



CLEVELAND DIVISION OF POLICE

DIVISIONAL NOTICE

DATE: DECEMBER 15, 2022	NUMBER: 22-452
SUBJECT: DISCIPLINE	
CHIEF: <i>Dornat A. Drummond, Chief</i>	PAGE(S): 1 of 13

The following is a disposition of a disciplinary hearing held by the Director of Public Safety on August 19, 2022.

Patrol Officer:

Specification: Discharged their service weapon during a use of deadly force incident and the service rounds struck a multitude of occupied residential townhomes, creating a risk to bystanders and residents (*General Police Order 2.01.03*).

Disposition: Found “Guilty” of one Group III violation. Considering the officer’s active discipline history (none), the officer received a ten-day suspension. This corrective action is within the First Group III violation range of the discipline matrix when mitigating factors (*rapidly evolving situation with an armed suspect, use of force was necessary, proportional and objectively reasonable, no discipline history*) outweigh aggravating factors (*actions had the potential to cause serious injury or harm to the public*). In addition, the officer shall be retrained in Firearms (surroundings, foreground, target, backstop & beyond) and Crime Scene Management FIT procedures through the Training Section.

Rationale: The use of force was necessary, proportional and objectively reasonable during a rapidly evolving situation with an armed suspect; the officer is responsible for every round discharged from their firearm. The officer was trained to be aware of the surroundings, including foreground, target, backstop and beyond. The fourteen rounds that were fired had the potential to cause serious injury and harm to the public.

The following is a disposition of a disciplinary hearing held by the Director of Public Safety on August 26, 2022.

Bilingual Communications Specialist:

Specifications: Sick leave abuse in the first quarter of 2022 (*General Police Order 1.3.06*) – Failed to complete a Form-1 as ordered and failed to report for duty after given the opportunity to complete the Form-1 during the tour of duty (*Manual of Rules 2.02, 2.06, 2.07, 10.01, and General Police Order 1.3.06*) – Failed to report for duty and was Absent Without Leave (AWOL) from on or about June 1, 2022, through June 14, 2022 (*Manual of Rules 2.02, 2.06, 2.07, and 10.01*) – Five hours and twenty-seven minutes late for duty (*Manual of Rules 2.02, 2.03, 2.04, 2.14, 10.01, 10.02, Civil Service Commission Rule 9.10 Tenure and the City of Cleveland Human Resources Policies and Procedures: Workplace Policies*) – One hour and fifty-one minutes late for duty (*Manual of Rules 2.02, 2.03, 2.04, 2.14, 10.01, 10.02, Civil Service Commission Rule 9.10 Tenure and the City of Cleveland Human Resources Policies and Procedures: Workplace Policies*) – Eleven minutes late for duty (*Manual of Rules 2.02, 2.03, 2.04, 2.14, 10.01, 10.02, Civil Service Commission Rule 9.10 Tenure and the City of Cleveland Human Resources Policies and Procedures: Workplace Policies*).

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Disposition: Found “Guilty” of three Group I violations, one Group II violation, and two Group III violations. Considering the officer’s active discipline history (1/10/2022 – one-day suspension, 4/19/2022 – three-day suspension), the officer received a seventeen-day suspension and was placed on Step-1 of the Sick Leave Abuse Control Program until November 10, 2023. This corrective action is within the First Group III violation range of the discipline matrix when 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*).

Rationale: The Bilingual Communications Specialist used ninety-six hours of undocumented sick time and displayed a pattern of sick use that preceded or followed scheduled vacation days or compensatory time during the First Quarter of 2022, was insubordinate by failing to complete a Form-1 as ordered by a superior officer, was absent without leave (AWOL) on June 1, 2022, June 4, 2022, June 6, 2022, June 9, 2022, and June 14, 2022, and was late for duty on three separate occasions.

The following is a disposition of a disciplinary hearing held by the Director of Public Safety on September 9, 2022.

