

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE *ex rel.*,
PAUL CALVARUSO,
et al.,

Relators,

v.

CHARLES BROWN
Akron Police Department
217 South High Street
Akron, Ohio 44308,

Respondent.

CASE NO: 13-0280

EXHIBITS FOR RELATORS'
ORIGINAL COMPLAINT FOR WRIT OF QUO WARRANTO
AND
MEMORANDUM IN SUPPORT OF WRIT OF QUO WARRANTO

Susannah Muskovitz (0011457)
Counsel of Record
William E. Froehlich (0087857)
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Counsel for Relators

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City of Akron
161 South High Street, Suite 202
Akron, Ohio 44308
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Counsel for Respondent

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CLERK OF COURT
SUPREME COURT OF OHIO

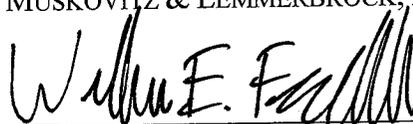
FILED
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TABLE OF EXHIBITS AND AFFIDAVITS

- Tab 1 Affidavit of Akron Police Captain Paul Calvaruso, dated February 12, 2013.
- Tab 2 Affidavit of Akron Police Captain Elizabeth A. Daugherty, dated February 12, 2013.
- Tab 3 Affidavit of Akron Police Captain Michael G. Prebonic, dated February 12, 2013.
- Tab 4 Affidavit of Akron Police Captain Martha L. Sullivan, dated February 12, 2013.
- Tab 5 Affidavit of Akron Police Captain Sylvia D. Trundle, dated February 12, 2013.
- Tab 6 Affidavit of Akron Police Captain Daniel D. Zampelli, dated February 12, 2013.
- Tab 7 Affidavit of FOP Lodge No. 7 President, Paul Hlynsky, dated February 12, 2013.
- Ex. A Excerpts of the Charter of the City of Akron.
- Ex. B Excerpts of Akron City Ordinance 409-2012.
- Ex. C Excerpts of the Akron Police Department Rules and Regulations.
- Ex. D The Civil Service Job Description for the Police Deputy Chief.
- Ex. E The job description for the Assistant Chief of Police
- Ex. F The S-List for the Division of Police as issued January 17, 2013.
- Ex. G Correspondence from FOP 7's attorney to the City's Director of labor relations, dated January 18, 2013.
- Ex. H The S-List for the Division of Police as issued January 22, 2013.
- Ex. I A Directive from Akron Police Chief James Nice dated February 5, 2013.

Respectfully submitted,

MUSKOVITZ & LEMMERBROCK, LLC



Susannah Muskovitz (0011457)
William E. Froehlich (0087857)
The BF Keith Building
1621 Euclid Avenue, Suite 1750
Cleveland, Ohio 44115
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froehlich@mllabor.com

Attorneys for Relators

STATE OF OHIO)
)
COUNTY OF SUMMIT)

AFFIDAVIT OF PAUL CALVARUSO

NOW comes PAUL CALVARUSO, first being duly sworn, hereby states as follows:

1. I am a Relator in this Original Complaint for Writ of Quo Warranto.
2. I have personal knowledge of the facts as stated in the Original Complaint for Writ of Quo Warranto and am competent to testify to the facts therein.
3. I am a sworn police officer in the Akron Division of Police, a member of the classified service, and hold the rank of Captain.
4. The classified ranking positions within the Division of Police consist of the following: Police Chief, Police Deputy Chief, Police Captain, Police Lieutenant, Police Sergeant, Police Officer. All other positions with the Division of Police are civilian (non-sworn) positions. There is no position within the Division of Police as an “assistant police chief” either as a sworn officer or a civilian employee.
5. Chief James Nice is currently the City’s Chief of Police and has held that position since on or about June 6, 2011.
6. From on or about June 6, 2011 until on or about February 4, 2013, every time Chief Nice was absent, he would issue a Chief’s Directive to designate one of the Police Captains to be the Acting Chief of Police in his absence. Because there were no Deputy Chiefs in the Division of Police during this time, these Directives complied with the Division of Police Chain of Command.
7. On or about January 13, 2013, Police Lieutenant Charles Brown resigned from his position as a Police Lieutenant, a sworn civil service position within the Police Department and within the Chain of Command between the ranks of Police Captain and Police

Sergeant. Immediately after Mr. Brown's resignation, and pursuant to Section 105 of the City Charter, the Mayor of Akron appointed Mr. Brown to the unclassified civilian position titled Assistant to the Mayor.

8. After January 13, 2013, the City began to identify Mr. Brown with the working title "Assistant Chief of Police." However, no such position exists either in the classified service or the unclassified service, in Akron. In addition, there is no position known as the "Assistant Chief of Police" within the sworn ranks of the Division of Police.

9. The Division of Police always has a seniority list of all sworn officers in the Police Department, in conformity with the chain of command. The seniority list is known as the S-List, and is modified as needed. All sworn officers in the Division of Police have a specific "S-Number" which identifies them within the chain of command. The civilian employees within the Division of Police are never given S-Numbers and never listed in the S-List. However, unfilled sworn positions are included in the S-List, without names.

10. Even though Mr. Brown was employed in an unclassified civilian position of Assistant to the Mayor, he was included in the January 17, 2013 S-List under the title of Assistant Chief of Police with an S-Number of S-2. This meant that Mr. Brown, as an unclassified civilian employee, was placed within the Division of Police Chain of Command after the Police Chief and before the positions of Police Deputy Chief and Police Captain.

11. Since his appointment as Assistant to the Mayor, and even after January 22, 2013 when he was removed from the S-List, Mr. Brown has been working in the Division of Police and assuming the authority of a ranking sworn police officer, below the rank of Chief and above the ranks of Police Captain, Police Lieutenant, Police Sergeant, and Police Officer. This has created enormous disruption within the Division of Police in Akron because it means that a

civilian non-civil service employee, who was hired as an Assistant to the Mayor, has been inserted within the Police Chain of Command.

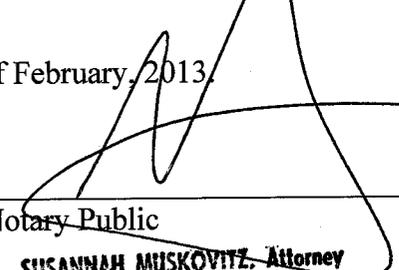
12. I believe I possess the necessary qualifications for the position of Acting Police Chief and Mr. Brown does not.

Affiant further sayeth naught.



PAUL CALVARUSO

Sworn and subscribed to me this 12th day of February, 2013.



Notary Public
SUSANNAH MUSKOVITZ, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date,
Section 147.03 R. C.

