



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

Department of Public Safety
Michael McGrath, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-3736 • Fax: 216/664-3734
www.cleveland-oh.gov

January 26, 2016

Patrol Officer Michael Brelo #416

Bay Village, OH

Patrol Officer Brelo #416:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on November 16, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

Ohio Revised Code: 2903.03 Voluntary Manslaughter

General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy

General Police Order 1.1.02: Values Mission Statement

General Police Order 1.1.03: Standards of Conduct and Courtesy

General Police Order 1.1.35: Police Officer Training Standards

General Police Order 2.1.01: Use of Force

General Police Order 3.1.02: Duty Reports

General Police Order 3.2.02: Vehicle Pursuits

General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6

Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (b)(e) and (f), 4.03, 4.04, 4.05, 4.07, 5.01, 5.08, 5.13, 6.03 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)
Civil Service Commission Rule 9.20 Pre-disciplinary Conference

Specification #1: On May 30, 2014, you (Patrol Officer Michael Brelo #416) were indicted and subsequently you were relieved from duty for violation of the Ohio Revised Code: 2903.03 Voluntary Manslaughter, a felony of the first degree. This offense occurred on November 29, 2012. On May 23, 2015, you were found Not Guilty of all charges.

Specification #2: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Michael Brelo #416) had minor errors on your duty report (missing information including vehicle code, shotgun and ammo box).

Specification #3: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Michael Brelo #416) engaged in a vehicle pursuit, employing emergency driving procedures, without explicit permission from a sector supervisor.

Specification #4: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Michael Brelo #416) left the city boundary without explicit permission from a sector supervisor.

Specification #5: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Michael Brelo #416) participated in the operation of a zone car at speeds excessive for conditions (AVL: 60-70 mph on surface streets, 105 mph on freeway).

Specification #6: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Michael Brelo #416) violated Divisional training protocol by leaving the cover of your zone car, firing your service weapon while running out in the open without consideration of the backdrop then getting on top of zone car 238 where you fired an unknown amount of rounds into an occupied vehicle. Next, you walked across the zone car and the subject vehicle totally exposing yourself to danger.

Specification #7: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Michael Brelo #416) used force contrary to Divisional Policy 2.1.01, which states

Use of safe tactics:

1. Vehicle stops (felony, misdemeanor, or suspicious circumstances) present tactical dilemmas for officers. **Officers shall not unreasonably place themselves in a position where a threat of imminent danger of death or serious physical injury is created when attempting to stop a motor vehicle or apprehend a felony suspect.** While conducting a felony stop or stop for suspicious circumstances, the officer shall employ tactics that promote safety for the officer and the public. **Officers should avoid standing directly in front of, behind, or beside a suspect vehicle and should not intentionally use their body to block the suspect vehicle.** The likelihood of injury to the officer substantially increases when using these dangerous and rarely effective tactics. **Officers will follow all training protocols/guidelines which are taught in the Police Academy relative to 'felony stops' involving vehicles and armed suspects.**

Reasoning:

- While running from 217 to 238, you continued to fire but could not remember seeing inside the subject vehicle to tell what imminent threat remained. That is, other than perceiving the subjects were a threat based on the sounds of gunshots that was believed by you to have emanated from the subject vehicle.
- Fired 49 times; more than twice that of any other officer on scene.
- Could not adequately explain seeing corroborating evidence that subjects were imminent threat requiring the type of force used.
- You fired the night's final 15 shots from on top of the hood of the subject vehicle.
- Your actions from coming behind cover while on top of the car contradict your belief that the subjects were still a threat. Movement is not by itself, a threat that allows for the imposition of deadly force.

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

Patrol Officer Michael Brelo #416
January 26, 2016
Page 4 of 5

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, President Lynn Hampton Black Shield Police Association Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2B22. You admitted to not having any communications with radio regarding your participation in the pursuit. You fired your service weapon while running out in the open without consideration of the backdrop then getting on top of zone car 238 where you fired an unknown amount of rounds into an occupied vehicle. You violated Divisional training by leaving the cover of your zone car and firing your service weapon while on top of the zone car and the suspect vehicle.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives, I am dismissing Specifications 2 and 5. However, I find you **"Guilty"** of the remaining administrative charges. **Therefore, you are hereby terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police effective Tuesday, January 26, 2016.**

Regards,



Michael McGrath
Director of Public Safety

MM:bpc

Patrol Officer Michael Brelo #416
January 26, 2016
Page 5 of 5

cc: Calvin Williams, Chief, Division of Police
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Deon McCaulley, Deputy Chief, Administrative Operations
Thomas Stacho, Commander, Second District
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
William Menzalora, Chief Assistant Director of Law, Department of Law
Debbie Southerington, Director, Department of Personnel & Human Resources
Lucille Ambroz, Secretary, Civil Service commission
Kandie Ezell, Personnel Administrator, Department of Public Safety
Nycole West, Labor Relations Manager, Department of Public Safety
Sammie Morris, Lieutenant, Officer-in-Charge, Personnel Unit
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Sergeant Justin McGinty, Officer-in-Charge, Timekeeping Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

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www.cleveland-oh.gov

January 26, 2016

Patrol Officer Paul Box #2526

Cleveland, OH

Patrol Officer Box #2526:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on October 5, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

- General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
- General Police Order 1.1.02: Values Mission Statement
- General Police Order 1.1.03: Standards of Conduct and Courtesy
- General Police Order 1.1.35: Police Officer Training Standards
- General Police Order 2.1.01: Use of Force
- General Police Order 3.2.02: Vehicle Pursuits
- General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (b)(e) and (f), 4.03, 4.04, 4.07, 4.08, 5.01, 5.08, 5.13 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2A37, you (Patrol Officer Paul Box #2526) engaged in a pursuit without explicit permission from your sector supervisor.