Patrol Officer:

Specifications: Failed to notify their immediate supervisor that the officer was respondent of a restraining order after becoming aware through the Superior Court of Justice in Ontario, Canada (*General Police Order 1.07.05*) – Failed to notify their immediate supervisor that they were the subject of a criminal investigation being conducted by the Ontario Provincial Police regarding the violation of a court-ordered restraining order (*General Police Order 1.07.05*).

Disposition: Found “Guilty” of two Group III violations. Considering the officer’s active discipline history (none), the officer received a ten-day suspension. This corrective action is within the First Group III violation range of the discipline matrix when mitigating factors (*no active discipline, email sent to his former spouse was out of care and concern for his daughter*) outweigh aggravating factors (*none*).

Rationale: The officer admitted to being a respondent of a restraining order, understanding that disobeying a court order is a criminal offense and that they did not notify an immediate supervisor as outlined in General Police Order 1.07.05.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Homeland Special Operations on September 19, 2022.

Patrol Officer:

Specification: Failed to avoid taking unnecessary actions that may escalate the need to use force when the detective used a harsh level of voice and tone. (*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 (2/17/2020 – one-day suspension), the officer received a two-day suspension. This discipline is within the First Group I violation range of the discipline matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*uncooperative suspect*). In addition, the officer shall be retrained in de-escalation techniques through the Training Section.

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Rationale: The officer did not use strategic communication or voice commands to de-escalate the situation and did not calmly verbalize to the complainant in a normal tone of voice when they threatened to break the complainant's "(expletive) window" and threatened to "tase" him.

Patrol Officer:

Specification: Seized a cell phone without the required warrant and failed to provide a receipt for the property (*General Police Orders 2.02.02 and 2.2.04 and Manual of Rules 4.17 and 8.06*).

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

Rationale: The officer followed current case law (Ohio vs. Banks) when the cell phone was seized without a warrant, but failed to provide a receipt for the property. Reinstruction is appropriate in this instance.

Patrol Officer:

Specification: Failed to activate his Wearable Camera System (WCS) while participating in the execution of a search warrant (*General Police Order 4.06.04*).

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

Rationale: Work as a detective requires the officer to wear plain clothes and not wear a WCS; however, at the time of the search warrant the officer was no longer acting in an undercover status and should have been wearing a WCS during the search. The officer had no previous Wearable Camera System (WCS) violations and no evidence was lost as other members had their cameras activated for the duration of the incident. Reinstruction is appropriate regarding this instance.

Patrol Officer:

Specification: Sick leave abuse in the second quarter of 2021 (*General Police Order 1.3.06*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction placing the officer on Step-1 of the Sick Leave Abuse Control Program.

Rationale: The officer used seventy hours of undocumented sick time and displayed a pattern of sick use that preceded or followed scheduled vacation days during the second quarter of 2021. Reinstruction is appropriate regarding this instance of sick abuse.

Patrol Officer:

Specification: Failed to activate Wearable Camera System (WCS) (×3) (*General Police Order 4.06.04*).

Disposition: Found "Guilty" of one second Group I violation. Considering the officer's active discipline history (2/8/2022: 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 (*repetitive and previous WCS violations, active discipline*) outweigh mitigating factors (*none*).

Rationale: The officer violated General Police Order 4.06.04 when they failed to activate their WCS on three (3) separate occasions on September 28, 2020.

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Patrol Officer:

Specification: Asked a question in an aggressive tone and continuously interrupted the complainant while they were speaking during a traffic stop encounter (*General Police Order 1.1.03*).

Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (none), the patrol officer 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, the driver initially did not stop for the traffic stop*) outweigh aggravating factors (*none*).

Rationale: The officer asked the complainant a question in an aggressive tone and continuously interrupted the complainant while they were speaking during a traffic stop. The aforementioned conduct could reasonably tend to diminish the esteem of the Division of Police in the eyes of the public.

Patrol Officer:

Specification: Failed to create a supplemental OH-1 report after one was requested by a complainant (*General Police Order 8.1.02*).

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

Rationale: During the incident, the officer was being trained by a Field Training Officer (FTO) who instructed the officer incorrectly. Reinstruction is appropriate in this instance.