STATE OF OHIO)
) AFFIDAVIT OF ELIZABETH A. DAUGHERTY
COUNTY OF SUMMIT)

NOW comes ELIZABETH A. DAUGHERTY, first being duly sworn, hereby states as follows:

1. I am a Relator in this Original Complaint for Writ of Quo Warranto.
2. I have personal knowledge of the facts as stated in the Original Complaint for Writ of Quo Warranto and am competent to testify to the facts therein.
3. I am a sworn police officer in the Akron Division of Police, a member of the classified service, and hold the rank of Captain.
4. The classified ranking positions within the Division of Police consist of the following: Police Chief, Police Deputy Chief, Police Captain, Police Lieutenant, Police Sergeant, Police Officer. All other positions with the Division of Police are civilian (non-sworn) positions. There is no position within the Division of Police as an “assistant police chief” either as a sworn officer or a civilian employee.
5. Chief James Nice is currently the City’s Chief of Police and has held that position since on or about June 6, 2011.
6. From on or about June 6, 2011 until on or about February 4, 2013, every time Chief Nice was absent, he would issue a Chief’s Directive to designate one of the Police Captains to be the Acting Chief of Police in his absence. Because there were no Deputy Chiefs in the Division of Police during this time, these Directives complied with the Division of Police Chain of Command.
7. On or about January 13, 2013, Police Lieutenant Charles Brown resigned from his position as a Police Lieutenant, a sworn civil service position within the Police

Department and within the Chain of Command between the ranks of Police Captain and Police Sergeant. Immediately after Mr. Brown's resignation, and pursuant to Section 105 of the City Charter, the Mayor of Akron appointed Mr. Brown to the unclassified civilian position titled Assistant to the Mayor.

8. After January 13, 2013, the City began to identify Mr. Brown with the working title "Assistant Chief of Police." However, no such position exists either in the classified service or the unclassified service, in Akron. In addition, there is no position known as the "Assistant Chief of Police" within the sworn ranks of the Division of Police.

9. The Division of Police always has a seniority list of all sworn officers in the Police Department, in conformity with the chain of command. The seniority list is known as the S-List, and is modified as needed. All sworn officers in the Division of Police have a specific "S-Number" which identifies them within the chain of command. The civilian employees within the Division of Police are never given S-Numbers and never listed in the S-List. However, unfilled sworn positions are included in the S-List, without names.

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11. Since his appointment as Assistant to the Mayor, and even after January 22, 2013 when he was removed from the S-List, Mr. Brown has been working in the Division of Police and assuming the authority of a ranking sworn police officer, below the rank of Chief and above the ranks of Police Captain, Police Lieutenant, Police Sergeant, and Police Officer. This

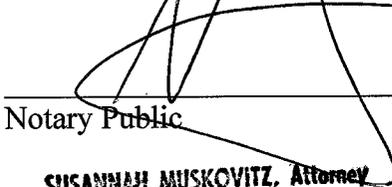
has created enormous disruption within the Division of Police in Akron because it means that a civilian non-civil service employee, who was hired as an Assistant to the Mayor, has been inserted within the Police Chain of Command.

12. I believe I possess the necessary qualifications for the position of Acting Police Chief and Mr. Brown does not.

Affiant further sayeth naught.


ELIZABETH A. DAUGHERTY

Sworn and subscribed to me this 27th day of February, 2013.



Notary Public

SUSANNAH MUSKOVITZ, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

STATE OF OHIO)
) AFFIDAVIT OF MICHAEL G. PREBONICK
COUNTY OF SUMMIT)

NOW comes MICHAEL G. PREBONICK, first being duly sworn, hereby states as follows:

1. I am a Relator in this Original Complaint for Writ of Quo Warranto.
2. I have personal knowledge of the facts as stated in the Original Complaint for Writ of Quo Warranto and am competent to testify to the facts therein.
3. I am a sworn police officer in the Akron Division of Police, a member of the classified service, and hold the rank of Captain.
4. The classified ranking positions within the Division of Police consist of the following: Police Chief, Police Deputy Chief, Police Captain, Police Lieutenant, Police Sergeant, Police Officer. All other positions with the Division of Police are civilian (non-sworn) positions. There is no position within the Division of Police as an “assistant police chief” either as a sworn officer or a civilian employee.
5. Chief James Nice is currently the City’s Chief of Police and has held that position since on or about June 6, 2011.
6. From on or about June 6, 2011 until on or about February 4, 2013, every time Chief Nice was absent, he would issue a Chief’s Directive to designate one of the Police Captains to be the Acting Chief of Police in his absence. Because there were no Deputy Chiefs in the Division of Police during this time, these Directives complied with the Division of Police Chain of Command.
7. On or about January 13, 2013, Police Lieutenant Charles Brown resigned from his position as a Police Lieutenant, a sworn civil service position within the Police

Department and within the Chain of Command between the ranks of Police Captain and Police Sergeant. Immediately after Mr. Brown's resignation, and pursuant to Section 105 of the City Charter, the Mayor of Akron appointed Mr. Brown to the unclassified civilian position titled Assistant to the Mayor.

8. After January 13, 2013, the City began to identify Mr. Brown with the working title "Assistant Chief of Police." However, no such position exists either in the classified service or the unclassified service, in Akron. In addition, there is no position known as the "Assistant Chief of Police" within the sworn ranks of the Division of Police.

9. The Division of Police always has a seniority list of all sworn officers in the Police Department, in conformity with the chain of command. The seniority list is known as the S-List, and is modified as needed. All sworn officers in the Division of Police have a specific "S-Number" which identifies them within the chain of command. The civilian employees within the Division of Police are never given S-Numbers and never listed in the S-List. However, unfilled sworn positions are included in the S-List, without names.

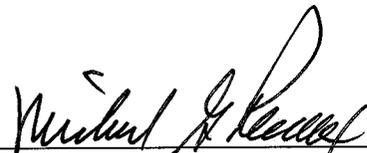
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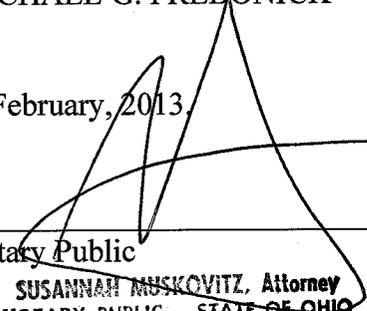
has created enormous disruption within the Division of Police in Akron because it means that a civilian non-civil service employee, who was hired as an Assistant to the Mayor, has been inserted within the Police Chain of Command.

12. I believe I possess the necessary qualifications for the position of Acting Police Chief and Mr. Brown does not.

Affiant further sayeth naught.


MICHAEL G. PREBONICK

Sworn and subscribed to me this 6th day of February, 2013.


Notary Public

SUSANNA MUSKOVITZ, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date,
Section 147.03 R.C.

STATE OF OHIO

)

)

AFFIDAVIT OF MARTHA L. SULLIVAN

)

COUNTY OF SUMMIT

NOW comes MARTHA L. SULLIVAN, first being duly sworn, hereby states as follows:

1. I am a Relator in this Original Complaint for Writ of Quo Warranto.
2. I have personal knowledge of the facts as stated in the Original Complaint for Writ of Quo Warranto and am competent to testify to the facts therein.
3. I am a sworn police officer in the Akron Division of Police, a member of the classified service, and hold the rank of Captain.
4. The classified ranking positions within the Division of Police consist of the following: Police Chief, Police Deputy Chief, Police Captain, Police Lieutenant, Police Sergeant, Police Officer. All other positions with the Division of Police are civilian (non-sworn) positions. There is no position within the Division of Police as an "assistant police chief" either as a sworn officer or a civilian employee.
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Department and within the Chain of Command between the ranks of Police Captain and Police Sergeant. Immediately after Mr. Brown's resignation, and pursuant to Section 105 of the City Charter, the Mayor of Akron appointed Mr. Brown to the unclassified civilian position titled Assistant to the Mayor.