Specification #2: On November 29, 2012, while working zone car 2A37, you (Patrol Officer Paul Box #2526) left the city without explicit permission from your supervisor.

Specification #3: On November 29, 2012, while working zone car 2A37, you (Patrol Officer Paul Box #2526) did not notify Communications Control Section that you became involved in a pursuit that lasted over 20 minutes and ended as a use of deadly force.

Specification #4: On November 29, 2012, while working zone car 2A37 you (Patrol Officer Paul Box #2526) continued to engage in a pursuit in an area that you were unfamiliar and so far behind that you considered self-terminating.

Specification #5: On November 29, 2012, while working zone car 2A37 you (Patrol Officer Paul Box #2526) left cover of zone car 217, to deliver a round into the subject vehicle with the shotgun. Many officers, behind, beside, and in front of the subject vehicle, report hearing bullets fly pass them. Consequently, your actions in the school lot contributed to what devolved into a cross fire scenario. These actions are contrary to Divisional training.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations, Sergeant Keith Campbell of the Ordnance Unit and Lieutenant Brian Carney of the Case Preparation Office.

Patrol Officer Paul Box #2526
January 26, 2016
Page 3 of 4

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2A37. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City. You left cover of zone car 217 and contributed to crossfire.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

I am dismissing Specification #4. However, I find you **"Guilty"** of the remaining administrative charges and I am issuing you a **twenty-one (21) workday suspension. In addition, you are mandated to attend retraining on felony traffic stops prior to July 1, 2016. Your Commanding Officer will be responsible for ensuring your attendance to the aforementioned retraining. The Case Preparation Office shall be notified in writing upon the completion.**

The suspension shall commence, and be effective the next working day after you are served with notice. You shall surrender your badge, police identification card, unloaded Departmental issued firearm and three (3) loaded magazines + one (1) live round to your Commanding Officer or his designee at the end of your shift. Upon completion of the suspension day(s), you shall retrieve the aforementioned property from your Commanding Officer and/or his designee upon reporting for duty.

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a record of the disciplinary sentence will remain in your personnel file for a period of two (2) years.

Sincerely,



Michael McGrath, Director
Department of Public Safety

Patrol Officer Paul Box #2526
January 26, 2016
Page 4 of 4

MM:bpc

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

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January 26, 2016

Patrol Officer Wilfredo Diaz #350

North Olmsted, OH

Patrol Officer Wilfredo Diaz #350:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on October 26, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

- General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
- General Police Order 1.1.02: Values Mission Statement
- General Police Order 1.1.03: Standards of Conduct and Courtesy
- General Police Order 1.1.35: Police Officer Training Standards
- General Police Order 2.1.01: Use of Force
- General Police Order 3.2.02: Vehicle Pursuits
- General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (b)(e) and (f), 4.03, 4.04, 4.07, 4.08, 5.01, 5.08, 5.13, 6.03 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2A27, you (Patrol Officer Wilfredo Diaz #350) engaged in a pursuit without explicit permission from your sector supervisor.

Specification #2: On November 29, 2012, while working zone car 2A27, you (Patrol Officer Wilfredo Diaz #350) left the city without explicit permission from your supervisor.

Specification #3: On November 29, 2012, while working zone car 2A27, you (Patrol Officer Wilfredo Diaz #350) operated your zone car at speeds in excess for conditions in residential neighborhoods (AVL: 60 to 70 mph on surface streets; over 100mph on freeway).

Specification #4: On November 29, 2012, while working zone car 2A27 you (Patrol Officer Wilfredo Diaz #350) participated in unsafe vehicle operations, while in the school parking lot, exited your vehicle while it was still in drive, allowing it to roll unattended before your partner (PO O'Neill) was able to bring it to a stop.

Specification #5: On November 29, 2012, while working zone car 2A27 you (Patrol Officer Wilfredo Diaz #350) left the cover of your vehicle, placing yourself in the open. You state you aimed at the subject vehicle from about five to ten feet away. You state that while the vehicle was on the median, the driver made a quick motion with his hand and you saw a black object. You state you fired and are not sure what your rounds hit, but as the vehicle moved toward you after firing initially, you state you fired your service weapon at the moving vehicle which is prohibited when other means were initially available if you had stayed in your vehicle for cover. These actions are contrary to Divisional training.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, President Lynn Hampton, Black Shield Police Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations and Lieutenant Brian Carney of the Case Preparation Office.

Patrol Officer Wilfredo Diaz #350
January 26, 2016
Page 3 of 4

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2A27. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City.

By leaving the cover of your vehicle, you limited your options to the use of deadly force. You placed yourself in this vulnerable position, which is in violation of the training taught by the Cleveland Division of Police. Next, you fired your service weapon at a moving vehicle, which is prohibited when other means were initially available if you had stayed in your vehicle for cover. You exited your vehicle while it was still in gear, allowing it to roll unattended and exposing your partner to a hazardous situation.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

I am dismissing Specification #3. However, I find you "**Guilty**" of the remaining administrative charges. **Therefore, you are hereby terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police effective Tuesday, January 26, 2016.**

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

Patrol Officer Wilfredo Diaz #350
January 26, 2016
Page 4 of 4

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

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www.cleveland-oh.gov

January 26, 2016

Detective Christopher Ereg #767

Brunswick, Ohio

Detective Ereg #767:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on October 23, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

- General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
- General Police Order 1.1.02: Values Mission Statement
- General Police Order 1.1.03: Standards of Conduct and Courtesy
- General Police Order 1.1.35: Police Officer Training Standards
- General Police Order 2.1.01: Use of Force
- General Police Order 3.2.02: Vehicle Pursuits
- General Police Order 3.4.03: Use of Video/Image & Audio Recording Equipment
- General Police Order 3.4.23: Officer Safety: Off Duty and Plain Clothes
- General Police Order 9.1.01: Communications: Radio Protocol

Detective Christopher Ereg #767
January 26, 2016
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Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.08, 2.01, 2.02, 2.03, 2.04, 2.14 (e)(f), 4.03, 4.04, 4.07, 5.01, 5.08, 5.13 and 7.04.

