



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
Michael McGrath, Director
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January 13, 2017

Patrol Officer Timothy Loehmann #1231

Patrol Officer Loehmann #1231:

Please be advised a pre-disciplinary conference is scheduled before the Director of Public Safety to determine whether you violated the following General Police Orders, Cleveland Police Academy Recruit Manual of Rules & Regulations, rules of the Manual of Rules, Department of Public Safety, and the rules of the Civil Service Commission of the City of Cleveland.

STATEMENT OF POLICY

In part:

The Manual of Rules 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.

NON-SWORN POLICE RANKS

1.07 Patrol Officer

Patrol Officers shall be held responsible for the good order of their assignment and shall be prepared at all times to inform their superior officers of the conditions of their post, beat, or zone.

They shall be under the immediate supervision of the head of the administrative unit to which assigned. They shall perform such duties and work such hours as designated by their superior officer. They shall cooperate with all other personnel in the performance of police duties.

They shall acquire a thorough knowledge of the criminal laws and the rules of evidence so that they may carry out their duties in an efficient manner.

Specification #1: In the November 18, 2016, Investigative Report, the Division learned that on May 13, 2013 you (Patrol Officer Timothy Loehmann #1231) verified under oath and provided false information on the Division of Police Personal History Statement (PHS), of your application for employment. Specifically, Section 10, #12, Did you intentionally omit any facts that you feel might disqualify you for the position of Patrol Officer with the City of Cleveland? You omitted the fact that you would have been terminated by the Independence Police Department, but they allowed you to resign instead. Among other things, while working for the Independence Police Department, you failed to secure your firearm, were insubordinate and untruthful to a superior officer. In addition, the Independence Police Department concluded that you were "emotional [sic] immature" and possessed an "inability to emotionally function." Also, during a state qualification course, you could not follow simple directions and had an emotional breakdown. Subsequently, you were sent home for the day.

Specification #2: In the November 18, 2016, Investigative Report, the Division learned that on May 13, 2013 you (Patrol Officer Timothy Loehmann #1231) verified under oath and provided false information on the Division of Police Personal History Statement (PHS), specifically, Section 5, entitled "Employment History." When asked about your employment with the Independence Police Department, you indicated without qualification or clarification that your reason for leaving was that you "resigned for personal reasons," and when asked if you received any disciplinary actions, you answered "No," without mentioning that you faced discharge proceedings when your employment ended and that the resignation was permitted to avoid a discharge.

Specification #3: In the November 18, 2016, Investigative Report, the Division learned that on May 13, 2013 you (Patrol Officer Timothy Loehmann #1231) verified under oath and provided false information on the Division of Police Personal History Statement (PHS), of your application for employment, specifically Section 11, entitled "Explanations and Clarifications."

When provided with the opportunity to include any additional explanatory information, you never mentioned the circumstances surrounding your resignation from Independence Police Department. Instead, you responded "DNA."

Specification #4: In the November 18, 2016, Investigative Report, the Division learned that on May 13, 2013 you (Patrol Officer Timothy Loehmann #1231) verified under oath and provided false information on the Division of Police Personal History Statement (PHS), of your application for employment. Specifically, Section 10, #9, To your knowledge, has any other department, agency, or private company disqualified you for employment? You failed a written exam in the fall of 2009 for Maple Heights Police Department, according to your Personal History Questionnaire for Independence. The Independence Police Department also disqualified you when they declined to rehire you because you were allowed to resign to avoid a discharge.

Specification #5: In the November 18, 2016, Investigative Report, the Division learned that on May 13, 2013 you (Patrol Officer Timothy Loehmann #1231) verified under oath and provided false information on the Division of Police Personal History Statement (PHS), of your application for employment. Specifically, Section 5, #3, Within the past seven (7) years, have you taken a Civil Service Examination for the position of Patrol Officer with any law enforcement or other governmental agency (including the Cleveland Police Department)? You listed four (4) police departments (Cleveland, New York City, Akron and Independence). You listed eight agencies on your Personal History Questionnaire for Independence (New York, Cleveland, Mentor, Euclid, Berea, Maple Heights, Rocky River, US Marshall's service). You failed to correct your false statements when provided with the opportunity to do so in a follow-up interview.

