



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Safety  
Karrie D. Howard, Director  
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September 22, 2021

**Patrol Officer Mason Swires #2383  
C/o Fourth District Headquarters  
9333 Kinsman Road  
Cleveland, Ohio 44104**

**Re: CPD2020-0129**

Patrol Officer Swires #2383:

This letter is to advise you, Patrol Officer Mason Swires #2383, of the result of the administrative pre-disciplinary hearing you attended on Friday, July 23, 2021. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

#### **FACTUAL SUMMARY**

On or about December 19, 2020, you were involved in a motor vehicle crash with an RTA bus after consuming 10-12 alcoholic beverages. You fled the scene of the motor vehicle crash without exchanging information or checking on the well-being of the bus driver or the bus passengers and failed to contact the Communication Control Section to request a supervisor to come to the scene of the accident. You failed to immediately report this incident to a supervisor and when you did, intentionally omitted in your verbal report that you had consumed alcohol and left the scene of the motor vehicle crash. You were instructed by a superior officer to complete a Form-1 for the incident and failed to immediately do so. Furthermore, in your Form-1 dated January 23, 2021, you again intentionally omitted and or/concealed information regarding your misconduct on December 19, 2020. Based on this conduct, you were subsequently charged in Cleveland Municipal Court with 4511.12A Stop after Accident, Exchange Information [M-1], and 4511.21A Speed, Assured Clear Distance [MM]. On or about March 2, 2020, you plead guilty to 4511.2A Speed, Assured Clear Distance. This conduct would reasonably tend to diminish the esteem of the Division of Police.

#### **STATEMENT OF POLICY**

**In part:** The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules 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 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 a General Police Order, the Rule provision shall be adhered to.

**RULES, POLICIES AND PROCEDURES**

**General Police Order 1.07.03: Disciplinary Guidance** (effective 11/12/2019)

**Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police:**  
**2.01, 2.02, 2.03, 2.07, 3.12, 4.12, 4.20 and 5.01**

**SPECIFICATIONS**

**Specification #1:** (CPD2020-0129) On or about December 19, 2020, you, Patrol Officer Mason Swires #2383, were involved in an off duty motor vehicle accident (MVA) with an RTA bus after consuming 10-12 alcoholic beverages. You then fled the scene of the MVA without exchanging information, or checking on the wellbeing of the bus driver or the occupants of the bus. You were subsequently charged in Cleveland Municipal Court with 4511.21A Stop after Accident, Exchange Information [M-1], and 4511.21A Speed, Assured Clear Distance [MM]. On March 2, 2020, you pled guilty to 4511.21A Speed. Assured Clear Distance, all in violation of Manual of Rules 2.01. (*Group II Violation*)

**Specification #2:** (CPD2020-0129) On or about December 19, 2020, you, Patrol Officer Mason Swires #2383, were involved in a MVA with an RTA bus and did not contact the Communication Control Section to request a supervisor to respond to the scene, all in violation of Manual of Rules 4.20. (*Group I Violation*)

**Specification #3:** (CPD2020-0129) On or about December 19, 2020, through January 23, 2021, you, Patrol Officer Mason Swires #2383, reported an off duty MVA to Sergeant Antwuan Wells #9281, and intentionally omitted in your verbal report that you had consumed alcohol and left the scene of an MVA. Furthermore, you completed a Form-1 on January 23, 2021 understanding that it was in course of an internal investigation and intentionally omitted and/or concealed information regarding your misconduct on December 19, 2020, all in violation of Manual of Rules 2.02 and General Police Order 1.07.06. (*Group III Violation*)

**Specification #4:** (CPD2020-0129) On or about December 19, 2020, you, Patrol Officer Mason Swires #2383, were instructed by a superior officer, to wit: Sergeant Antwuan Wells #9181, to complete a Form-1 for the incident and failed to do so, in violation of Manual of Rules 2.02. (*Group II Violation*)

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

**PREDISCIPLINARY HEARING**

In attendance at the administrative pre-disciplinary hearing Assistant Director of Public Safety Timothy Hennessy presided over, were you, President Jeffrey Follmer, First Vice President David Medina, Second Vice President Andrew Gasiewski and Attorneys Joseph Delguyd of the Cleveland Police Patrolmen's Association, Deputy Chief of Administrative Operations Daniel Fay, Assistant Director Michael Pike of the Law Department, Sergeant Mitchell Sheehan of the Internal Affairs Unit, Lieutenant Charles DePenti of the Case Preparation Unit, Sergeant Kelly Smith of the Chief's Office, Coordinator of Operations of the Department of Public Safety Jakimah R. Dye, and myself.

