



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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Cleveland, Ohio 44113  
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## Disposition Letter

September 14, 2022

**Patrol Officer Kyle Kelly #1057  
C/o Second District Headquarters  
3481 Fulton Road  
Cleveland, Ohio 44109**

**Re: IU2022-0008**

Patrol Officer Kelly #1057:

This letter is to advise you, Patrol Officer Kyle Kelly #1057, 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:** (IU2022-0008) On or about March 5, 2022, you, Patrol Officer Kyle Kelly #1057, while investigating an Motor Vehicle Crash, removed your Wearable Camera System (WCS) from your person and placed it on the roof of your vehicle while having a conversation with your supervisor regarding an off-duty member off the division involved in the incident, in violation of General Police Order 4.06.04. (*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 4.06.04: Wearable Camera System** (effective: 1/1/20)

#### HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing, were you, Vice President David Medina, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, President Mister Jackson of the Black Shield Police Association, Sergeant Michael Matson of the Internal Affairs Unit, 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 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 the specification 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. You removed your Wearable Camera System (WCS) from your person and placed it on the roof of your vehicle while having a conversation with your supervisor regarding an off-duty member off the division involved in the incident, therefore I believe reinstruction is appropriate. 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. This corrective action is within the First Group I violation range of the discipline matrix where mitigating factors (*no prior WCS violations, no discipline history*) outweigh aggravating factors (*assigned WCS over one (1) year*).

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.

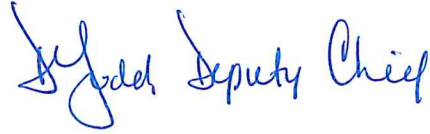
**This letter is not discipline and should not be regarded as such.**

Patrol Officer Kyle Kelly #1057

September 14, 2022

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Sincerely,



Dornat A. Drummond  
Chief of Police

DAD:bpc:clد:kfs

cc: Sammy Morris, Acting Deputy Chief, Field Operations  
Dorothy Todd, Deputy Chief of Staff  
Daniel Fay, Deputy Chief, Administrative Operations  
Thomas Stacho, Commander, Second District  
Brian Carney, Commander, Bureau of Compliance  
Christopher Viland, Superintendent, Internal Affairs Unit  
Mark Maguth, Commander, Bureau of Support Services  
Westley Woods, Lieutenant, Inspection Unit  
Shawn Smith, Lieutenant, Training Section  
William Mokshefsky, Sergeant, Personnel Unit  
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association  
Jason Goodrick, Executive Director, Cleveland Community Police Commission  
Hassan Aden, Federal Monitoring Team