



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Dornat (Wayne) A. Drummond, Interim Chief

FBI NA #230

Division of Police

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Pre-Disciplinary Hearing

January 24, 2022

Patrol Officer Victoria Przybylski #66
C/o Fourth District Headquarters
9333 Kinsman Road
Cleveland, Ohio 44104

Re: DBI2021-0113, CPD2021-0052

Patrol Officer Przybylski #66:

Please be advised, in accordance with Article 28 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a pre-disciplinary hearing has been re-scheduled to determine whether you violated the following provisions of the Manual of Rules, Department of Public Safety and the Rules of the Civil Service Commission of the City of Cleveland.

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.

SPECIFICATIONS

Specification #1: (CPD2021-0052) On or about June 9, 2021, you, Patrol Officer Victoria Przybylski #66 failed to place your Wearable Camera System (WCS) into event mode prior to responding to a call for service, in violation of General Police Order 4.06.04. (*Group I Violation*)

Specification #2: (CPD2021-0052) On or about June 9, 2021, you, Patrol Officer Victoria Przybylski #66 diminished the esteem of the Cleveland Division of Police by your interactions with a patient at St. Vincent Charity Hospital. You directed him toward the emergency room door, without his consent, tipped his wheelchair forward saying, "Look, it's a miracle. You can walk." forcing the patient who had a leg injury to stand up unexpectedly and hop on one leg out of the emergency room lobby and into an unfamiliar area of the city without a ride home, all in violation of General Police Order 1.1.03 and Manual of Rules 5.01, 5.08 and 5.09. (*Group II Violation*)

Specification #3: (DBI2021-0113) On or about July 4, 2021, you, Patrol Officer Victoria Przybylski #66 failed to place your Wearable Camera System (WCS) into event mode prior to responding to a call for service, in violation of General Police Order 4.06.04. (*Group I Violation*)

These specifications are in violation of the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

General Police Order 1.1.03: Standards of Conduct and Courtesy (effective: March 1, 2002)

POLICY: Division members shall be resourceful and polite when dealing with the general public. This includes but is not limited to personal, physical and telephone contact.

General Police Order 4.06.04: Wearable camera System (WCS) (effective: 1/1/20)

POLICY: The WCS shall be deployed to ensure transparency and foster trust within our community. It shall be the responsibility of each officer to deploy their WCS in accordance with this order.

PROCEDURES:

I. General Guidelines

- A. All officers assigned a WCS, while in the field, shall activate their camera prior to responding to all calls for service, prior to all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact. Officers shall understand there are exceptions and prohibited times to record set forth in Section II.C. and II.D. below.

II. Camera Deployment

B. During tour of duty requirements for recording officers shall:

1. Prior to responding to all calls for service and prior to all investigative or enforcement contacts with the public, place their WCS into event mode, including but not limited to:
 - a. Calls for service.

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police

V. Behavior

- 5.01:** Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.
- 5.08:** Personnel shall conduct themselves in such a manner as to command the respect of the public.
- 5.09:** Personnel shall be courteous and respectful in their speech, conduct, and contact with others.

HEARING INFORMATION

The pre-disciplinary hearing is re-scheduled for **Wednesday, February 23, 2022 at 1000 hours** in the **Academy Unit**. Should you desire union representation, it is your responsibility to notify your union of this hearing. All officers shall have an opportunity to testify. All testimony provided during the hearing shall be given the same weight as sworn testimony; therefore, your statements can and may be used against you at the hearing or at a later date. **Any documentation that could explain any of the above allegations shall be forwarded to the Case Preparation Unit a minimum of 48 hours prior to the scheduled hearing. Any new or additional evidence brought to the hearing will result in the hearing to be suspended and the matter shall be returned to the Internal Affairs Unit or the Police Review Board for consideration, as appropriate. In addition, it is also your responsibility to bring the documentation to this scheduled hearing. If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours prior to the scheduled hearing.** It is your responsibility to notify said witnesses of the date and time of the hearing. In addition, it is your sole responsibility to ensure the attendance of any witnesses appearing on your behalf. Prior permission for any Division member's

attendance **MUST** be obtained from the Case Preparation Unit. Any witnesses that will appear are to be in full uniform of the day. No overtime shall accrue as a result of their attendance.

In accordance with General Police Order 1.1.12: Sworn Officers Uniform Regulations, you are to appear in **“CLASS A” UNIFORM and have your badge, city issued service weapon, and identification card with you. Failure to attend as ordered may subject you to additional disciplinary charges. You shall PERSONALLY contact the Case Preparation Unit (216-623-5022) IMMEDIATELY if there are any conflicts that would cause your lack of attendance to the scheduled hearing.**

THIS WILL BE YOUR TOUR OF DUTY

THESE CHARGES MAY BE AMENDED AT A LATER DATE

Sincerely,

Dornat A. Drummond
Interim Chief of Police

DAD:bpc:cld:kas:la

cc:

Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Brandon Kutz, Commander, Fourth District
Robert Simon, Captain, Internal Affairs Unit
Melissa Dawson, Sergeant, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Hassan Aden, Federal Monitoring Team