During the hearing, you acknowledged receipt of the charge letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of "No Contest" specification #1 and specification #2 and "Not Guilty" to specification #3 and specification #4 to the administrative charges as set forth in the charging letter.

### **HISTORY, FINDINGS, AND CONCLUSIONS**

#### ***Discipline History***

No active discipline.

#### ***Findings and Conclusions***

- ***Mitigating and Aggravating Factors***

Aggravating: Multiple violations from the same incident, potential to cause serious injury to the public, and deceitfulness.

Mitigating: No active discipline.

- ***Anomalies***

Dishonesty carries a presumption of termination.

#### ***Disciplinary Conclusion***

A thorough review was conducted by the Department of Public Safety. Upon carefully reviewing the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I find that you violated Manual of Rules 2.01 when you when you pled "Guilty" in Cleveland Municipal Court to 4511.21A (*Specification #1*) and violated Manual of Rules 4.20 when you failed to contact the Communication Control Section to request that supervisor respond to the scene of your motor vehicle crash (*Specification #2*). During the course of this investigation, you admitted to consuming 10-12 alcoholic beverages prior to making the decision to operate a motor vehicle. You struck an RTA bus, failed to stop after the motor vehicle crash to check on the wellbeing of the bus driver or its passengers, continued to drive while admittedly intoxicated and put the public at additional risk. Your careless and reckless actions had the potential to cause serious injury to citizens, violated public trust in the Division of Police and diminished the esteem of the Division of Police. When you reported the motor vehicle crash to a supervisor in the morning after the incident occurred, you violated Manual of Rules 2.02 and General Police Order 1.07.06 by intentionally omitting and/or concealing information regarding your misconduct (*Specification #3*). Specifically, you omitted that you were intoxicated and to what extent, that you left the scene after the accident, and the severity of the accident. Additionally, you failed to immediately complete a Form-1 when your supervisor ordered you to do so (*Specification #4*). Your actions showed a careless disregard for the citizens of Cleveland, the bus driver, the passengers on the bus and had the potential to cause serious physical injury. During the course of the investigation, you made multiple misleading statements and omitted and/or concealed pertinent information about your actions on or about December 19, 2020. You have exhibited a complete disregard for ethical behavior relating to truthfulness, i.e. submitting an untruthful written report to your supervisor after submitting an untruthful oral report to your supervisor. The citizens of Cleveland deserve better.

Patrol Officer Mason Swires #2383

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The Cleveland Division of Police cannot operate and professionally meet its objectives while tolerating a less than professional work environment, compliance with professional expectations; or being subject to utter disregard for policy. The conduct noted above has no place in any Department or Division within the City of Cleveland.

As such, based on the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I find you **"Guilty," of Specification #1, Specification #2, Specification #3 and Specification #4 consistent with City of Cleveland policies and procedures**, with one (1) First Group III violation, two (2) First Group II violations and one (1) First Group I violation where the aggravating factors (multiple violations from the same incident, potential to cause serious injury to the public, and deceitfulness) outweigh mitigating factors (no active discipline). **As such, you are hereby terminated from employment with the City of Cleveland, Department of Public Safety, Division of Police effective September 22, 2021.**

Sincerely,



Karrie D. Howard, Director  
Department of Public Safety

KDH:cdw:bpc:cld:kas

cc: Calvin D. Williams, Chief, Cleveland Division of Police  
Timothy Hennessy, Assistant Director, Department of Public Safety  
Dornat Drummond, Deputy Chief, Field Operations  
Daniel Fay, Deputy Chief, Administrative Operations  
Harold Pretel, Deputy Chief, Homeland Special Operations  
Brian Carney, Commander, Bureau of Compliance  
Brandon Kutz, Commander, Fourth District  
Jeffrey Follmer, President, Cleveland Police Patrolman's Association  
William Mokshefsky, Officer-in-Charge, Personnel Section  
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit  
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit  
Ali Pillow, Captain, Internal Affairs Unit  
Charles Neidbals, Lieutenant, Officer-in-Charge, Internal Affairs Unit  
William M. Menzalora, Chief Assistant Director of Law, Public Safety  
Michael Pike, Assistant Director of Law, Public Safety  
DeAndre D. Benson, Interim Director, Department of Human Resources  
Amanda Boutton, Labor Relations Manager, Department of Human Resources  
Jakimah R. Dye, Coordinator of Operations, Department of Public Safety  
George Coulter, Assistant Director of Operations, Department of Public Safety  
Spyridon Kodellas, Research Analyst, Office of Professional Standards  
Hassan Aden, Federal Monitoring Team  
Richard Rosenthal, Member, Monitoring Team  
Michael Evanovich, Investigator, Department of Justice