



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
Division of Police
Michael McGrath, Chief
1300 Ontario Street
Cleveland, Ohio 44113-1648
216/623-5005 • Fax: 216/623-5584

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.

August 8, 2011

Patrol Officer Brian Kazimer #844

Cleveland, Ohio

Dear Officer Kazimer #844:

This letter is to advise you (Patrol Officer Brian Kazimer #844) of the result of the administrative pre-disciplinary hearing you attended on Monday, August 8, 2011, in the Conference Room of the Chief of Police. This conference was to address an internal investigation wherein you were alleged to have engaged in improper procedures, as well as improper conduct.

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 1.1.02: Values Mission Statement

General Police Order 2.1.01: Use of Force

Manual of Rules & Regulations for the Conduct and Discipline of Officers and Employees: Oath of Office, Law Enforcement Code of Ethics, Rules 1.07, 2.02, 2.03, 2.04, 2.10, 2.13 (a)(e), 3.12, 4.04, 4.12, 5.01, 5.08 and 5.09

Civil Service Commission Rule 9.10 (1)(18)

Specification #1: On Monday, August 16, 2010, while on-duty and assigned to 1B22, you (Patrol Officer Brian Kazimer #844) were involved in a foot pursuit of a juvenile male that subsequently evolved into a use non-deadly force (i.e. used your body weight to pin the male against a car). You failed to report the use of non-deadly force to a supervisor or summons a supervisor to the scene to conduct the appropriate investigation.

Specification #2: On Monday, August 16, 2010, while on-duty and assigned to 1B22, you (Patrol Officer Brian Kazimer #844) were involved in a foot pursuit of a juvenile male that subsequently evolved into a use non-deadly force (i.e. used your body weight to pin the male against a car). You failed to document use of non-deadly force on the appropriate Divisional forms.

Specification #3: On Monday, August 16, 2010, while on-duty and assigned to 1B22, you (Patrol Officer Brian Kazimer #844) were involved in a foot pursuit of a juvenile male that subsequently evolved into a use non-deadly force (i.e. used your body weight to pin the male against a car). You directed vulgar and unprofessional language toward the parents of the juvenile during the incident (i.e. "You're lucky we didn't shoot him.")

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

In attendance at the disciplinary conference were you, President Stephen Loomis, First Vice President Jeffrey Follmer and Attorney Patrick D'Angelo of the Cleveland Police Patrolmen's Association, President Marcus Saffo of the Black Shield Police Association, Administrator Cassandra Bledsoe, Sergeant Andrea Douglas and Investigator Anitra Merritt of the Office of Professional Standards, Sergeant Keith Campbell of the Case Preparations Office and the Hearing Officer Deputy Chief Edward Tomba.

Prior to the hearing your representatives requested that the disciplinary hearing with regard to this matter be held in abeyance pending the outcome of the civil lawsuit filed by Ramon Ortiz against you and your partner (Patrol Officer Daniel Crisan #263) in the United States District Court (Case Number 1:11-cv-01521). Additionally, you and your representatives have waived any and all timeliness issues related to the designation and the hearing of these administrative charges.

As such, in accordance with Article XXIX of the extant labor agreement as well as the Division's progressive disciplinary system, and on a non-precedent setting basis, I am continuing this matter until further notice pending the outcome of the above-cited civil lawsuit. **Additionally Officer Kazimer you shall personally be responsible for immediately notifying the Case Preparation Office in writing upon the adjudication of the aforementioned lawsuit.**

Sincerely,

A handwritten signature in cursive script that reads "Michael McGrath".

Michael McGrath
Chief of Police

MM:kec

cc: Edward Tomba, Deputy Chief of Homeland Special Operations
Cassandra Bledsoe, Administrator, Office of Professional Standards
President Stephen Loomis, CPPA
President Marcus Saffo, BSPA