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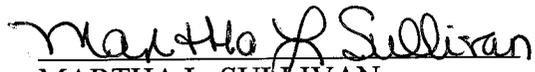
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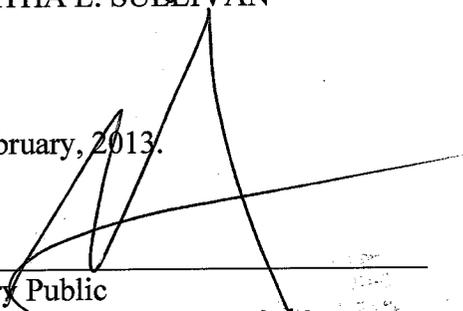
has created enormous disruption within the Division of Police in Akron because it means that a civilian non-civil service employee, who was hired as an Assistant to the Mayor, has been inserted within the Police Chain of Command.

12. I believe I possess the necessary qualifications for the position of Acting Police Chief and Mr. Brown does not.

Affiant further sayeth naught.


MARTHA L. SULLIVAN

Sworn and subscribed to me this 6th day of February, 2013.


Notary Public

SUSANNAH MUSKOVITZ, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date,
Section 147.03 R.C.

STATE OF OHIO)
) AFFIDAVIT OF SYLVIA D. TRUNDLE
COUNTY OF SUMMIT)

NOW comes SYLVIA D. TRUNDLE, first being duly sworn, hereby states as follows:

1. I am a Relator in this Original Complaint for Writ of Quo Warranto.
2. I have personal knowledge of the facts as stated in the Original Complaint for Writ of Quo Warranto and am competent to testify to the facts therein.
3. I am a sworn police officer in the Akron Division of Police, a member of the classified service, and hold the rank of Captain.
4. The classified ranking positions within the Division of Police consist of the following: Police Chief, Police Deputy Chief, Police Captain, Police Lieutenant, Police Sergeant, Police Officer. All other positions with the Division of Police are civilian (non-sworn) positions. There is no position within the Division of Police as an “assistant police chief” either as a sworn officer or a civilian employee.
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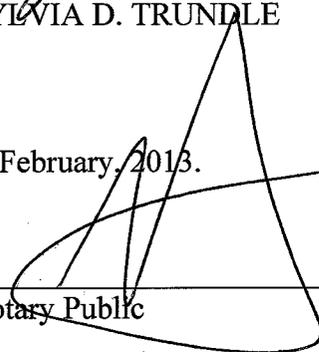
12. I believe I possess the necessary qualifications for the position of Acting Police Chief and Mr. Brown does not.

Affiant further sayeth naught.



SYLVIA D. TRUNDLE

Sworn and subscribed to me this 27th day of February, 2013.



Notary Public

SUSANNAH MUSKOVITZ, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date,
Section 147.03 R. C.

STATE OF OHIO)
) AFFIDAVIT OF DANIEL D. ZAMPELLI
COUNTY OF SUMMIT)

NOW comes DANIEL D. ZAMPELLI, first being duly sworn, hereby states as follows:

1. I am a Relator in this Original Complaint for Writ of Quo Warranto.
2. I have personal knowledge of the facts as stated in the Original Complaint for Writ of Quo Warranto and am competent to testify to the facts therein.
3. I am a sworn police officer in the Akron Division of Police, a member of the classified service, and hold the rank of Captain.
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Department and within the Chain of Command between the ranks of Police Captain and Police Sergeant. Immediately after Mr. Brown's resignation, and pursuant to Section 105 of the City Charter, the Mayor of Akron appointed Mr. Brown to the unclassified civilian position titled Assistant to the Mayor.

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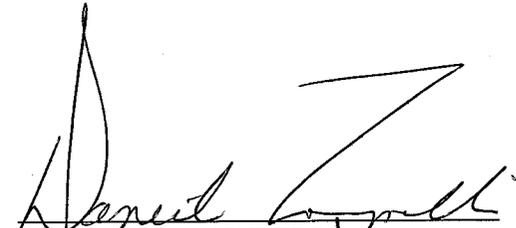
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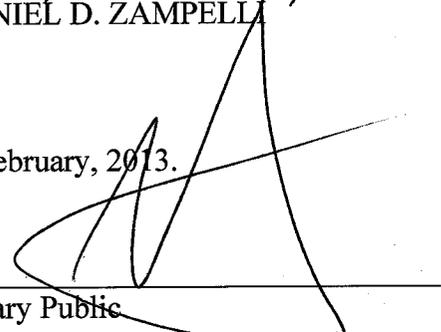
has created enormous disruption within the Division of Police in Akron because it means that a civilian non-civil service employee, who was hired as an Assistant to the Mayor, has been inserted within the Police Chain of Command.

12. I believe I possess the necessary qualifications for the position of Acting Police Chief and Mr. Brown does not.

Affiant further sayeth naught.


DANIEL D. ZAMPELLI

Sworn and subscribed to me this 2nd day of February, 2013.


Notary Public

**SUSANNAH MUSKOVITZ, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date,
Section 147.03 R. C.**

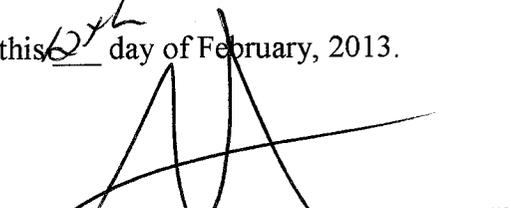
11. Exhibit I is a true and accurate copy of the Directive from Akron Police Chief James Nice dated February 5, 2013.

Affiant further sayeth naught.



Paul Hlynsky

Sworn and subscribed to me this 12th day of February, 2013.



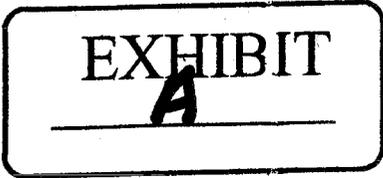
Notary Public

SUSANNAH MUSKOVITZ, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date,
Section 147.03 B.6

SECTION 67. - GENERAL POWERS AND DUTIES.

The Department of Public Safety shall consist of the following divisions: Police, Fire, Building Inspection and Regulation, Weights and Measures, and such others as Council may from time to time prescribe, which said divisions shall be under the immediate supervision of the Mayor, who shall make all rules necessary for the regulation and discipline of the same. With the approval of Council, the Mayor shall make such rules and regulations as he shall deem expedient to govern the movement of all vehicles and pedestrians upon the public thoroughfares. He shall have exclusive authority, unless otherwise provided by ordinance, to issue all permits and licenses directly or indirectly concerned with the control of traffic upon the streets and sidewalks, but in the event the office of the Mayor may be closed for business, the Chief of Police shall have the authority to issue such temporary or emergency permits as may be necessary to prevent destruction of life or property. Such temporary or emergency permits in all cases shall be surrendered to the Mayor not later than two hours from and after the time the office of said Mayor shall have been reopened for business.

(V 44 p 311; Approved by voters Nov. 5, 1935)



SECTION 68. - DIVISION OF POLICE.

