



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety

Karrie D. Howard, Director
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July 8, 2022

**Sergeant Jarrod Durichko #9193
C/o Fourth District Headquarters
9333 Kinsman Road
Cleveland, Ohio 44114**

Re: OPS2020-0275

Sergeant Durichko #9193:

Please be advised, in accordance with Article 4 of the collective bargaining agreement between the City of Cleveland and the Fraternal Order of Police, Lodge #8, a pre-disciplinary hearing has been 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.

SPECIFICATION

Specification #1: (OPS2020-0275) The Civilian Police Review Board (CPRB) is recommending that the allegation of *Improper Search – Strip Search* be sustained against you, Sergeant Jarrod Durichko #9193, that on December 18, 2020, you authorized the strip search of the complainant outside the confines of a secure holding facility, in direct contradiction of the exception during exigent circumstances, as you suspected that the complainant had contraband and not a deadly weapon or dangerous ordnance, in violation of General Police Order 2.02.04 and Manual of Rules 2.03, 2.04 and 4.03. (*Group III 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 2.02.04: Strip Searches and Body Cavity Searches (effective: January 1, 2020)

POLICY: It is the policy of the Division to respect the fundamental privacy rights of all individuals. Officers shall ensure strip and body cavity searches are conducted in strict accordance with the rights secured and protected by the Constitution and federal and state laws. Per the Ohio Revised Code 2933.32(B)(5), the Chief of Police designates Division members holding the rank of sergeant or above as representatives permitted to give written authorization for strip and body cavity searches in accordance with this order.

Strip Search - an inspection of the genitalia, buttocks, breasts, or undergarments of an arrestee that is preceded by the removal or rearrangement of some or all of the arrestee's clothing that directly covers the arrestee's genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually, by means of an instrument, apparatus, or object.

III. Strip Searches

- A. Strip searches shall only be conducted in a secure holding facility, on juveniles only in a juvenile detention facility, with the exception being during exigent circumstances when an officer has probable cause to believe that the subject is hiding a deadly weapon or dangerous ordnance and when less intrusive means of discovering a weapon or contraband are not available.
- C. The following requirements apply to all strip searches:
 - 1. A supervisor shall immediately respond to the holding facility or to the scene when an officer requests permission to conduct a strip search and if conducted, must be done under conditions that provide privacy.
 - 3. Strip searches shall be conducted in a professional manner by the officer and a witness to the search who are the same gender as the arrestee. If an officer is uncertain of the gender/gender identity, the officer shall respectfully ask the arrestee. The search shall be conducted in a manner that permits only the witness and officer conducting the search to observe the search.
 - 5. Officers involved with strip searches shall take reasonable steps to minimize the potential embarrassment or discomfort to the party being searched and shall include the least number of personnel necessary.
 - 6. Officers conducting the search shall not touch the genital area, buttocks, or female breasts of the person being searched.

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

II. Administrative Compliance

- 2.03: Personnel shall perform all duties required by rules, General Police Orders, directives, or orders of the Division of Police.
- 2.04: Personnel shall study all rules, General Police Orders and directives pertaining to their duties, and shall be held accountable for any action contrary to these instructions.

IV. DUTY

- 4.03 Personnel shall give full attention to the performance of their duties.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Friday, July 15, 2022, at 1000 hours** in the **Cleveland Public Auditorium (Room LL09)**. 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,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:dad:bpc:cld:la

cc: Dornat Drummond, Interim Chief, Division of Police
Timothy Hennessy, Assistant Director, Department of Public Safety
George E. Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Sammy Morris, Acting Deputy Chief, Field Operations
Brandon Kutz, Commander, Fourth District
Brian Carney, Commander, Bureau of Compliance
Ali Pillow, Commander, Bureau of Special Investigations
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Paul Patton, Director, Department of Human Resources
Michael Hess, Chairman, Civilian Police Review Board
Henry Roney, Interim Administrator, Office of Professional Standards
Anitra Merritt, Investigator, Office of Professional Standards
LeeAnn Hanlon, Private Secretary, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Hassan Aden, Federal Monitoring Team