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 3V85A, you (Detective Christopher Ereg #767) did not notify Communications Control Section of your involvement in a vehicle pursuit that lasted 20 minutes and ventured out of the City of Cleveland.

Specification #2: On November 29, 2012, while working zone car 3V85A, you (Detective Christopher Ereg #767) took two photographs of a crime scene and did not submit those for evidentiary purposes.

Specification #3: On November 29, 2012, while working zone car 3V85A, you (Detective Christopher Ereg #767) did not have your portable radio on you or ready-at-hand.

Specification #4: On November 29, 2012, while working zone car 3V85A, you (Detective Christopher Ereg #767) did not have any identification signaling you were a police officer.

Specification #5: On November 29, 2012, while working zone car 3V85A, you (Detective Christopher Ereg #767) participated in the use of deadly force and shot your firearm six times at the subject vehicle. You stated in your interview that your aim and focus on the passenger's window "was like tunnel vision." Consequently, despite the belief that the subjects were potentially firing outwardly from their vehicle at officers on the ground by zone car 217, your actions contributed to an environment that devolved into a crossfire scenario (BCI ballistics investigation reveals bullet trajectories that emanated from an angle indicating they were shot from a downward angle, on top of the grassy knoll area). Additionally, in the BCI interview you stated you exited your zone car because you didn't want to get hit with crossfire, but you still moved into crossfire instead of taking cover. You also stated other members moved in and out of your sight picture while you took aim to fire at the subjects. This conflicts with Divisional training.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Attorney Dominic Vitantonio, Attorney Henry Hilow, Attorney Marissa Serrat and Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations, President Lynn Hampton of the Black Shield Police Association and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 3V85A. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City.

You participated in the use of deadly force and shot your firearm six times at the subject vehicle. Your actions contributed to a crossfire scenario. Additionally, in the BCI interview you stated you exited your zone car because you didn't want to get hit with crossfire, but you still moved into crossfire instead of taking cover. You also stated other members moved in and out of your sight picture while you took aim to fire at the subjects.

You took two photographs of a graphic crime scene depicting grotesque images of the decedents and did not submit those for evidentiary purposes. Moreover, adding to this unbecoming behavior, you disseminated photographs in violation of General Police Order 3.4.03: Use of Video/Image & Audio Recording Equipment, which states all video/image and/or audio records that are recorded on-duty, may be disseminated only to criminal justice agencies or used in official court proceedings. This shall also include all audio and video/image recording and/or transmitting devices that a member may have for personal use. This behavior also violates the professional standards of conduct and courtesy for all members of the Cleveland Division of Police who represent the Division in dealing with the general public. This is a violation of General Police Order 1.1.03: Standards of Conduct and Courtesy. Your conduct was unbecoming a police officer in the City of Cleveland.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

Detective Christopher Ereg #767
January 26, 2016
Page 4 of 4

I am dismissing specification #4. However, I find you **"Guilty"** of the remaining administrative charges. **Therefore, you are hereby terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police effective Tuesday, January 26, 2016.**

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Edward Tomba, Deputy Chief, Homeland Special Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
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January 26, 2016

Patrol Officer Michael Farley #409

Avon Lake, OH

Patrol Officer Farley #409:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on October 26, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

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- General Police Order 1.1.02: Values Mission Statement
- General Police Order 1.1.03: Standards of Conduct and Courtesy
- General Police Order 1.1.19: Body Armor
- General Police Order 1.1.24: Probationary Officers-Field Training Officers
- General Police Order 1.1.35: Police Officer Training Standards
- General Police Order 2.1.01: Use of Force
- General Police Order 3.2.02: Vehicle Pursuits
- General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (e)(f), 4.03, 4.04, 4.07, 4.08, 4.09, 4.19, 5.01, 5.08, 5.13, 7.04 and 9.09

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Michael Farley #409) engaged in a pursuit without explicit permission from your sector supervisor.

Specification #2: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Michael Farley #409) left the city without explicit permission from your supervisor.

Specification #3: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Michael Farley #409) did not notify communications of your participation in the vehicle pursuit that left the City.

Specification #4: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Michael Farley #409) were in the district working out during lunch break. You eventually responded to a pursuit and were involved in a deadly use of force incident, while not wearing your ballistic vest.

Specification #5: On November 29, 2012, while working zone car 2A24 as a Field Training Officer, you (Patrol Officer Michael Farley #409) were involved in a Use of Deadly Force which required you and the rookie you trained to fire your service weapons. You state despite not having a clear view of the subjects, you fired in the general direction of the subject vehicle in conditions you described as poorly lit and obstructed by numerous police overhead lights. You also state you lost contact with your rookie while taking these actions. Additionally, you stated you did not fire initially, because your view was obstructed by other Division personnel, of which you could not account for their whereabouts when you fired. Nevertheless, you fired four rounds, while running for safety. Consequently, despite your perception of being fired at, your actions contributed to a crossfire scenario, which did not take into full consideration, other personnel who were behind the subject vehicle. Several officers stated during interviews that they heard rounds flying pass them. These actions are contrary to Divisional training.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Chief Assistant Director of Law William Menzalora, Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations, President Lynn Hampton of the Black Shield Police Association and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2A24. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City. You state despite not having a clear view of the subjects, you fired in the general direction of the subject vehicle in conditions you described as poorly lit and obstructed by numerous police overhead lights.