The police force shall consist of a Chief of Police and such officers and employees as may be provided for by the Council. For any vacancy in the position of Chief of Police which exists after November 7, 2000, the Mayor shall appoint the Chief of the Division of Police who shall serve in the classified service for an initial term of four (4) years. A Chief so appointed may be reappointed in the classified service for an additional term of four (4) years, with no limit on the number of re-appointments. The Chief of the Division of Police shall be in immediate charge of said Division, shall have jurisdiction over the Police Station and any substation which may be hereafter established, and shall have control over the stationing and transfer of all patrolmen and other employees constituting the Division of Police, under such rules and regulations as the Mayor may prescribe. No special detectives or other special officers shall be employed except upon written authority from the Mayor, and such authority shall be exercised only under the direction and control of the Chief of Police, and for a stipulated time. The Mayor shall have the right, whenever authorized by Council, to appoint substitute or special patrolmen who shall not be considered to be in any sense regular members of the Police Division and who need not be in the classified service. In case of riot or other serious emergency, or at time of elections or for other similar occasions, the Mayor or in his absence, the Chief of Police, may appoint, for the period of the emergency only, additional patrolmen and officers, who need not be in the classified service.

(V 44 p 311; Approved by voters Nov. 5, 1935) (Amendment adopted by electorate 11-4-80; Amendment adopted by electorate 11-7-00)

SECTION 105. - CLASSIFICATION.

The civil service of the City is hereby divided into the unclassified and the classified service.

- (1) The unclassified service shall include:
 - (a) All officers elected by the people.
 - (b) The Director and Deputy Directors of the Department of Public Service.
 - (c) The Director and Deputy Directors of Finance.
 - (d) The Director of Law, the Deputy Directors of Law and the Assistant Directors of Law.
 - (e) The Director and Deputy Directors of Planning and Urban Development appointed after November 15, 1990.
 - (f) The members of all appointed boards or commissions, and advisory boards.
 - (g) The Secretaries and assistants to the Mayor.
 - (h) The Deputies to the Mayor.
- (2) The classified service shall comprise all positions not specifically included by this Charter in the unclassified service.

(V 46 p 444; Approved by voters Nov. 2, 1937) (Amendment adopted by electorate 11-4-80; Amendment adopted by electorate 11-6-90)

Budget and Finance

(4)

IB
R
S

CBC/TLK/kr 12/10/12
Requested by the Department of Finance.

DEC 10 10 12 AM '12

Offered by JONES

ORDINANCE NO. 409 -2012 creating, establishing, and recognizing departments, offices, bureaus, divisions and positions in the classified service of the City of Akron; requiring that only budgeted funded positions be filled; and declaring an emergency.

BE IT ENACTED BY THE Council of the City of Akron:

Section 1. That the following departments, offices, bureaus, divisions and positions are hereby created, established, and recognized:

1. Office of the Mayor
 - a. Administration
 - b. Community Relations Division
 - c. Economic Development Division
 - d. Labor Relations Division
 - e. Public Utilities Commission

2. Office of Council Administration

3. Department of Finance
 - a. Administration
 - b. Accounting Division
 - c. Audit and Budget Division
 - d. Employee Benefits Division
 - e. Income Tax Division
 - f. Information Technology Division
 - g. Purchasing Division
 - h. Treasury Division
 - i. Business Services Division

4. Department of Health

5. Department of Law
 - a. Civil Division
 - b. Criminal Division

6. Department of Neighborhood Assistance
 - a. Administration
 - b. 311 Call Center Division
 - c. Housing Division
 - d. Nuisance Compliance Division
 - e. Recreation Bureau

7. Department of Personnel

EXHIBIT
B

8. Department of Planning and Urban Development
 - a. Administration
 - b. AMATS Division
 - c. Comprehensive Planning and Zoning Divisions
 - d. Development Services Division
 - e. Strategic Initiatives Division

9. Department of Public Safety
 - a. Communications Division
 - b. Safety Communications Division
 - c. Fire Division
 - d. Police Division
 - e. Building Inspection and Regulation Division
 - f. Weights and Measures Division

10. Department of Public Service
 - a. Service Director's Office
 - b. Engineering Bureau
 1. Construction Division
 2. Design Division
 3. Environmental Division
 4. Operations Support Division
 5. Plans and Permits Division
 6. Traffic Engineering Division
 - c. Public Works Bureau
 1. Administration
 2. Building Maintenance Division
 3. Highway Maintenance Division
 4. Motor Equipment Division
 5. Parks Maintenance Division
 6. Sanitation Services Division
 7. Street Cleaning Division
 - d. Sewer Bureau
 1. Sewer Maintenance Division
 2. Water Pollution Control Plant Division
 - e. Water Supply Bureau
 1. Water Distribution Division
 2. Water Plant Division
 3. Watershed Division

Section 2. That the following positions within the classified service of the City of Akron are hereby reassigned or reestablished as follows:

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DEPARTMENT OF PUBLIC SAFETY

BUILDING INSPECTION AND REGULATION DIVISION

COMMUNICATIONS DIVISION

Communications Manager
Cable & Line Utilityworker
Communications Supervisor
Communications Technician I
Communications Technician II
Radio Communications Supervisor
Radio Technician II
Secretary II
Secretary III
Signal Line Foreman
Signal Lineworker
Wireless Services Coordinator

Seasonal

TIME

(S) Student Intern..... School Schedule

DEPARTMENT OF PUBLIC SAFETY (continued)

FIRE DIVISION

RANKS:

Fire Chief
Fire Deputy Chief
Fire District Chief
Fire Captain
Fire Lieutenant
Firefighter/Medic

SUPPORT:

EMS Quality Coordinator
Fire Equipment Foreman/Master Fire Equipment Foreman
Fire Equipment Mechanic/Master Fire Equipment Mechanic
Fire Equipment Supervisor/Master Fire Equipment Supervisor
Secretary II
Secretary III
Secretary IV
Storekeeper II
Stores Clerk

Seasonal

TIME

(S) Laborer/Semi-Skilled Laborer 9-1 to 5-30
(S) Student Intern School Schedule

DEPARTMENT OF PUBLIC SAFETY (continued)

POLICE DIVISION

RANKS:

Police Chief
Police Deputy Chief
Police Captain
Police Lieutenant
Police Sergeant
Police Officer

SUPPORT:

Account Clerk II
Account Clerk III
Accounts Analyst III
Crime Analyst II
Crime Analyst III
Health Education Specialist III
Law Enforcement Planner I
Law Enforcement Planner II
Police Records Supervisor
Safety Communications Technician
Safety Communications Technician I
Safety Communications Technician II
Safety Communications Supervisor
Secretary II
Secretary III
Secretary IV

Seasonal or Temporary

	TIME
(S) School Crossing Guard	School Schedule
(S) Student Intern	School Schedule
(T) Police Cadet	270 days

DEPARTMENT OF PUBLIC SAFETY (continued)

SAFETY COMMUNICATIONS DIVISION

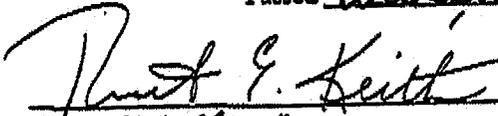
Police Deputy Chief
Applications Analyst
Applications Programmer
Database Administrator
Safety Communications Supervisor
Safety Communications Technician
Safety Communications Technician I
Secretary II
Secretary III