The following are dispositions of disciplinary hearings held by the Deputy Chief of Administrative Operations on September 21, 2022.

Patrol Officer:

Specification: Sick leave abuse in the second quarter of 2022 (*General Police Order 1.3.06*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction, placing the officer on Step-1 of the Sick Leave Abuse Control Program.

Rationale: The officer used eighty-two hours of undocumented sick time and displayed a pattern of sick use that preceded or followed scheduled vacation days. Reinstruction is appropriate in this instance of sick abuse.

Patrol Officer:

Specification: Failed to place the Wearable Camera System (WCS) into event mode until a supervisor arrived on the scene and ordered the officer to do so (*General Police Order 4.06.04*).

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

Rationale: No previous WCS violations and no evidence from the incident was lost. Reinstruction is appropriate in this instance.

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Patrol Officer:

Specification: Failed to generate a report of criminal trespassing/injury to an animal for a complainant (*Manual of Rules 9.01, 9.07, 9.08 and 9.12*).

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

Rationale: The officer did fail to generate a report of Criminal Trespassing/Injury to an Animal for a complainant. Reinstruction is appropriate regarding this instance.

Patrol Officer:

Specification: Failed to provide the badge number when requested by a complainant within a context that supports a conclusion that the officer was aware that the complainant had requested the badge number and that another officer was asking for the badge number (*Manual of Rules 4.13*).

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

Rationale: Examination of the Wearable Camera System (WCS) video revealed that the officer did not immediately provide the badge number at the time of the request. Reinstruction is appropriate in this instance.

Patrol Officer:

Specification: Negligently discharged a handgun inside an apartment during a search warrant (*General Police Order 5.08.01*).

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 (*accepted responsibility, no active discipline*) outweigh aggravating factors (*risk to the public*). In addition, the officer shall be retrained in firearm handling through the Training Section.

Rationale: The officer did accidentally discharge a firearm located during a search warrant while attempting to clear it. The officer took responsibility for the violation (pled “No Contest”).

Patrol Officer:

Specification: Sick leave abuse in the first quarter of 2022 (*General Police Order 1.3.06*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction, placing the officer on Step-1 of the Sick Leave Abuse Control Program.

Rationale: The officer used forty hours of undocumented sick time and displayed a pattern of sick use that preceded or followed scheduled vacation days, furloughs, or compensatory time. Reinstruction is appropriate regarding this instance of sick abuse.

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The following is a disposition of a disciplinary hearing held by the Director of Public Safety on September 30, 2022.

Superior Officer:

Specification: Failed to properly conduct an investigation or offer a Citizen Complaint Form after being advised by a Patrol Officer that an arrested male made an allegation about the Patrol Officer regarding missing/stolen money (*General Police Orders 1.1.11 and 1.3.15, and Manual of Rules 2.04 and 5.01*).

Disposition: Found “Guilty” of one Group II violation. Considering the sergeant’s active discipline history (7/18/2022 – Written Reprimand), the officer received a six-day suspension. This corrective action is within the First Group II Violation range of the discipline matrix when mitigating factors (*accepted responsibility, no intentionality*) outweigh aggravating factors (*active discipline, supervisory rank of the officer*).

Rationale: The officer failed to conduct an investigation or follow up with a Citizen Complaint Form when the officer was advised by a patrol officer under his command that an arrested male made an allegation regarding missing/stolen money. The officer admitted that he was aware of the incident, that he had a conversation with the patrol officer regarding the allegation of missing/stolen money, that he searched the car on behalf of the patrol officer and that he did not follow up with the Internal Affairs Unit or the arrested male who was making the complaint. Because this conduct fits the definition of a Group II Violation in that it is contrary to the values of the Division and interferes with its mission, operations, or professional image, this specification was amended from a Group III violation to a Group II violation for failure to investigate.

Superior Officer:

Specification: Failed to ask any substantive questions and left important decisions to subordinate officers, causing a delay in the complainant’s medical care (*General Police Order 3.02.01 and Manual of Rules 1.06*).