While assigned as a Field Training Officer, you failed to act as a role model for the probationary officer. Because of your failure, this officer with only four months experience became involved in the use of deadly force. This was a failure to provide instruction, guidance, mentoring and assistance to the trainee. You also state you lost contact with your rookie. These failures were in violation of General Police Order 1.1.24: Probationary Officer-Field Training Officers. Additionally, you fired four rounds, while running and not knowing where those rounds impacted, which is also a violation of General Police Order 1.1.35: Police Officer Training Standards. Your actions contributed to a crossfire scenario.

I find you "**Guilty**" of the administrative charges in their entirety. **Therefore, you are hereby terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police effective Tuesday, January 26, 2016.**

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

Patrol Officer Michael Farley #409
January 26, 2016
Page 4 of 4

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

Department of Public Safety
Michael McGrath, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-3736 • Fax: 216/664-3734
www.cleveland-oh.gov

January 26, 2016

Patrol Officer Cynthia Moore #1277

Lafayette Township, Ohio

Patrol Officer Moore #1277:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on November 16, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

- General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
- General Police Order 1.1.02: Values Mission Statement
- General Police Order 1.1.03: Standards of Conduct and Courtesy
- General Police Order 1.1.35: Police Officer Training Standards
- General Police Order 2.1.01: Use of Force
- General Police Order 3.1.02: Duty Reports
- General Police Order 3.2.02: Vehicle Pursuits
- General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (e) and (f), 4.03, 4.04, 4.05, 4.07, 5.01, 5.08, 5.13 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Cynthia Moore #1277) had minor errors on your duty report (missing information including vehicle code, shotgun and ammo box).

Specification #2: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Cynthia Moore #1277) engaged in a vehicle pursuit, employing emergency driving procedures, without explicit permission from a sector supervisor.

Specification #3: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Cynthia Moore #1277) left the city boundary without explicit permission from a sector supervisor.

Specification #4: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Cynthia Moore #1277) participated in the operation of a zone car at speeds excessive for conditions (AVL: 60-70 mph on surface streets, 105 mph on freeway).

Specification #5: On November 29, 2012, while working zone car 2B22, you (Patrol Officer Cynthia Moore #1277) fired your service weapon aiming at the driver, because you perceived a threat emanating from the driver inside the passenger compartment of the subject vehicle. Those actions, based on your perception at the time, did not thoroughly account for officers behind the subject vehicle when you fired and consequently contributed to a crossfire scenario. Many officers standing behind or beside the subject vehicle revealed that bullets were flying past them. These actions are contrary to Divisional training.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2B22. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City.

You fired your service weapon and did not thoroughly account for officers behind the subject vehicle. You contributed to a crossfire scenario. Many officers standing behind or beside the subject vehicle revealed that bullets were flying pass them. These actions are contrary to Divisional training.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

I am dismissing Specifications 1 and 4. However, I find you "**Guilty**" of the remaining administrative charges and I am issuing you a **twenty-one (21) workday suspension. In addition, you are mandated to attend retraining on felony traffic stops prior to July 1, 2016. Your Commanding Officer will be responsible for ensuring your attendance to the aforementioned retraining. The Case Preparation Office shall be notified in writing upon the completion.**

The suspension shall commence, and be effective the next working day after you are served with notice. You shall surrender your badge, police identification card, unloaded Departmental issued firearm and three (3) loaded magazines + one (1) live round to your Commanding Officer or his designee at the end of your shift. Upon completion of the suspension day(s), you shall retrieve the aforementioned property from your Commanding Officer and/or his designee upon reporting for duty.

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a record of the disciplinary sentence will remain in your personnel file for a period of two (2) years.

Patrol Officer Cynthia Moore #1277
January 26, 2016
Page 4 of 4

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

Department of Public Safety
Michael McGrath, Director
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www.cleveland-oh.gov

January 26, 2016

Detective Erin O'Donnell #1027

Bay Village, OH

Detective O'Donnell #1027:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on October 23, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

General Police Order 1.1.01: City of Cleveland Mission Statement
and Ethics Policy
General Police Order 1.1.02: Values Mission Statement
General Police Order 1.1.03: Standards of Conduct and Courtesy
General Police Order 1.1.35: Police Officer Training Standards
General Police Order 2.1.01: Use of Force
General Police Order 3.2.02: Vehicle Pursuits
General Police Order 3.4.03: Use of Video/Image & Audio Recording
Equipment

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.08, 2.01, 2.02, 2.03, 2.04, 2.14 (e)(f), 4.03, 4.04, 4.07, 5.01, 5.08, 5.13 and 7.04.

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 3V83, you (Detective Erin O' Donnell #1027) did not notify Communications Control Section of your involvement in a vehicle pursuit that lasted 20 minutes and ventured out of the City of Cleveland.

Specification #2: On November 29, 2012, while working zone car 3V83, you (Detective Erin O' Donnell #1027) did not provide BCI investigators with full information regarding ancillary officer positions, particularly P.O. Brelo, but did state you saw him on top of the car during the administrative immunized interviews.

Specification #3: On November 29, 2012, while working zone car 3V83, you (Detective Erin O' Donnell #1027) obtained unauthorized photos not initially submitted for evidentiary purposes.