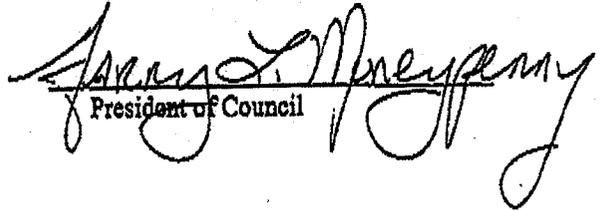
WEIGHTS AND MEASURES

Section 3. That the positions established herein are to be filled as needed pursuant to the Charter of the City of Akron and the number of employees in each department shall be limited to the annual appropriation for the personnel services therefor. Temporary appointments to these positions may be made where feasible and as needed. Seasonal appointments may be made as needed. The Personnel Director is authorized to keep records as to the filling of the various positions hereby established and is directed to refuse certification for the filling of any position unless approved by the Director of Finance. Only budgeted funded positions shall be filled, as determined by the Director of Finance and as set forth in the budget.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, for the reason that it is necessary for the departments to implement these changes to operate in an efficient and cost-saving manner, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed December 17, 2012


Clerk of Council


President of Council

Approved December 24, 2012


MAYOR

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**DEFINITION OF TERMS USED IN POLICE DIVISION
RULES AND REGULATIONS, MANUALS, PROCEDURES, AND ORDERS**

UNITS:

- 1.01 **Beat:** a designated area to which an officer is assigned; to be patrolled on foot.
- 1.02 **Bureau:** a unit within a Subdivision.
- 1.03 **Department of Public Safety:** made up of the following divisions: Police, Fire, Building Inspection, Weights and Measures, Communications, and Akron Corrections Facility.
- 1.04 **Detail:** members of the Police Division grouped together for the accomplishment of a specified mission in a continuing operation.
- 1.05 **District:** a designated area to which an officer(s) is assigned; to be patrolled by motor vehicle.
- 1.06 **Division:** one unit of the Department of Public Safety. Normally replaced in common usage by the word "department." Example: Police Department.
- 1.07 **Headquarters:** Harold K. Stubbs Justice Center, 217 South High Street, Akron, Ohio 44308.
- 1.08 **Section:** a unit within a bureau.
- 1.09 **Sector:** an area containing two or more beats, districts, or posts; supervised by a police sergeant.
- 1.10 **Shift:** the period within a day when an officer or other unit is on assigned duty.
- 1.11 **Special Detail:** one or more officers assigned to accomplish a specified mission; not a continuing operation.
- 1.12 **Subdivision:** a unit commanded by a Deputy Chief who is directly responsible to the Chief of Police; subdivisions are organized by purpose and/or task. There are three subdivisions in the Akron Police Division: Uniform, Investigative and Services.
- 1.13 **Unit:** members of the Police Division grouped together, under one commander, for the purpose of accomplishing one specified police purpose.

COMMAND:

- 2.01 **Chain of Command:** the unbroken line of authority from the Chief of Police downward through a single subordinate at each level of command to the level of execution.
- 2.02 **General Order:** permanent written orders issued by the Chief of Police. They are in effect until modified or cancelled by the Chief of Police.
- 2.03 **Line Supervisor:** the supervision by a ranking officer of a subordinate under his direct command.

- 2.04 **Official Channels:** through the hands of the ranking officers in the chain of command.
- 2.05 **Order:** an instruction or directive, either oral or written, given by an officer of higher rank to a subordinate.
- 2.06 **Shall/Will:** the words "shall" and "will" as used in orders, rules, regulations, procedures, manuals, and other official written documents, shall mean that the action required is mandatory.
- 2.07 **Special Order:** written orders issued by the Chief of Police relating to some specific circumstances or situation.
- 2.08 **Staff Supervision:** the supervision by a ranking officer of a subordinate not under his direct command.

PERSONNEL CLASSIFICATION:

- 3.01 **Acting:** serving temporarily in a position to which a member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the position rest with the acting member.
- 3.02 **Captain:** officer in charge of a bureau, section, detail, or other such unit or shift as the Chief of Police may direct.
- 3.03 **Chief of Police:** the executive head of the Police Division.
- 3.04 **Commanding Officer:** a supervisor above the rank of Sergeant who commands a subdivision, bureau, section, shift, unit or special detail of the Police Division.
- 3.05 **Deputy Chief of Police/Major:** serves as commander of a police subdivision and can assume the duties of the Chief of Police if assigned to do so during the absence of the Chief of Police.
- 3.06 **Detective:** an officer assigned to the Investigative Subdivision or similar investigative function in one of the other subdivisions. The designation of "Detective" is an assignment, not a promotion.
- 3.07 **Employees:** those persons in the Police Division who do not have police power. The term is applied without regard to sex, rank, duty, or subdivision. For purposes of these rules and regulations, the absence of the word "employee" from any applicable rule or regulation shall not exempt the employee from the obligation of adhering to that rule.
- 3.08 **Grade:** officers are in "grade" according to their pay step or length of service.
- 3.09 **Lieutenant:** officer in charge of a bureau, section, detail, or other such unit or shift as the Chief of Police may direct.
- 3.10 **Officer:** those persons in the Police Division that have police powers. The term is applied without regard to sex, rank, duty, or subdivision.

- 3.11 **Police Officer:** regularly appointed officer below the rank of supervisory officer. Normally does not have supervisory responsibility over a group of other officers.
- 3.12 **Police Reserve Officer:** trained civilian volunteers with full police authority under the control of the Police Division who are available for emergency duty.
- 3.13 **Rank:** the order of position in the job classification of the Police Division. The titles of the ranks are:

Chief of Police
Deputy Chief of Police/Major
Captain
Lieutenant
Sergeant
Police Officer

- 3.14 **Ranking Officer:** the officer having the highest rank or grade. Officers of the same grade shall rank according to their appointment date. Those officers with the same appointment date shall rank according to their relative position on the original appointment list. When two or more officers are on-duty together, the officer of the highest rank is in command and shall be held responsible for the operation.
- 3.15 **Seniority:** established first by rank and secondly by time served in rank.
- 3.16 **Sergeant:** first level of supervision, has immediate charge of subordinates assigned to him, instructs and assists them in their duties and is responsible for their general appearance, good order, performance, and discipline.
- 3.17 **Subdivision Commander:** a Deputy Chief, or his/her designated replacement, assigned by the Chief of Police to command a subdivision.
- 3.18 **Supervisor or Supervising Officer:** officer above the rank of police officer who has supervisory responsibilities.
- 3.19 **Table of Organization:** a table showing the number and rank of officers, and other employees assigned to each unit.

PERSONNEL/ADMINISTRATION TERMINOLOGY:

- 4.01 **Annual Leave:** the vacation leave granted to all members/employees to the Police Division each year.
- 4.02 **Appointment:** the designation of a person by the appointing authority to any position within the Police Division. The Mayor is the appointing authority for all positions.
- 4.03 **Days Off:** those days, determined by the Chief of Police with the approval of the Mayor, on which an officer/employee is excused from duty.
- 4.04 **Disability Leave:** the period of time during which an officer/employee is excused from duty, with the approval of the Chief of Police, by reason of having incurred an on-duty injury.

- 4.05 **Off-Duty:** the state of an officer/employee during his/her day off or annual leave when he/she is free of the responsibility of performing his/her usual routine duties. Technically a police officer is on duty and subject to call at all times.
- 4.06 **On-Duty:** the state of an officer/employee during the period of the day (shift) when he/she is actively engaged in the performance of his/her duties.
- 4.07 **Promotion:** a change in the employment status of an officer/employee to a position in a higher classification.
- 4.08 **Sick Leave:** the period of time during which an officer/employee is excused from active duty by reason of illness, or injury sustained while off-duty; or the period of time during which an officer/employee is excused from active duty by reason of a death in his/her immediate family.
- 4.09 **Special Duty:** police service, the nature of which requires that an officer be excused from the performance of his/her regular duties.
- 4.10 **Tour of Duty:** the shift during which an individual officer/employee is on assigned duty.