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

Rationale: There were no indications that the complainant needed medical attention until statements were made that he was having “heart palpitations” when the complainant arrived at the jail.

The following is a disposition of a disciplinary hearing held by the Deputy Chief, Chief of Staff on October 10, 2022.

Patrol Officer:

Specification: Failed to interview all witnesses and suspects from an assigned investigation as required (*Cleveland Division of Police’s Detective Manual sections 1, 2, 5, and 6*).

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

Rationale: Although the complainant was convicted of the charges in court, the officer did fail to interview all witnesses and suspects regarding this investigation, as required. Reinstruction is appropriate in this instance.

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Patrol Officer:

Specification: Between February 1, 2022, and June 30, 2022, the officer displayed a pattern of sick leave abuse by using two hundred-eight hours of sick leave on weekends or on days that precede or follow scheduled vacation days or compensatory time (*General Police Order 1.3.06*).

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

Rationale: Documentation was provided before the hearing excusing the officer’s absence.

Patrol Officer:

Specifications: Failed to complete four OH-1 accident reports, two Field Based Reporting (FBR) hit-skip reports, and one Form-10 (*Manual of Rules 9.05 and 9.08*) – Failed to notify a supervisor that a hit-skip accident caused serious injuries and failed to tow and/or process tow a suspect vehicle, and instead released the suspect vehicle to the owner on the scene (*General Police Order 8.1.04*).

Disposition: Found “Guilty” of two Group I violations. As this is the officer’s third sustained Group I violation within three (3) years, this discipline automatically progresses to the next higher group. Considering the officer’s active discipline history (2/11/2021: one-day suspension, 2/15/2022: three-day suspension), the officer received a seven-day suspension. This corrective action is within the First Group II violation range of the discipline matrix when aggravating factors (*active discipline, multiple violations from the same incident*) outweigh mitigating factors (*none*).

Rationale: The officer failed to complete four OH-1 accident reports, two Field Based Reporting (FBR) hit-skip reports, and one Form-10, and failed to notify a supervisor that a hit-skip accident caused serious injuries and failed to tow and/or process-tow the suspect vehicle, and instead released the suspect vehicle to the owner on scene.

Patrol Officer:

Specifications: Sick leave abuse in the first quarter of 2022 (*General Police Order 1.3.06*) – Sick leave abuse in the second quarter of 2022 (*General Police Order 1.3.06*).

Disposition: The officer received a Non-disciplinary Letter of Reinstruction placing the officer on Step-1 of the Sick Leave Abuse Control Program.

Rationale: The officer displayed a pattern of sick leave on weekends or on days that precede or follow scheduled vacation days or compensatory time in the First Quarter and the Second Quarter of 2022. Reinstruction is appropriate in this instance of sick abuse.

Patrol Officer:

Specification: Failed to safeguard and secure their city-issued equipment (Wearable Camera System), which was entrusted in their care (*General Police Order 4.06.07 and Manual of Rules 6.05*).

Disposition: Found “Guilty” of one Group I violation. Considering the officer’s active discipline history (12/16/2020: 10-day suspension, 12/8/2021: 10-day suspension), the officer received a one-day suspension. This discipline is within the First Group I violation range of the discipline

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matrix when aggravating factors (*active discipline*) outweigh mitigating factors (*accepted responsibility*). In addition, the officer must reimburse the City of Cleveland for the Wearable Camera System (WCS).

Rationale: The officer took responsibility for the missing property (pled “No Contest”).

The following are dispositions of disciplinary hearings held by the Assistant Director of Administrative Operations of Public Safety on October 14, 2022.

Patrol Officer:

Specifications: Used undocumented sick leave and failed to provide documentation to the Medical Director while on Step-1 of the Sick Leave Abuse Control Program (*General Police Order 1.3.06 and Manual of Rules 10.01 and 10.02*) – Failed to report for duty at the assigned time without notifying a supervisor (*General Police Order 1.3.24 and Manual of Rules 10.01*) – Was aware of a complainant’s need for immediate medical attention, and transported the complainant to jail instead of the hospital (*General Police Order 3.02.01*) – Failed to provide the complainant with his name and badge number after repeatedly being asked (*Manual of Rules 4.13*).