Specification #4: On November 29, 2012, while working zone car 3V83, you (Detective Erin O' Donnell #1027) participated in the use of deadly force and shot your firearm twelve times at the subject vehicle. You stated in your interview that your aim and focus when firing your weapon was from a distance of five feet away from the passenger side of the subject vehicle. Additionally, you also stated that even though you checked your backdrop before firing, in the dark lighted parking lot you could not tell where your rounds hit. Witness reports place two officers firing on the opposite side (area north of 217) of the subject vehicle while or near the same time you fired on the opposite side (area south of zone car 238). Consequently, your actions contributed to an environment that devolved into a crossfire scenario. This conflicts with Divisional training (BCI ballistics investigation reveals bullet trajectories that emanated from an angle indicating they were shot from a downward angle, on top of the grassy knoll area).

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations, President Lynn Hampton of the Black Shield Police Association and Lieutenant Brian Carney of the Case Preparation Office.

Detective Erin O'Donnell #1027
January 26, 2016
Page 3 of 4

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 3V83. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from a sector supervisor to engage in the vehicle pursuit or leave the City.

You participated in the use of deadly force and shot your firearm twelve times at the subject vehicle. After entering Heritage Middle School's bypass road, you exited your vehicle leaving cover while multiple shots were being fired by other officers. Your rationale for doing so was to get a better vantage point. However, by doing so your actions contributed to a crossfire scenario.

You obtained two photographs of a graphic crime scene depicting grotesque images of the decedents and did not submit those for evidentiary purposes, in violation of General Police Order 3.4.03: Use of Video/Image & Audio Recording Equipment. This shall also include all audio and video/image recording and/or transmitting devices that a member may have for personal use. This behavior also violates the professional standards of conduct and courtesy for all members of the Cleveland Division of Police who represent the Division in dealing with the general public. This is a violation of General Police Order 1.1.03: Standards of Conduct and Courtesy. Your conduct was unbecoming a police officer in the City of Cleveland.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

I am dismissing specification #2. However, I find you "**Guilty**" of the remaining administrative charges. **Therefore, you are hereby terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police effective Tuesday, January 26, 2016.**

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

Detective Erin O'Donnell #1027
January 26, 2016
Page 4 of 4

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Patrick Stephens, Commander, Third District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

Department of Public Safety
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www.cleveland-oh.gov

January 26, 2016

Patrol Officer Randy Patrick #1580

Cleveland, OH

Patrol Officer Patrick #1580:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on October 5, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
General Police Order 1.1.02: Values Mission Statement
General Police Order 1.1.03: Standards of Conduct and Courtesy
General Police Order 1.1.35: Police Officer Training Standards
General Police Order 2.1.01: Use of Force
General Police Order 3.2.02: Vehicle Pursuits
General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (b)(e) and (f), 4.03, 4.04, 4.07, 4.08, 5.01, 5.08, 5.13 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2A37, you (Patrol Officer Randy Patrick #1580) engaged in a pursuit without explicit permission from your sector supervisor.

Specification #2: On November 29, 2012, while working zone car 2A37, you (Patrol Officer Randy Patrick #1580) left the city boundary without explicit permission from your supervisor.

Specification #3: On November 29, 2012, while working zone car 2A37, you (Patrol Officer Randy Patrick #1580) did not notify Communications Control Section of your participation in a pursuit that lasted over 20 minutes and ventured outside the city.

Specification #4: On November 29, 2012, while working zone car 2A37 you (Patrol Officer Randy Patrick #1580) continued to engage in a pursuit in an area that you were unfamiliar and so far behind that you did not see the subject vehicle until your arrival in East Cleveland.

Specification #5: On November 29, 2012, while working zone car 2A37 you (Patrol Officer Randy Patrick #1580) fired your service weapon using deadly force. You stated in your interview, when you fired, you did not see any officers standing on the passenger side of zone car 238. Several officers' report standing approximately 5 feet away from the subject vehicle, and others were downrange behind where you shot. Consequently, your actions contributed to a crossfire scenario. This is contrary to Divisional training.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations, Sergeant Keith Campbell of the Ordnance Unit and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

Patrol Officer Randy Patrick #1580
January 26, 2016
Page 3 of 4

On November 29, 2012, you were assigned to zone car 2A37. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City.

You fired your service weapon using deadly force. Several officers reported standing approximately 5 feet away from the subject vehicle and others were downrange behind where you shot. Your actions contributed to a crossfire scenario.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

I am dismissing Specification #4. However, I find you **"Guilty"** of the remaining administrative charges and I am issuing you a **twenty-one (21) workday suspension. In addition, you are mandated to attend retraining on felony traffic stops prior to July 1, 2016. Your Commanding Officer will be responsible for ensuring your attendance to the aforementioned retraining. The Case Preparation Office shall be notified in writing upon the completion.**

The suspension shall commence, and be effective the next working day after you are served with notice. You shall surrender your badge, police identification card, unloaded Departmental issued firearm and three (3) loaded magazines + one (1) live round to your Commanding Officer or his designee at the end of your shift. Upon completion of the suspension day(s), you shall retrieve the aforementioned property from your Commanding Officer and/or his designee upon reporting for duty.

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a record of the disciplinary sentence will remain in your personnel file for a period of two (2) years.