OTHER TERMINOLOGY:

- 5.01 **Daily Bulletin:** the official daily publication of the Police Division which contains information regarding crime types and locations, wanted or missing persons, incidents or special locations calling for police attention, stolen vehicles and stolen or missing license plates, and special notices. All directives contained in the Daily Bulletin have the force and effect of Police Division Orders.
- 5.02 **He/She/Him/Her/His:** used without regard to gender.
- 5.03 **Immediately:** the term "immediately" is to be construed to mean as soon as possible and practicable.
- 5.04 **May/Should:** the words "may" or "should" as herein used shall mean that action indicated is permissive.
- 5.05 **Notebook:** a book in which officers are required to record an account of their work and official action and required information provided at roll calls.
- 5.06 **Off the Air:** in service but not available for radio communication.
- 5.07 **On the Air:** in service with radio equipment in operation, and available for radio communication.
- 5.08 **Out of Service:** not available for service because of the breakdown of the vehicle or when withdrawn from active service for some special assignment; not available for radio communication.
- 5.09 **Patrol Car/Cruiser:** a passenger type vehicle used by uniformed officers to assist in the performance of their duties.

- 5.10 **Patrol Wagon:** a special conveyance used to transport arrested persons.
- 5.11 **Procedure:** the official method of dealing with any given situation.
- 5.12 **Procedural Manual:** a manual prepared under the direction of the Chief of Police to outline in detail the standard operating procedures of the Police Division.
- 5.13 **Report:** a written communication unless otherwise specified, relating to police matters.
- 5.14 **Rules and Regulations:** directions issued by the Chief of Police, with the approval of the Mayor, defining the police purpose, duties, and conduct of all members and employees of the Police Division.
- 5.15 **Solo/Motorcycle:** a two wheeled motorcycle.
- 5.16 **Three-Wheeler:** a three wheeled motorcycle; servi-car.
- 5.17 **Training Bulletin:** bulletins distributed by the Police Division designed to keep officers abreast of information, practices and procedures in law enforcement.
- 5.18 **Suspension:** the act of temporarily denying an officer/employee the privilege of performing his/her duties in consequence of dereliction of duties or other violations of Police Division regulations. Suspension is either the first step in the disciplinary process or the penalty assessed.

CHAPTER 300

- 300.01 Officers shall not carry or use, either on or off-duty, any ammunition not issued or approved by the Police Division. A violation of this section is a major offense of the third degree.
- 300.02 The regulation firearm shall be a blue all-steel, or armaloy or stainless steel, Smith & Wesson or Colt revolver chambered for .38 caliber special ammunition with a 4" barrel; or Smith & Wesson semi-automatic 9mm pistol, Model #5906, or other Smith & Wesson 9mm semi-automatic models as issued or authorized by the Chief of Police.
- a. The regulation firearm shall be carried by all officers of the Police Division with the exceptions noted in Rule 300.13.
 - b. Nothing in this rule shall prohibit Police Division weapons of other types from being assigned.
 - c. A violation of Section 300.02 is a major offense of the first degree.
- 300.03 Officers shall maintain and use firearms only with due regard for the safety of the public and other officers. No officer shall:
- a. Discharge weapons except where it is reasonably believed that said officer or any other person is in danger of death or great bodily injury or to apprehend a fleeing felon reasonably known to be armed with a deadly weapon or reasonably known to have committed a felony involving great bodily injury. A violation of Section 300.03 is a major offense of the first degree.
- 300.04 The firing of warning shots is prohibited. A violation of this section is a major offense of the third degree.
- 300.05 The firing of an unintentional shot(s) by an officer shall be a minor offense of the third degree.
- 300.06 Officers shall, in addition to those situations set forth in Section 300.03 of these rules, be permitted to fire weapons:
- a. To kill a dangerous animal or one that is posing a threat to officers or persons nearby.
 - b. For target practice on the Police Division range or other established shooting range.
- 300.07 Officers are required to report any deliberate or unintentional discharge of firearms as follows:
- a. Oral Report
 - 1. On-Duty Incident: Immediately, or as soon as is practical, the officer shall orally report the incident to his/her immediate supervisor, who shall conduct a thorough investigation of the incident.
 - 2. Off-Duty Incident: Immediately, or as soon as is practical, the officer shall orally report the incident to the on-duty shift commander of the Uniform Subdivision who shall cause a thorough investigation of the incident to be conducted.

b. Written Report - On or Off-Duty

1. A written report, describing in full the circumstances of the incident, shall be submitted by the police officer(s) involved, directed to his/her subdivision commander, prior to the end of the shift during which the firearm was discharged.
2. A written report, describing in full the circumstances of the incident, shall be submitted by the investigating supervisor, directed to his/her subdivision commander, prior to the end of the shift during which the firearm was discharged.

c. Failure to report the discharge of firearms as required by Section 300.07 is a major offense of the third degree.

d. This rule does not apply to rounds fired as instructed during regular practice on a target range.

300.08 When death or injury has resulted from the use of a firearm by a police officer, that officer shall as soon as is practical be relieved from field duty by his/her shift or unit commander pending a full investigation into the incident by the Police Division.

a. During the period of time an investigation into the incident is being carried on, the Chief of Police shall assign the police officer to duty inside the station house.

b. Such relief from duty shall not be considered a suspension or disciplinary action taken against the police officer, but rather an administrative course of action for the purpose of:

1. Relieving the police officer from further performance of field duties while undergoing the emotional stress of having used deadly force; and,
2. Permitting the Police Division time to conduct an objective investigation into the matter.

c. The length of time a police officer shall be relieved from field duty shall be determined by the Chief of Police.

300.09 There shall be established within the Police Division a board consisting of three (3) subdivision commanders, or in the event they are not available, their designated replacements, which shall have the responsibility of reviewing each incident in which a firearm is discharged deliberately or unintentionally by a member of the Police Division and report their findings and recommendations to the Chief of Police.

a. The senior subdivision commander present shall be chairman of this board.

b. This board shall be convened by the Chairman of the Board within ten (10) working days subsequent to any incident reported for a review of such incident.

c. In any incident resulting in the death or injury of a person, the identity of the officer or officers involved shall not be made public until such time as the Chief of Police decides to make such identity public. In making his decision, his consideration shall include, but shall not be limited to:

1. Completion of all aspects of the investigation; and

2. The safety of the officer and his/her family.

d. Only the Chief of Police or his authorized representative shall make such identity public.

300.10 Officers shall never display firearms unnecessarily or draw their firearms in a public place except in the line of duty. A violation of this section is a major offense of the third degree.

300.11 Officers who unnecessarily use their firearm in any manner against a fellow officer(s) are subject to disciplinary action. A violation of this section is a major offense of the first degree.

300.12 Officers may carry firearms when off-duty but are not required to do so. In the event that a weapon is carried by an officer while not on-duty:

a. Proper police identification shall be carried by the officer.

300.13 In addition to weapons described in Rule 300.02, officers may carry optional firearms, as described in this rule:

1. A Smith and Wesson or Colt revolver chambered for .38 special ammunition but with a barrel at least 2" long, or a Smith and Wesson 9mm, semi-automatic pistol may be carried:

a. While on assigned uniform duty in the station house.

b. While assigned to plainclothes duty.

c. While off-duty.

d. As a second weapon securely concealed on the person while on-duty;

1. The division neither encourages nor discourages the practice of carrying a second handgun while on-duty. If carried, it is understood that this is an emergency weapon to be used only if the primary gun becomes inoperable or for use if the officer becomes disarmed.