Specification #6: In the November 18, 2016, Investigative Report, the Division learned that on May 13, 2013 you (Patrol Officer Timothy Loehmann #1231) violated the instructions contained on page one (1) of the Division of Police Personal History Statement (PHS), and of your application for employment, for answering questions, specifically: (a) failure to provide complete and truthful information will result in rejection for appointment pursuant to the City of Cleveland Civil Service rules, and/or discharge after appointment; (b) applicants are cautioned to answer every question truthfully and without evasion; (c) the Ohio Revised Code provides penalties for making a false statement of a material fact, or perpetrating any fraud or deception in obtaining, or attempting to obtain municipal employment; and (d) penalties include rejection for appointment, discharge after appointment, and/or prosecution under Ohio Revised Code Section 2921.13.

The specification is in violation of the rules, regulations and procedures of the Division of Police, Department of Public Safety.

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

PURPOSE: To establish a Mission Statement that provides vision, purpose and direction for the Division of Police and to establish an ethics policy to guide the actions of all its members.

POLICY: Members of the Division of Police shall carry out their mission in accordance with the strictest ethical guidelines. Division members shall conduct themselves in a manner that fosters public confidence in the integrity of Cleveland's government, its processes, and its accomplishments.

Members of the Division of Police shall be guided by the values expressed in the City of Cleveland Mission Statement, the City of Cleveland Ethics Policy, and the Division of Police Manual of Rules and Regulations.

City of Cleveland Mission Statement

We are committed to improving the quality of life in the City of Cleveland by strengthening our neighborhoods, delivering superior services, embracing the diversity of our citizens and making Cleveland a desirable, safe city in which to live, work, raise a family, shop, study, play and grow old.

Specification: As enumerated in specification for violation of Rule 1.07.

General Police Order 1.1.02: Values Mission Statement

PURPOSE: To establish a Values Mission Statement for the Division of Police that provides vision, purpose and direction for the members of the Division.

POLICY: Members of the Division of Police shall not only be guided by the City Mission Statement, but by the values that the members of the Division shall live by.

Values Mission Statement of the Cleveland Division of Police

The Mission of the members of the Cleveland Division of Police is to enhance the quality of life, strengthen our neighborhoods and deliver superior services with professionalism, respect, integrity, dedication and excellence by working in partnership with our neighborhoods and community.

Professionalism We take pride in ourselves, our profession and our community. We will be role models for our community by enthusiastically excelling in quality performance.

Respect We will treat all people with dignity, compassion, courtesy and without prejudice. We will protect the constitutional and civil rights of everyone through impartial enforcement of the law.

Integrity We hold ourselves accountable to the highest standards of moral and ethical conduct, we maintain public trust by being honest, competent and consistent with our values and actions.

Dedication We dedicate ourselves to improving the quality of life by developing a partnership with the community and being committed to protecting life and property, thus reducing fear which leads to a safer community for all.

Excellence We hold ourselves to the highest standards of law enforcement. We will continuously improve the quality of service to the community through education, training and development.

**We the members of the Cleveland Division of Police take P.R.I.D.E.
in the community that we serve.**

Specification: As enumerated in specification for violation of Rule 1.07.

**MANUAL OF RULES AND REGULATIONS FOR THE CONDUCT AND DISCIPLINE
OF OFFICERS AND EMPLOYEES**

II. ADMINISTRATIVE COMPLIANCE

Rule 2.01: Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.02: Personnel shall not willfully disobey any rules, regulations, general police orders or directives of the Division of Police, or any lawful orders, written or oral, issued to them by a superior officer of the Division of Police.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.03: Personnel shall perform all duties required by rules, regulations, general police orders, directives, or orders of the Division of Police.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.04: Personnel shall study all rules, regulations, general police orders and directives pertaining to their duties, and shall be held accountable for any action contrary to these instructions.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.10: Personnel shall familiarize themselves with all directives issued by the Chief of Police. Personnel absent from duty for any reason shall familiarize themselves with all orders and notices Issued during their absence.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.14: The following are additional grounds for disciplining personnel, including removal, in addition to the grounds stated in Civil Service Commission rule 9.10:

- a. Incompetence
- b. Gross neglect of duty
- e. Failure to obey orders given by proper authority
- f. Any other reasonable and just cause

Specification: As enumerated in specification for violation of Rule 1.07.

