officer Alexander Cole #517:

Specifications: Emergency Response Driving violation (drove above the posted speed limits and proceeded through several stop signs without making a complete stop while not having emergency lights and audible siren activated) (*General Police Order 4.01.01*) – Vehicle Pursuit violation (failed to notify Communication Control Section) (*General Police Order 3.2.02 and Divisional Notice #16-304*).

Disposition: The charge of failing to notify Communication Control Section was dismissed. Found “Guilty” of one Group I violation. Considering the member’s active discipline history (none), the member received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

Rationale: The officer had limited opportunity to notify the Communications Control Section that he was in a pursuit as there was significant radio traffic that appeared to hinder his ability to broadcast. The officer failed to activate his siren until the sixteen second mark and then for only approximately three seconds, and he also failed to activate his emergency lights while proceeding through several stop signs without making a complete stop.

Patrol Officer Stevie Green Jr. #620:

Specification: Failed to safeguard and secure his City-issued equipment (Cell Phone) which was entrusted in his care (*General Police Orders 4.06.07, 6.04.03 and Manual of Rules 6.05*).

Disposition: Found “Guilty” of one Group I violation. Considering the member’s active discipline history (none), the member received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*no active discipline, accepted responsibility*) outweigh aggravating factors (*none*). Because the cost of replacement for this City-issued equipment is below the threshold for reimbursement, reimbursement is waived.

Rationale: The officer did fail to safeguard and secure his City-issued equipment (cellular phone) which was entrusted in his care.

The following are dispositions of disciplinary hearings held by the Director of Public Safety on September 29, 2023.

Patrol Officer James Dunn #2563:

Specification: Traveled above the posted speed limit in his City-issued patrol car while traveling to work. Also, while traveling above the posted speed limit he activated his emergency lights and siren without being dispatched to a call (*Manual of Rules 5.01, 5.08 and 6.03*).

Disposition: The charge more closely comports with a Group I violation (conduct that has a negative impact on the operations or professional image of the Division or that negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group III violation to Group I violation. Found “Guilty” of one Group I violation. Considering the member’s active discipline history (none), the member received a two-day suspension. This corrective action is within the First Group I violation range of the discipline matrix when aggravating factors (*flagrant violation increased the risk of injury to drivers on the highway*) outweigh mitigating factors (*accepted full responsibility, no active discipline*).

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Rationale: The officer pled “No Contest” and accepted responsibility. The officer admitted to traveling above the posted speed limit in his City-issued patrol car and activating his emergency lights and siren without being dispatched to a call.

Patrol Officer Earl Holcomb #877:

Specification: Failed to report for his scheduled tour of duty and was unable to be reached with the phone number listed in the District contact information folder (*Manual of Rules 10.01*).

Disposition: The charge more closely comports with a Group II violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety), the charge was amended from a Group III violation to a Group II violation. Found “Guilty” of one Group II violation. Three or more sustained violations occurring in the same group (Group II) within a three-year period automatically progresses the discipline into the next higher group (Group III). Considering the member’s active discipline history (1/26/2021: two-day suspension, 1/20/2023: twenty-five-day suspension, 4/24/2023: three-day suspension, 6/20/2023: six-day suspension, 8/8/2023: ten-day suspension), the member received a ten-day suspension. This corrective action is within the Group III violation range of the discipline matrix when mitigating factors (*accepted full responsibility*) outweigh aggravating factors (*active discipline*).

Rationale: The officer pled “No Contest” and accepted responsibility. The officer admitted to both failing to report for duty as required and making notification to the Division that he would not be present, and he did not respond to efforts made by the Division to contact him on that day. However, a recent change in his assignment contributed to confusion in his V-Day schedule.

The following is a disposition of a disciplinary hearings held by the Director of Public Safety on October 9, 2023.

Bi-lingual Communications Specialist Sonia Alvarez #31:

Specifications: Sick leave abuse (×7) (*General Police Order 1.3.06*) – Tardy (×18) (*Manual of Rules 10.01*) – Failed to attend a Pre-disciplinary Hearing (×2) (*Manual of Rules 2.02 and 10.01*).

Disposition: The seven sick abuse charges are similar in nature and combined. The eighteen charges of being tardy are similar in nature and combined. The two charges of failing to attend a Pre-disciplinary Hearing are similar in nature and combined. Found “Guilty” of two Group I violations and one Group III violation. Considering the member’s active discipline history (4/19/2022: three-day suspension, 11/10/2022: seventeen-day suspension, 2/7/2023: six-day suspension), the member received a twenty-seven-day suspension. This corrective action is within the Group III violation range of the discipline matrix when aggravating factors (*multiple violations, active discipline*) outweigh mitigating factors (*none*). In addition, the member was placed on Step-2 of the Sick Leave Abuse Control Program until October 23, 2024.

Rationale: The officer accepted partial responsibility. The member, on multiple occasions, failed to provide documentation while on Step-1 of the Sick Leave Abuse Control Program. The member was tardy on multiple occasions and on two occasions failed to attend a Pre-disciplinary Hearing as ordered. Multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.