2. Other personal firearms of a different make, model or configuration may only be carried on or off-duty with the specific and individual written permission of the Chief of Police.

3. A violation of Section 300.13 is a major offense of the third degree.

300.14 Officers are required to register with the Police Division the serial number and descriptions of all firearms they carry either on or off-duty and be range qualified with said weapons. A violation of this section is a major offense of the third degree.

300.15 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 500

- 500.01 Any officer/employee receiving a written communication for transmission to a higher command shall in every case forward such communication.
- 500.02 An officer/employee receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgement.
- 500.03 No officer/employee of the Police Division shall forward correspondence of a division nature over a signature other than that of the Chief of Police or a subdivision commander except when such officer/employee has been specifically authorized to do so by the Chief of Police or his/her subdivision commander.
- 500.04 Officers/employees shall not use Police Division letterheads for private correspondence, nor shall any member or employee use the address of the Police Division for private purposes.
- 500.05 Officers/employees are required to answer questions by, or render material and relevant statements to, a supervisor in a Police Division personnel investigation when so directed. A violation of this section is a major offense of the third degree.
- 500.06 Officers/employees shall submit all reports required by the performance of their duties:
- a. Prior to completing their tour of duty, or
 - b. Prior to completing secondary police jobs, or
 - c. As directed by supervisory officers
 - d. Investigative reports shall be submitted as soon as practical consistent with efficient police operations.
- A violation of Section 500.06 is a minor offense of the third degree.
- 500.07 Upon receipt of an order conflicting with any previous order or instruction, the officer/employee affected will advise the person issuing the new order of the conflict.
- a. Responsibility for countermanding the original order or instruction rests with the person issuing the new order.
 - b. Responsibility for notifying the person who issued the previous order or instruction rests with the person issuing the new order.
 - c. When so directed by a supervisor, the officer/employee who receives a conflicting order or instruction shall carry out that order or instruction after informing the supervisory officer of the conflict. No officer/employee shall be found guilty of any improper conduct for following a conflicting order after he/she has notified the person issuing the order of the conflict.
 - d. Conflicting orders shall only be issued when circumstances make it reasonably necessary to carry out the required task.
- 500.08 Officers/employees shall treat supervisors, subordinates and fellow employees with respect; they shall be courteous and civil at all times in their relationships with one another. A violation of Section 500.08 is a minor offense of the first degree.

- 500.09** When on-duty and addressing a supervisor, particularly in the presence of other officers/employees, or the public, supervisors should be referred to by rank and surname.
- 500.10** An order from a supervisor to a subordinate shall be given in clear, understandable language, civil in tone, and issued in pursuance of Police Division business.
- 500.11** Any order posted on a Police Division bulletin board over the signature of the Chief of Police shall have the same effect as these Rules and Regulations.
- 500.12** No officer/employee shall:
- a. Ridicule or criticize an order given him/her by a supervisor.
 - b. Ridicule or criticize a supervisor, whether in or out of his/her presence.
 - 1. A violation of Sections 500.12 (a) or (b) constitutes insubordination, a minor offense of the first degree.
 - c. Deliberately refuse to obey a lawful order.
 - 1. A violation of Section 500.12 (c) constitutes insubordination, a major offense of the first degree.
 - d. Fail to obey a lawful order.
 - 1. A violation of Section 500.12 (d) constitutes insubordination, a major offense of the first degree if serious physical harm as defined by ORC 2901.01 (e) or death occurs to any person; otherwise, this is a minor offense of the first degree.
- 500.13** No supervisor shall knowingly issue any order which is in violation of any law, ordinance, or any Police Division Rule or Regulation.
- a. Obedience to an unlawful order is never a defense for an unlawful act.
 - 1. No officer/employee is required to obey any order which is contrary to Federal or State law, or to an ordinance of the City of Akron.
 - 2. Responsibility for the refusal to obey any order which is contrary to Federal or State law, or to an ordinance of the City of Akron rests with the officer/employee and he/she shall be strictly required to justify his/her action.
 - 3. No officer/employee shall be held responsible for failure to obey an order when it has been determined that the order was contrary to Federal or State law, or to an ordinance of the City of Akron.
 - 4. A violation of Section 500.13 (a) is a major offense of the first degree if serious physical harm as defined by ORC 2901.01 (e) or death occurs to any person; otherwise, it is a major offense of the third degree.
 - b. An officer/employee who has been given an order which he/she feels is unjust, improper, or contrary to the Rules and Regulations of the Police Division must first obey the order to the best of his/her ability and then proceed to appeal the order through the chain of command.
 - 1. A violation of this section constitutes insubordination and is subject to the provisions of Section 500.12 (c).

c. An officer/employee who receives an unlawful, unjust, or improper order shall, at his/her first opportunity, report said order in writing to his/her subdivision commander and the Chief of Police through official channels. Any such reports submitted to the concerned subdivision commander and Chief of Police shall contain all of the facts pertinent to the incident and a description of the actions taken by the officer/employee in complying, or not complying with the order.

1. A violation of Section 500.13 (c) is a major offense of the third degree.

500.14 A member temporarily filling the position of a supervisor in an acting capacity shall be vested with the authority and responsibility of the supervisory officer whose position he/she is filling.

500.15 Violations of this Chapter which are not otherwise defined as being either major or minor offenses shall be considered informal offenses as defined by Section 1300 of this manual.



POLICE DEPUTY CHIEF

DEFINITION

This is management level work in the Police Division, assisting in the formulation of departmental policy, goal setting and team building to meet objectives of the City and the Police Division. Directs the activity of one or more subdivisions in the Akron Police Division.

Works under the direction and control of the Chief of Police for a period of time determined by the Chief of Police. Exercises considerable independent responsibility for planning and directing all activities of a major police function.

CHARACTERISTIC WORK

Assists the Police Chief in all aspects of management of the Police Division. Plans and directs all activities of one or more subdivisions of the Akron Police Division. Assists in the creation, implementation and revision of departmental goals, objectives and policies. Performs leadership and other managerial duties in direct assistance to the Police Chief and Mayor. Participates in the development and administration of the division budget and forecasting necessary to staff and equip the Police Division. Acquires knowledge of current trends and innovations in law enforcement and recommends implementation for the efficient and effective delivery of public service and management objectives. Acts as a liaison with other law enforcement and judicial agencies, government officials, community groups and general public. Works closely with the Mayor, City Council, City departments and a variety of public and private organizations and citizen groups. Engages in public speaking. Prepares analytical reports on behalf of the Police Division for internal and external use. Represents the Police Chief at various public and private functions. Responds to major incidents and emergencies as needed. Prepares clear, accurate written reports and presentations. Administers Akron Police Department Rules, Regulations and Procedures. Serves as Acting Police Chief as assigned. Performs related work as required.

MINIMUM QUALIFICATIONS

A permanent employee of the Police Division; a minimum of five years of experience in police work with at least two years of experience as a Police Captain in the Akron Police Division. Possession of a valid State of Ohio Driver's license.