II. ETHICS

Rule 3.12: Personnel shall be truthful and unbiased in all written reports, verbal reports, court testimony and conversations affecting the Division of Police, its officers and employees or persons under its jurisdiction.

Specification: As enumerated in specification for violation of Rule 1.07.

IV. DUTY

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

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 4.12: Personnel shall be considered to be on duty at all times for purposes of discipline.

Specification: As enumerated in specification for violation of Rule 1.07.

V. BEHAVIOR

Rule 5.01: Personnel shall not engage in any conduct, speech or acts while on duty, or off duty, which would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

Specification: As enumerated in specification for violation of Rule 1.07.

CIVIL SERVICE COMMISSION

Rule 9.10 TENURE

TENURE: The tenure of every officer or employee in the classified service shall be during good behavior and efficient service. No such officer or employee shall be discharged, suspended or demoted for political, racial or religious reasons, or for refusing to contribute to any political fund, or refusal to render political service.

But any officer or employee in the classified service may be discharged, suspended or reduced in rank for any one or more of the following causes:

1. Neglect of duty.
3. Incompetence or inefficiency in performance of duties.

4. Fraudulent conduct or false statements in any application or examination for a position in the Civil Service of the City.
5. Conduct unbecoming an employee in the public service.
7. Disorderly, immoral, or unethical conduct while on duty.
10. Willful violation of any of the provisions of law governing the Civil Service of the City or of the rules or regulations of the Commission.
18. For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance or nonfeasance in office.

Specification: As enumerated in specification for violation of Rule 1.07.

**CLEVELAND DIVISION OF POLICE
PERSONAL HISTORY STATEMENT**

. . . . Failure to provide complete and truthful information will result in rejection for appointment pursuant to City of Cleveland Civil Service Commission rules, and/or discharge after appointment. All information is subject to independent verification. . . .

. . . . Additional space for explanation or clarification regarding your responses can be found in Section 11, page 14.

Applicants are cautioned to answer every question truthfully and without evasion. The Ohio Revised Code provides penalties for making a false statement of material fact, or perpetrating a fraud or deception in obtaining, or attempting to obtain municipal employment. Penalties include rejection for appointment, discharge after appointment, and/or prosecution under Ohio Revised Code Section 2921.13.

. . . .

Failure to fully complete the Personal History Statement or to submit the required documents will delay the investigation of your suitability for employment and may jeopardize your appointment to the Cleveland Police Department.

Specification: As enumerated in specification for violation of Rule 1.07.

The pre-disciplinary conference is scheduled for **Monday, January 30, 2017, at 1400 hours** the office of the Director of Public Safety. Should you desire union representation, it is your responsibility to notify your union of this conference. All testimony provided during the hearing shall be given the same weight as sworn testimony; therefore, your statements can and may be used against you at the hearing or at a later date.

Patrol Officer Timothy Loehmann #1231
January 13, 2017
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Any documentation that could explain any of the above allegations shall be forwarded to the Case Preparation Office a minimum of 48 hours prior to the scheduled hearing. In addition, it is also your responsibility to bring the documentation to this scheduled hearing. If you are to have witnesses appear on your behalf, a Form 1 listing their names must be provided to the Case Preparation Office via email (bcarney@city.cleveland.oh.us) or fax (216-623-5584) a minimum of 48 hours prior to the scheduled hearing. It is your responsibility to notify said witnesses of the date and time of the hearing. In addition, it is your sole responsibility to ensure the attendance of any witnesses appearing on your behalf.

No overtime shall accrue as a result of their attendance. If the witnesses are Divisional members and scheduled to work during the hearing, prior permission for their attendance MUST be obtained from their appropriate Command Officer. Any witnesses that will appear are to be in full uniform of the day. **You shall PERSONALLY contact Lieutenant Brian Carney of the Case Preparation Office IMMEDIATELY if there are any conflicts that would cause your lack of attendance to the scheduled conference. Failure to attend as ordered may subject you to additional disciplinary charges.**

THIS WILL BE YOUR TOUR OF DUTY

THESE CHARGES MAY BE AMENDED AT A LATER DATE

Sincerely,



Michael McGrath, Director
Department of Public Safety

MM:bpc

cc: Calvin Williams, Chief, Division of Police
President Stephen Loomis, Cleveland Police Patrolmen's Association