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The following are dispositions of disciplinary hearings held by the Deputy Chief of Administrative Operations on October 23, 2023.

Sergeant Aman Gamble #9054:

Specification: Failed to report the allegation of misconduct (*General Police Order 1.07.05*).

Disposition: The charge more closely comports with a Group I violation (conduct that has a negative impact on the operations or professional image of the Division or that negatively impacts relationships with other officers, agencies or the public), the charge was amended from a Group II violation to a Group I violation. Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the officer received a one-day suspension. This discipline is within the First Group I violation range of the discipline matrix when aggravating factors (*re-victimized the complainant*) outweigh mitigating factors (*accepted responsibility, no active discipline*).

Rationale: The officer pled “No Contest” and accepted responsibility. The officer learned of an Airtag being placed in the victim’s vehicle. He inquired if anyone saw the officer place the Airtag in the vehicle and upon learning that there were no witnesses, he had a Property Found report completed. This matter deserved further investigation by the Internal Affairs Unit, and in taking responsibility for this error, the officer admitted to learning from this experience.

Detective Leland Edwards #1088:

Specification: Trespassed inside of an unlocked motor vehicle that he did not own or have permission to enter (*Cleveland Codified Ordinance §625.07 and Manual of Rules 2.01*).

Disposition: Found “Guilty” of one Group II violation. Considering the officer’s active discipline history (none), the officer received a six-day suspension. This discipline is within the First Group II violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

Rationale: The officer did knowingly enter into the victim’s vehicle without her consent to place an Airtag in the vehicle without the victim’s knowledge.

Patrol Officer David Kelley #1776:

Specification: Failed to place his Wearable Camera System (WCS) into event mode prior to responding to assist members calling for assistance and before making contact with a citizen (*General Police Order 4.06.04*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer pled “No Contest” and accepted responsibility. The officer has not had a WCS violation in the last three years. Reinstruction is appropriate regarding this instance.

Patrol Officer Robert Gorzelanczyk #155:

Specification: Failed to place his Wearable Camera System (WCS) into event mode prior to responding to assist members calling for assistance and before making contact with a citizen (*General Police Order 4.06.04*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction.

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Rationale: The officer pled “No Contest” and accepted responsibility. This is the officers’ first WCS violation. Reinstruction is appropriate regarding this instance.

Patrol Officer Brendan Marzan #1135:

Specifications: Sick abuse (on a Holiday when V-days were cancelled) (*General Police Order 1.3.06*) – Sick abuse (after being denied compensatory time) (*General Police Order 1.3.06*).

Disposition: The officer was found “Not Guilty” of using sick time on a Holiday when V-days were cancelled and the charge was dismissed. The member received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until October 30, 2024, for the remaining charge.

Rationale: The officer did provide documentation regarding his sick use on a Holiday when V-days were cancelled. However, the officer took sick leave in lieu of compensatory time off, for which he has a pattern of taking compensatory time off on his first day back from V-days.

Patrol Officer Ericka Davis #758:

Specification: Sick abuse (after being denied compensatory time) (*General Police Order 1.3.06*).

Disposition: The Verbal Counseling previously issued to the officer on August 13, 2023, was approved.

Rationale: The officer did report off sick after having compensatory time denied and did provide documentation for the sick leave.

Patrol Officer Rafael Carrucini #371:

Specification: Sick leave abuse in the Second Quarter of 2023 (*General Police Order 1.3.06*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction placing him on Step-1 of the Sick Leave Abuse Control Program until October 30, 2024.

Rationale: The officer exhibited a pattern of sick time abuse, to wit: during the Second Quarter of 2023, he took sixty hours of undocumented sick leave, with all sixty of the hours attached to V-Days. Additionally, the two-month look-back period revealed an additional thirty hours of undocumented sick leave, with all thirty hours attached to V-Days.

Patrol Officer Cory Beckwith #1363:

Specification: Failed to investigate suspected criminal activity that came to his attention (*Manual of Rules 4.18*).

Disposition: The member received a Non-disciplinary Letter of Reinstruction.

Rationale: The officer’s assignment was to assist a victim back home from the Fifth District headquarters building. Upon conveying the victim back to her home, the suspect was present. The victim advised that the suspect was on probation, and with this information the officer should have inquired about the crime report the victim completed to determine if there may be a probation violation. However, because the officer did recover the victim’s property and ensure her safety, reinstruction is appropriate in this instance.

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Patrol Officer Fernando Orozco #1601:

Specification: Yelled commands and profanities toward a complainant (*General Police Order 2.01.02, and Manual of Rules 5.01, 5.08 and 5.09*).

Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (5/24/2023: one-day suspension), the officer received a three-day suspension. This discipline is within the Second Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*none*).

Rationale: The officer did yell commands and profanities toward the complainant, contrary to the professional expectations of the Cleveland Division of Police.

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Office of the Chief