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

Patrol Officer Randy Patrick #1580
January 26, 2016
Page 4 of 4

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

Department of Public Safety
Michael McGrath, Director
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Cleveland, Ohio 44114-1015
216/664-3736 • Fax: 216/664-3734
www.cleveland-oh.gov

January 26, 2016

Detective Michael Rinkus #2182

Cleveland, Ohio

Detective Rinkus #2182:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on November 2, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
General Police Order 1.1.02: Values Mission Statement
General Police Order 1.1.03: Standards of Conduct and Courtesy
General Police Order 1.1.35: Police Officer Training Standards
General Police Order 2.1.01: Use of Force
General Police Order 3.1.02: Duty Reports
General Police Order 3.2.02: Vehicle Pursuits
General Police Order 3.2.07: Emergency Response Driving
General Police Order 9.1.01: Communications: Radio Protocol

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.08, 2.01, 2.02, 2.03, 2.04, 2.14 (e) and (f), 4.03, 4.04, 4.05, 4.07, 5.01, 5.08, 5.13 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #2: On November 29, 2012, while working zone car 2V82, you (Detective Michael Rinkus #2182) left the city boundary without explicit permission from a sector supervisor.

Specification #3: On November 29, 2012, while working zone car 2V82, you (Detective Michael Rinkus #2182) had minor errors on your duty report which include missing information on your duty report.

Specification #4: On November 29, 2012, while working zone car 2V82, you (Detective Michael Rinkus #2182) did not notify Communications Control Section that you were involved in a vehicle pursuit.

Specification #5: On November 29, 2012, while working zone car 2V82, you (Detective Michael Rinkus #2182) state that you fired your service weapon aiming at the rear window because you perceived a threat emanating from inside the passenger compartment of the subject vehicle. In your CIRC interview you stated that you believed one of the subjects inside the subject vehicle was shooting out the back and the other was shooting out the front. You stated you could see the evidence of the subject's shots out of the front of their vehicle. Those actions, based on your perception at that time, did not thoroughly account for officers in front of or beside the subject vehicle when you fired and consequently contributed to a crossfire scenario. This action is in conflict with Divisional training.

Specification #6: On November 29, 2012, while working zone car 2V82, you (Detective Michael Rinkus #2182) did not have your portable radio ready at hand.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Attorney Albert Giuliani, President Lynn Hampton Black Shield Police Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations and Lieutenant Brian Carney of the Case Preparation Office.

Detective Michael Rinkus #2182
January 26, 2016
Page 3 of 4

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2V82. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from a sector supervisor to engage in the vehicle pursuit or leave the City.

You fired your service weapon aiming at the rear window of the subject vehicle. Your actions did not thoroughly account for officers in front of or beside the subject vehicle when you fired. You contributed to a crossfire scenario and violated Division training and policy and procedures.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

As such, I find you **"Guilty"** of the administrative charges and I am issuing you a **twenty-two (22) workday suspension**. **In addition, you are mandated to attend retraining on felony traffic stops prior to July 1, 2016. Your Commanding Officer will be responsible for ensuring your attendance to the aforementioned retraining. The Case Preparation Office shall be notified in writing upon the completion.**

The suspension shall commence, and be effective the next working day after you are served with notice. You shall surrender your badge, police identification card, unloaded Departmental issued firearm and three (3) loaded magazines + one (1) live round to your Commanding Officer or his designee at the end of your shift. Upon completion of the suspension day(s), you shall retrieve the aforementioned property from your Commanding Officer and/or his designee upon reporting for duty.

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a record of the disciplinary sentence will remain in your personnel file for a period of two (2) years.

Detective Michael Rinkus #2182
January 26, 2016
Page 4 of 4

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

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Michael McGrath, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-3736 • Fax: 216/664-3734
www.cleveland-oh.gov

January 26, 2016

Patrol Officer Brian Sabolik #1021

Cleveland, OH

Patrol Officer Sabolik #1021:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on October 26, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
General Police Order 1.1.02: Values Mission Statement
General Police Order 1.1.03: Standards of Conduct and Courtesy
General Police Order 1.1.35: Police Officer Training Standards
General Police Order 2.1.01: Use of Force
General Police Order 3.2.02: Vehicle Pursuits
General Police Order 3.2.07: Emergency Response Driving
General Police Order 8.1.01: Motor Vehicle Accidents Involving City Employees

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (e)(f), 4.03, 4.04, 4.07, 4.08, 4.12, 4.20, 5.01, 5.13, 7.04 and 9.09

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Brian Sabolik #1021) engaged in a pursuit without explicit permission from your sector supervisor.

Specification #2: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Brian Sabolik #1021) left the city without explicit permission from your supervisor.

Specification #3: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Brian Sabolik #1021) did not notify communications of your participation in the vehicle pursuit that left the City.

Specification #4: On November 29, 2012, while working zone car 2A24, you (Patrol Officer Brian Sabolik #1021) fired your service weapon four (4) times using deadly force. You stated immediately after exiting your zone car upon arrival in the middle school parking lot you fired your service weapon twice at what you perceived to be a threat coming from inside the subject vehicle. You stated you then stopped shooting because your sight picture of the threat was obscured by a police officer standing on the hood of the subject's car.

You stated in order to get a better vantage of the threat and re-acquire a sight picture; you proceeded to move from behind the car you covered behind, moving to the driver's side of that car. Once in this position after initially taking cover, you emerged to fire two more shots with a newly acquired unobstructed view. When asked you state you never saw anyone in the backdrop of where you fired. In the BCI interview you state you only saw figures inside the subject vehicle, through a cracked windshield. You also state you are unsure if your rounds hit the target.

During interviews with officers who were behind the subject's vehicle during this use of deadly force incident, they report hearing bullets going past them causing them to believe they were being shot at. While you showed restraint in regards to not shooting while the officer on top of the car obstructed your sight picture, a preponderance of the evidence reveals that your decision to shoot at other times contributed to the hazardous position the other officers behind the car faced. This behavior is contrary to your training.

