



City of Cleveland Memorandum
Frank G. Jackson, Mayor

Office of Professional Standards
Civilian Police Review Board
CHARGE LETTER

DATE: November 9, 2010
OPS Complaint Number: OPS10-339
Complainant: Ramon Ortiz on behalf of Juan Ortiz
Involved Officer(s): P.O. Brian Kazimer #844
P.O. Dan Crisan #263

The investigation into Ramon Ortiz complaint on behalf of his minor son Juan Ortiz *Improper Procedure/Physical Abuse* has been completed by the Office of Professional Standards and reviewed by the Civilian Police Review Board.

Based upon its review of the information contained in the investigative file, the Civilian Police Review Board ruled the complainant's allegation of *Improper Procedure* is **sustained** with a recommendation for discipline. The Board's recommendation for discipline is based upon the belief that the officer's action violated the following rules and/or regulations:

Applicable Rule and or Regulation:

CHAPTER(S) 4 and 5

PERSONNEL OF THE DIVISION OF POLICE SHALL NOT:

4.05 Officers shall use only the amount of force reasonably necessary to effect the arrest and detention of subjects as governed by the Division of Police and directives.

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

5.08 Personnel shall conduct themselves in such a manner as to command the respect the public

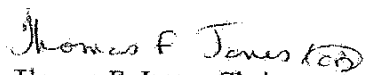
5.09 Personnel shall be courteous and respectful in their speech, conduct and contact with others.

On August 16, 2010 P.O. Brian Kazimer #844 and P.O. Dan Crisan of the First District were assigned to zone car 1B22. The officer received an assignment for male robbed at 14577 Lorain Ave. While touring the area for the suspect the officers encountered Juan Ortiz who was wearing a red t-shirt and jeans. Mr. Juan Ortiz has down syndrome and began running from the officers. The officer chased Mr. Ortiz grabbed him Ortiz began yelling at him and hand cuffed him. The parents of Juan Ortiz along with witnesses tried to explain that Juan had down syndrome and could not comprehend what the officers were asking him. The officers response to the parents was "your lucky we didn't shoot him shut the fuck up!"

All in violation of the rules, regulations, policies and procedures established by the City of Cleveland, Department of Public Safety and the Cleveland Division of Police

The Police Review Board hereby recommends that the following disciplinary action be taken:

P.O. Brian Kazimer #844 and P.O. Dan Crisan #263 receive a written reprimand and a letter of re-instruction


Thomas F. Jones, Chairperson
Police Review Board

TFJ/cb

File copy
DVD of Complainant Interview