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

Rationale: The sick abuse was previously addressed in a pre-disciplinary hearing and found “not guilty” in a prior disposition letter. The officer provided documentation to the Medical Unit and was returned to work in accordance with the policy regarding the failure to report for duty. There were no indications that the complainant needed medical attention until statements were made that he was having “heart palpitations” when the complainant arrived at the jail. During this call for service, Wearable Camera System (WCS) video shows that the officer did provide his name and badge number to the arrested male multiple times.

Patrol Officer:

Specification: Aware of a complainant’s need for immediate medical attention, and transported the complainant to jail instead of the hospital (*General Police Order 3.02.01*).

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

Rationale: There were no indications that the complainant needed medical attention until statements were made that he was having “heart palpitations” when the complainant arrived at the jail.

Patrol Officer:

Specification: Discharged service weapon during a use of deadly force incident. After the application of force in discharging their weapon, the officer’s service rounds struck a multitude of occupied residential townhomes, creating a risk to bystanders and residents (*General Police Order 2.01.03*).

Disposition: Found “Guilty” of one Group III violation. Considering the officer’s active discipline history (8/9/2021: six-day suspension, 11/3/2021: eight-day suspension and Written Reprimand, 9/16/2022: ten-day suspension), the officer received a twenty-day suspension. This corrective action is within the First Group III violation range of the discipline matrix when

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aggravating factors (*active discipline, actions that had the potential to cause serious injury or harm to the public*) outweigh mitigating factors (*the rapidly evolving situation with an armed suspect, use of force was necessary, proportional and objectively reasonable*). In addition, the officer shall be retrained in Firearms (surroundings, foreground, target, backstop & beyond) and Crime Scene Management FIT procedures through the Training Section.

Rationale: The use of force was necessary, proportional and objectively reasonable during a rapidly evolving situation with an armed suspect; the officer is responsible for every round that they discharge from their firearm. The officer was trained to be aware of their surroundings, including foreground, target, backstop and beyond. The eight (8) rounds that were fired had the potential to cause serious injury and harm to the public.

Patrol Officer:

Specification: Did knowingly acquire financial reimbursement of \$937.50 from the City of Cleveland via the Cleveland Division of Police Tuition Reimbursement Program while also receiving financial reimbursement from the United States Air Force's tuition assistance program for \$1,500. This appropriation of funds from the City is beyond the scope of expressed or implied consent of the Division's Tuition Reimbursement Program. This conduct would constitute the crime of Petty Theft under City of Cleveland Codified Ordinance 625.05, a Misdemeanor of the First Degree (*General Police Order 1.3.21, and Manual of Rules 2.01 and 5.01*).

Disposition: Found "Guilty" of one Group I violation. Considering the officer's active discipline history (12/29/2020: fourteen-day suspension), the officer received a Written Reprimand. This corrective action is within the First Group I violation range of the discipline matrix when mitigating factors (*accepted responsibility, paid restitution to the City of Cleveland*) outweigh aggravating factors (*active discipline*).

Rationale: Because the officer's intentions were not to defraud the system and flaws in the pre-structured Form-1 associated with General Police Order 1.3.21 were clearly articulated by a supervisory officer during the pre-disciplinary hearing, the Group III violation was amended to a Group I violation for erroneous reporting.

Patrol Officer:

Specifications: While guarding a prisoner during a hospital detail, did knowingly allow a prisoner to be unrestrained and alone, which directly led to his escape (*General Police Order 3.02.02, and Manual of Rules 2.02 and 2.03*) – Failed to place the Wearable Camera System (WCS) on the outermost garment and were unable to place it into event mode while attempting to chase and apprehend an escaped prisoner (*General Police Order 4.06.04, and Manual Rules 2.02 and 2.03*) – Untruthful in statements, verbal and written, when asked by a superior officer about the events that led up to and during a prisoner escape (*Manual of Rules 3.12*).