Specification #5: On you April 5, 2013, you (Patrol Officer Brian Sabolik #886) were involved in a motor vehicle accident, as a driver, within the jurisdiction of the City of Cleveland. You failed to contact the Communications Control Section to request a supervisor from the Police District of occurrence to respond to the scene.

Specification #6: On you April 5, 2013, you (Patrol Officer Brian Sabolik #886) were involved in a motor vehicle accident, as a driver, within the jurisdiction of the City of Cleveland. You were found to be in violation of Ohio Revised Code 4509.101: Operating of Motor Vehicle without Proof of Financial Responsibility.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Chief Assistant Director of Law William Menzalora, Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations, President Lynn Hampton of the Black Shield Police Association and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to Specifications 1-4 and "No Contest" to Specifications 5 and 6 regarding the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2A24 as a probationary officer. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City.

You fired your service weapon four (4) times using deadly force. You stated you then stopped shooting because your sight picture of the threat was obscured by a police officer standing on the hood of the subject's car.

You proceeded to move from behind the car you covered behind. You stated you never saw anyone in the backdrop of where you fired. During interviews with officers who were behind the subject's vehicle during this use of deadly force incident, they report hearing bullets going past them causing them to believe they were being shot at.

Patrol Officer Brian Sabolik #1021
January 26, 2016
Page 4 of 4

You left the cover of your vehicle, which is a violation of Cleveland Division of Police training. You failed to wait for direction from your Field Training Officer. This all resulted in you contributing to a crossfire.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

I find you **"Guilty"** of the administrative charges in their entirety. **Therefore, you are hereby terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police effective Tuesday, January 26, 2016.**

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

Department of Public Safety
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Cleveland, Ohio 44114-1015
216/664-3736 • Fax: 216/664-3734
www.cleveland-oh.gov

January 26, 2016

Detective William Salupo Jr. #1969

Gloria Glens, OH

Detective Salupo Jr. #1969:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on November 2, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

- General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
- General Police Order 1.1.02: Values Mission Statement
- General Police Order 1.1.03: Standards of Conduct and Courtesy
- General Police Order 1.1.35: Police Officer Training Standards
- General Police Order 2.1.01: Use of Force
- General Police Order 3.1.02: Duty Reports
- General Police Order 3.2.02: Vehicle Pursuits
- General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Detective William Salupo Jr. #1969

January 26, 2016

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Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.08, 2.01, 2.02, 2.03, 2.04, 2.14 (e) and (f), 4.03, 4.04, 4.07, 5.01, 5.08, 5.13 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2V82, you (Detective William Salupo #1969) engaged in a vehicle pursuit, employing emergency driving procedures, without explicit permission from a sector supervisor.

Specification #2: On November 29, 2012, while working zone car 2V82, you (Detective William Salupo #1969) left the city boundary without explicit permission from a sector supervisor.

Specification #3: On November 29, 2012, while working zone car 2V82, you (Detective William Salupo #1969) had minor errors on your duty report which include missing information on your duty report.

Specification #4: On November 29, 2012, while working zone car 2V82, you (Detective William Salupo #1969) did not notify Communications Control Section that you were involved in a vehicle pursuit.

Specification #5: On November 29, 2012, while working zone car 2V82, you (Detective William Salupo #1969) state that you fired your service weapon while running, aiming at the driver's headrest. In your CIRC interview you stated that you fired because you believed the subjects hit PO Sistek with their vehicle. However, you stated while firing you did not see the other personnel downrange, or the zone car (217) which the subject vehicle was wedged in between. Additionally, during your interview you stated you saw officers in the grassy area adjacent to zone car 238 from cover firing their weapons at the subject vehicle. One of those officers, in their interview, estimated being only five feet from the subject when they fired. Consequently, as you fired while running, some officers were only a few feet from the area of your target. You also stated in your interview that the rounds you felt coming in your direction were coming from zone car 217. Those actions, based on your perception at that time, did not thoroughly account for officers in front of or beside the subject vehicle when you fired and contributed to a crossfire scenario. This action is in conflict with Divisional training.

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Attorney Angelo Giuliani, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2V82. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from a sector supervisor to engage in the vehicle pursuit or leave the City.

You fired your service weapon while running. As you fired while running, some officers were only a few feet from the area of your target. Your actions did not thoroughly account for officers in front of or beside the subject vehicle when you fired and contributed to a crossfire scenario.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

As such, I find you **"Guilty"** of the administrative charges and I am issuing you a **twenty-one (21) workday suspension**. **In addition, you are mandated to attend retraining on felony traffic stops prior to July 1, 2016. Your Commanding Officer will be responsible for ensuring your attendance to the aforementioned retraining. The Case Preparation Office shall be notified in writing upon the completion.**

The suspension shall commence, and be effective the next working day after you are served with notice. You shall surrender your badge, police identification card, unloaded Departmental issued firearm and three (3) loaded magazines + one (1) live round to your Commanding Officer or his designee at the end of your shift. Upon completion of the suspension day(s), you shall retrieve the aforementioned property from your Commanding Officer and/or his designee upon reporting for duty.

Detective William Salupo Jr. #1969
January 26, 2016
Page 4 of 4

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a record of the disciplinary sentence will remain in your personnel file for a period of two (2) years.

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association



City of Cleveland
Frank G. Jackson, Mayor

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.

