



City of Cleveland  
Frank G. Jackson, Mayor

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Department of Public Safety  
Michael McGrath, Director  
601 Lakeside Avenue, Room 230  
Cleveland, Ohio 44114-1015  
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January 13, 2017

## **Patrol Officer William Cunningham II #1724**

Patrol Officer Cunningham #1724:

Please be advised a conference has been scheduled before the Director of Public Safety and/or his representative, to determine whether you violated the following rules of the Manual of Rules, Department of Public Safety, and the rules of the Civil Service Commission of the City of Cleveland. The Chief of Police believes that if the allegations set forth in this notice are true, that discipline exceeds his ability to impose.

### **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.

### **SWORN POLICE RANKS**

#### **Rule 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:** On November 22, 2014, you (Patrol Officer William Cunningham II #1724) were working secondary employment at 1910 West Boulevard (Cudell Recreation Center) without permission.

**Specification #2:** On November 22, 2014, in connection with a Use of Deadly Force investigation, you (Patrol Officer William Cunningham II #1724) completed, signed and submitted an untruthful Form-1 report.

All 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.



**General Police Order 1.1.25: Secondary Employment**

**PURPOSE:** To regulate secondary employment for personnel of the Cleveland Division of Police, and to specifically prohibit certain types of employment.

**POLICY:** Upon written permission by the Chief of Police and the Director of Public Safety, Division members may engage in secondary employment if the work does not interfere with Division employment and there is no conflict of interest between the work and the Division. The Chief of Police or the Director of Public Safety may at any time revoke authorization to work secondary employment based upon the operational needs of the Division.

The rules and regulations of the Division govern its members when engaged in secondary employment. Violation of the provisions of this order may incur immediate termination of secondary employment permission and subject the member to disciplinary action.

Officers shall carry their Division issued OC Spray, ASP Baton, and Taser. Officers shall wear their issued body armor when working a secondary employment of a police nature.

Secondary employment shall be limited to 16 hours of combined regular duty and secondary employment in any rolling 24 hour period. This provision is not applicable to secondary employment engaged in during weeks of furlough actually taken. Deviation from these limits shall be granted only by written permission of the Chief of Police.

The Cleveland police uniform is authorized for approved secondary employment of a law enforcement nature within the City of Cleveland. Officers shall not wear the Cleveland police uniform for employment outside of the city. The use of Division issued firearms and intermediate weapons for secondary employment outside the City of Cleveland is prohibited.

**PROCEDURE:**

- I.** Requesting Permission to Engage in Ongoing Secondary Employment
  - A.** Members shall complete the structured form (Attachment A), and obtain an endorsement and recommendation of the district or bureau commander. The officer's supervisor shall review the request and if qualifications are met, grant temporary permission to engage in the secondary employment.

Approval shall be noted on the bottom of the form before the member forwards it. Officers are granted permission to continue their temporary employment until they receive permission or denial from the Chief or Director of Public Safety.

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

**MANUAL OF RULES FOR THE CONDUCT AND DISCIPLINE OF  
EMPLOYEES OF THE CLEVELAND DIVISION OF POLICE**

**II. ADMINISTRATIVE COMPLIANCE**

**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 2.14:** 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
- f. Any other reasonable and just cause

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

**III. 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.

**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 inefficient performance of duties.
5. Conduct unbecoming an employee in the public service.
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.

The pre-disciplinary conference is scheduled for **Monday, January 30, 2017, at 1400 hours** in 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.

**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](mailto: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.



Patrol Officer William Cunningham II #1724  
January 13, 2017  
Page 7 of 7

In accordance with General Police Order 1.1.12: Sworn Officers Uniform Regulations, you are to appear in **full uniform of the day and have your badge, city issued identification card with you.** Any witnesses that will appear are to be in full uniform of the day. Failure to attend as ordered may subject you to additional disciplinary charges. **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.**

**THIS WILL BE YOUR TOUR OF DUTY**

**THESE CHARGES MAY BE AMENDED AT A LATER DATE**

Regards,



Michael McGrath, Director  
Department of Public Safety

MM:bpc:kfs

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