Disposition: Found "Not Guilty" of untruthful statements. Found "Guilty" of one Group I violation and one Group II violation. As this is the officer's third sustained Group I violation within three (3) years, this discipline automatically progresses to the next higher group. Considering the officer's active discipline history (7/22/2019: four-day suspension, 7/14/2020: ten-day suspension, 2/11/2022: two-day suspension), the officer received an eight-day suspension. This corrective action is within the First Group II violation range of the discipline matrix when aggravating factors (*active discipline, multiple violations*) outweigh mitigating

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factors (*accepted responsibility, conversation with supervisor about the medical condition before this incident*).

Rationale: While assigned to the prisoner detail, the officer experienced abdominal pain due to a medical condition and needed to use the restroom. It was during this time that the unsecured prisoner escaped. The recollection of events was more of an interpretation from the officer's perspective than being untruthful. The officer failed to secure a prisoner while assigned to a hospital detail, which directly led to the prisoner's escape. The officer failed to place the Wearable Camera System (WCS) on his outermost garment, which caused the officer to not place his WCS into event mode when attempting to chase and apprehend an escaped prisoner.

The following is a disposition of a disciplinary hearing held by the Deputy Chief, Chief of Staff on November 14, 2022.

Superior Officer:

Specification: Failed to reject a report for corrections and approved this report for the purpose of being used as evidence for filing disciplinary charges (*General Police Order 4.05.01*).

Disposition: Found "Guilty" of one Group I violation. Considering the officer's active discipline history (none), the officer 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 (*supervisory rank of officer*).

Rationale: The officer failed to return a report for corrections and approved the report to use it as evidence for filing disciplinary charges.

Superior Officer:

Specifications: Failed to activate the Wearable Camera System (WCS) before effectuating an arrest during a warrant sweep (*General Police Order 4.06.04*) – Did not properly identify and initiate use of force reporting procedures when the officer failed to contact a supervisor of a higher rank to respond and initiate a use of force investigation after the officer pushed a subject into a wall causing him to fall to the ground (*General Police Order 2.01.05 and 2.01.06*).

Disposition: Found "Guilty" of two Group I violations. 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 (*multiple violations, supervisory rank of officer*) outweigh mitigating factors (*did contact a supervisor when the officer learned the suspect had a fractured hand, use of force was within policy*).

Rationale: Failed to activate the Wearable Camera System (WCS) prior to effecting an arrest during a warrant sweep in which there was a reportable use of force. The officer did not properly identify and initiate use of force reporting procedures when the officer did not contact a supervisor of a higher rank to respond and conduct a use of force investigation after the officer pushed a subject into a wall causing the subject to fall to the ground. The Group II violation was amended to a Group I violation (failure to report).

Patrol Officer:

Specifications: Derelict in their duties when the officer failed to assist their partner, who was in a physical struggle with a male that was actively resisting (*Manual of Rules 1.07 and 4.11*) –

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Failed to notify Communications Control Section (CCS) when their partner was in a physical struggle with a male that was actively resisting (*Manual of Rules 1.07 and 4.10*) – Violated the Cleveland Division of Police grooming standards when the officer was observed with hair extending below the lower edge of the shirt collar (*General Police Order 1.04.01 and Manual of Rules 1.07, 2.02, 2.03 and 2.04*).

Disposition: Found “Guilty” of two Group I violations and one Group II violation. Considering the officer’s active discipline history (2/15/2021: one-day suspension), the officer received an eight-day suspension. This discipline is within the First Group II violation range of the discipline matrix when aggravating factors (*multiple violations, active discipline*) outweigh mitigating factors (*none*). In addition, the officer shall be retrained in subject control through the Training Section.

Rationale: The officer failed to notify the Communications Control Section and assist their partner, who was in a physical struggle with an actively resisting male suspect. This failure continued as the suspect was attempting to get their partner’s Conducted Electrical Weapon (CEW). The WCS video also indicated that the officer’s hair extended below the lower edge of their uniform shirt collar.