Department of Public Safety
Michael McGrath, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-3736 • Fax: 216/664-3734
www.cleveland-oh.gov

January 26, 2016

Patrol Officer Scott Sistik #1395

Cleveland, OH [REDACTED]

Patrol Officer Sistik #1395:

This letter is to advise you of the result of the administrative pre-disciplinary hearing you attended on November 2, 2015, in the Department of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

- General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy
- General Police Order 1.1.02: Values Mission Statement
- General Police Order 1.1.03: Standards of Conduct and Courtesy
- General Police Order 1.1.35: Police Officer Training Standards
- General Police Order 2.1.01: Use of Force
- General Police Order 2.1.06: Taser - Conducted Electrical Weapon (CEW)
- General Police Order 3.1.02: Duty Reports
- General Police Order 3.2.02: Vehicle Pursuits
- General Police Order 3.2.07: Emergency Response Driving

Cleveland Police Training Section: Drill #6
Training Section: Firearm Safety Rules

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules 1.07, 2.01, 2.02, 2.03, 2.04, 2.14 (e) and (f), 4.03, 4.04, 4.05, 4.07, 5.01, 5.08, 5.13 and 7.04

Civil Service Commission Rule 9.10 (1)(3)(10)

Specification #1: On November 29, 2012, while working zone car 2B38, you (Patrol Officer Scott Sisteck #1395) had minor errors on your duty report.

Specification #2: On November 29, 2012, while working zone car 2B38, you (Patrol Officer Scott Sisteck #1395) engaged in a vehicle pursuit, without explicit permission from a sector supervisor.

Specification #3: On November 29, 2012, while working zone car 2B38, you (Patrol Officer Scott Sisteck #1395) left the city boundary without explicit permission from a sector supervisor.

Specification #4: On November 29, 2012, while working zone car 2B38, you (Patrol Officer Scott Sisteck #1395) participated in the operation of a zone car at speeds excessive for conditions (AVL: 60-70 mph on surface streets, 110 mph on freeway).

Specification #5: On November 29, 2012, while working zone car 2B38, you (Patrol Officer Scott Sisteck #1395) pursued what you believed to be armed suspects. You exited your vehicle in the school lot, leaving cover after hearing over the radio that shots had been fired and not really knowing where the subjects were. You state you believed it was the subjects firing the shots. You state in low light conditions, further impaired by zone car overhead lights, the subject vehicle appeared approximately 10-20 feet away from where you were situated. You state the subject vehicle moved toward your direction. You state fearing your life, while running backwards, you fired some amount of rounds one handed toward the subject's windshield. You state you were aware that officers were downrange. Therefore, despite your perception, several officers who were behind the subject vehicle reported during interviews that bullets were flying pass them. Consequently, your actions contributed to a cross fire scenario. These actions are contrary to Divisional training.

Specification #6: On September 19, 2014, while working zone car 2B36, you (Patrol Officer Scott Sisteck #1395) were involved in a use of less lethal force. You deployed a Taser striking the suspect in the back in violation of General Police Order 2.1.01: Use of Force and General Police Order 2.1.06: Taser- Conducted Electrical Weapon (CEW)

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

In attendance at the conference that I presided over were you, President Stephen Loomis, Vice President William Gonzalez, Attorney Henry Hilow, Attorney Marissa Serrat, Attorney Brian Moriarty of the Cleveland Police Patrolmen's Association, Lynn Hampton Black Shield Police Association, Chief Assistant Director of Law William Menzalora, Forensic Video Specialist Tom Ciula of the Forensic Unit, Lieutenant Monroe Goins of the Internal Affairs Unit, Commander James Chura of the Bureau of Special Investigations, Sergeant Jonathan Moran Second District and Lieutenant Brian Carney of the Case Preparation Office.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were afforded the opportunity to be heard. You entered a plea of "Not Guilty" to the allegations set forth in the charging letter.

On November 29, 2012, you were assigned to zone car 2B38. You admitted to not notifying Communications Control Section of your participation in the vehicle pursuit. You admitted to not requesting permission from your sector supervisor to engage in the vehicle pursuit or leave the City.

While running backwards, you fired one handed toward the subject's windshield. You state you were aware that officers were downrange. Several officers who were behind the subject vehicle reported during interviews that bullets were flying pass them. Your actions contributed to a cross fire.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives I find just cause to impose discipline.

I am dismissing Specifications 1, 4 and 6. However, I find you "**Guilty**" of the remaining administrative charges and I am issuing you a **twenty-one (21) workday suspension. In addition, you are mandated to attend retraining on felony traffic stops prior to July 1, 2016. Your Commanding Officer will be responsible for ensuring your attendance to the aforementioned retraining. The Case Preparation Office shall be notified in writing upon the completion.**

The suspension shall commence, and be effective the next working day after you are served with notice. You shall surrender your badge, police identification card, unloaded Departmental issued firearm and three (3) loaded magazines + one (1) live round to your Commanding Officer or his designee at the end of your shift. Upon completion of the suspension day(s), you shall retrieve the aforementioned property from your Commanding Officer and/or his designee upon reporting for duty.

Patrol Officer Scott Sistek #1395
January 26, 2016
Page 4 of 4

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a record of the disciplinary sentence will remain in your personnel file for a period of two (2) years.

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

cc: Calvin D. Williams, Chief, Cleveland Division of Police
William Menzalora, Chief, Assistant Director of Law
Wayne Drummond, Deputy Chief, Field Operations
Joellen O'Neill, Deputy Chief, Executive Officer
Daniel Fay, Commander, Bureau of Support Services
Brian Heffernan, Commander, Bureau of Integrity Control
James Chura, Commander, Bureau of Special Investigations
Monroe Goins, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Thomas Stacho, Commander, Second District
Debbie Southerington, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Lucille Ambroz, Secretary, Civil Service Commission
Nycole West, Labor Relations Manager, Department of Human Resources
Gail Bindel, Lieutenant, Officer-in-Charge, Personnel Unit
Justin McGinty, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Stephen Loomis, President, Cleveland Police Patrolmen's Association