Patrol Officer:

Specification: Diminished the esteem of the Division of Police when a victim could be heard yelling, “You’re scaring my cat!” and then the officer said, “Is that a service cat?” (*Manual of Rules 5.01*).

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

Rationale: The remark was not within earshot of the public and was not said about the victim.

Patrol Officer:

Specifications: Disobeyed and resisted a lawful command of a presiding Cuyahoga County Court of Common Pleas judge to appear in court. This conduct would constitute a crime under the laws of the State of Ohio, in violation of Ohio Revised Code 2705.02 (*General Police Order 2.03.05, and Manual of Rules 2.01 and 5.01*) – Failed to follow the subpoena process by willfully failing to sign in and out with the court unit and the officer failed to have the subpoena acknowledged and signed by the prosecutor (*General Police Order 2.03.05 and Manual of Rules 2.03*).

Disposition: Found “Not Guilty” of disobeying and resisting a lawful command of a presiding Cuyahoga County Court of Common Pleas judge to appear in court; that specification was dismissed. Regarding the failure to follow subpoena procedures, the officer received a Non-disciplinary Letter of Reinstruction.

Rationale: Although the prosecutor told the officer that the case was going forward, the prosecutor had left, and after waiting quite some time, the prosecutor could not be found. Because the officer could not locate the prosecutor to confirm that they were still needed, the officer returned to active patrol duties, answering radio assignments. The officer did not sign in and out with the Court Unit as required and failed to have the subpoena acknowledged and signed by the prosecutor.

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The following member was terminated from employment with the City of Cleveland during the month of August.

Patrol Officer:

Specifications: Conducted Ohio Law Enforcement Gateway (OHLEG) inquiries transgressing policy as follows: a). On or about May 30, 2016, while off-duty, the officer conducted inquiries on himself and personal family members, b). On or about August 31, 2016, while on duty, the officer conducted inquiries on himself, c). On or about October 30, 2016, while on duty, the officer conducted inquiries on himself (*General Police Order 1.3.02 and OHLEG Security Protocols*) – Did diminish the esteem of the Division of Police when, after meeting a female citizen on a radio assignment, did contact a female and ask her on a date, which led to a sexual relationship as recent as 2021 (*Manual of Rules 5.01*) – Contacted female citizens after radio assignments and went on dates with them (*General Police Order 1.07.06*).

Disposition: Found “Guilty” of three Group III violations. The officer was terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police. This discipline is within the First Group III violation range of the discipline matrix when aggravating factors (*multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*no active discipline, accepted responsibility*).

Rationale: The officer exhibited a complete disregard for ethical behavior and admitted to contacting multiple women that were met during radio assignments along with other occasions on-duty and used their personal information obtained as a police officer to contact them and ask them on dates. This conduct significantly compromises the reputation of the Division.

With a pre-disciplinary hearing pending, the following members separated from the Division of Police.

Patrol Officer: Discharged service weapon during a use of deadly force incident. After the application of force in discharging his weapon, the service rounds struck a multitude of occupied residential townhomes, creating a risk to bystanders and residents (*General Police Order 2.01.03*). On November 3, 2022, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

Junior Clerk: Acted in a disrespectful and unprofessional manner toward a supervisor of the Division of Police, to wit: The junior clerk did make incorrect allegations regarding a superior officer’s sick return slip and upon receiving an explanation that it was correct, tore it up and threw it out (*Manual of Rules 5.09*). On November 14, 2022, the junior clerk submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the junior clerk are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the junior clerk is barred from withdrawing the resignation under the provisions set forth in Civil Service

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Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

Patrol Officer: Absent from position as an officer for over ten days for an absence without leave resignation (*Civil Service Commission Rule 8.45*). On November 17, 2022, the officer submitted a formal resignation to the Division of Police. The Division accepted the resignation. As such, the administrative disciplinary charges against the officer are dismissed without prejudice. In addition, by submitting the resignation while administrative charges were pending, the officer is barred from withdrawing the resignation under the provisions set forth in Civil Service Rule 8.43, which states, “Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn.”

DAD:bpc:cld:kfs
Office of the Chief