Thorough knowledge of the principles and practices of modern police administration. Thorough knowledge of the Rules and Regulations of the Akron Police Division. Knowledge of federal, state and local law. Thorough knowledge of the techniques of crime prevention. Knowledge of the proper uses of force and other modern police equipment and tactics. Knowledge of the principles and practices of crisis management and the National Incident Management System (NIMS). Knowledge of principles and practices of organization, administration, budget and personnel management.

Skill in the use and care of firearms. Skill in problem resolution and diplomacy. Skill in development of objectives, policies and procedures.

Approved: 1968 Survey
 Revised: 8/29/1978
 Revised: 6/28/2012

EXHIBIT

D

Ability to analyze complex issues. Ability to work under stressful conditions and exercise good judgment. Ability to implement and administer goals and objectives in order to produce effective and efficient public safety services. Ability to plan, organize and coordinate the work of subordinate personnel. Ability to communicate clearly and concisely, both orally and in writing. Ability to establish and maintain effective relationships with the Police Chief, fellow employees and citizens of varied backgrounds. Ability to effectively interact with other law enforcement and judicial agencies, government officials and community groups. Ability to operate standard office equipment, personal computers and devices using program applications for assigned duties.

Approved: 1968 Survey
Revised: 8/29/1978
Revised: 6/28/2012

**ASSISTANT CHIEF OF POLICE
SUMMARY OF JOB DUTIES**

The primary function of this unclassified position is to perform police leadership and administrative duties. This position will be assigned to the Office of the Chief of Police and assist the Police Chief in the supervision and direction of all police functions. The administrative nature of this position requires considerable independent judgment.

The duties of this position include but are not limited to:

Representing the Police Chief, Mayor and City of Akron at various public and private meetings and events as required;

Assisting the Police Chief in the supervision and direction of all Police Department functions;

Monitoring the daily operations of the Police Department;

Developing, recommending and/or instituting policies with the Chief of Police to maintain or improve the Department's effectiveness, efficiency and customer service;

Reviewing and providing guidance on administrative investigations and personnel issues;

Analyzing data and information to evaluate departmental activities to determine effective allocation of resources;

Communicating with the media, public and employees;

Taking police action, if necessary;

Performing related duties as required by the Police Chief and Safety Director.

EXHIBIT
E

AKRON POLICE DEPARTMENT S-LIST

Thursday, January 17, 2013

S-1	CHIEF JAMES NICE	S-51	SERGEANT DANIEL GORRING
	Total CHIEFS: 1	S-52	SERGEANT JEFFREY MCNEIL
		S-53	SERGEANT GERALD MILES
S-2	ASSISTANT CHIEF CHARLES BROWN	S-54	SERGEANT FRANK WILLIAMS
		S-55	SERGEANT JAMES CURRIE
S-3		S-56	SERGEANT NANCY VOUGHT
S-4		S-57	SERGEANT TIMOTHY GIVENS
S-5		S-58	SERGEANT DAVID GARRO
	Total DEPUTY CHIEFS: 0	S-59	SERGEANT AGOSTINO MICOZZI
		S-60	SERGEANT ALLEN FITE, JR.
S-6	CAPTAIN ELIZABETH DAUGHERTY	S-61	SERGEANT KRIS BETIZEL
S-7	CAPTAIN PAUL CALVARUSO	S-62	SERGEANT GARY COLE
S-8	CAPTAIN DANIEL ZAMPELLI	S-63	SERGEANT MICHAEL YOHE
S-9	CAPTAIN MARTHA SULLIVAN	S-64	SERGEANT DOUGLAS SANDOR
S-10	CAPTAIN MICHAEL SHEARER, JR.	S-65	SERGEANT BRIAN HARDING
S-11	CAPTAIN SYLVIA TRUNDLE	S-66	SERGEANT JASON MALICK
S-12	CAPTAIN KENNETH BALL II	S-67	SERGEANT DAVID LAUGHLIN
S-13	CAPTAIN MICHAEL PREBONICK	S-68	SERGEANT THOMAS WOODILL
S-14	CAPTAIN MICHAEL CAPREZ	S-69	SERGEANT WAYNE ANDREWS, JR.
S-15		S-70	SERGEANT JOHN MOSTAR
	Total CAPTAINS: 9	S-71	SERGEANT KENNETH BUTLER
		S-72	SERGEANT MICHAEL LUGENBEAL
S-16	LIEUTENANT JERRY HUGHES	S-73	SERGEANT CHRISTOPHER BROWN
S-17	LIEUTENANT RICHARD DECATUR	S-74	SERGEANT ANTHONY STARVAGGI
S-18	LIEUTENANT BRIAN OLDAKER	S-75	SERGEANT GERALD FORNEY
S-19	LIEUTENANT JAMES PHISTER, JR.	S-76	SERGEANT OSCAR MORRIS, JR.
S-20	LIEUTENANT DAVID WHIDDON	S-77	SERGEANT DENNIS WOODALL
S-21	LIEUTENANT CLARK WESTFALL	S-78	SERGEANT DALE DORN
S-22	LIEUTENANT MELISSA SCHNEE	S-79	SERGEANT DAVID HAMMOND
S-23	LIEUTENANT STEPHEN PHILLIPS	S-80	SERGEANT MARK FARRAR
S-24	LIEUTENANT RICHARD EDWARDS	S-81	SERGEANT ERIK WELLS
S-25	LIEUTENANT CYNTHIA CHRISTMAN	S-82	SERGEANT MICHAEL RINN
S-26	LIEUTENANT TERRY PASKO	S-83	SERGEANT STEVEN SWARTZ
S-27	LIEUTENANT ROGER ERWIN	S-84	SERGEANT ERIC PAULL
S-28	LIEUTENANT BRIAN SIMCOX	S-85	SERGEANT SCOTT LIETKE
S-29	LIEUTENANT CHRISTOPHER BREWER	S-86	SERGEANT ROBERT HORVATH
S-30	LIEUTENANT JESSE LEESER	S-87	SERGEANT VINCE YURICK
S-31		S-88	SERGEANT MICHAEL JOYNER
S-32		S-89	SERGEANT DANIEL ENGELHART
S-33		S-90	SERGEANT MICHAEL VAVRO
S-34		S-91	SERGEANT CHRISTOPHER DAVIS
S-35		S-92	SERGEANT KEVIN WILLIAMS
S-36		S-93	SERGEANT GARY GARRETT
	Total LIEUTENANTS: 15	S-94	SERGEANT PATRICK DUGAN
		S-95	SERGEANT DAVID LONG, JR.
S-37	SERGEANT JOHN CALLAHAN	S-96	SERGEANT KARL BURTON
S-38	SERGEANT MICHAEL STOTT	S-97	SERGEANT DREW KELLY
S-39	SERGEANT WILLARD CONGROVE	S-98	
S-40	SERGEANT MICHAEL CIANCIOLA	S-99	
S-41	SERGEANT JEFFREY SHAPPER	S-100	
S-42	SERGEANT WARREN WEBB	S-101	
S-43	SERGEANT TIMOTHY MCLEOD	S-102	
S-44	SERGEANT GEORGE WITEOF	S-103	
S-45	SERGEANT DANIEL CAPREZ	S-104	
S-46	SERGEANT JEFFREY MULLINS	S-105	
S-47	SERGEANT LEONARD MITCHELL, JR.	S-106	
S-48	SERGEANT TROY MINEARD	S-107	
S-49	SERGEANT RONALD BLACK	S-108	
S-50	SERGEANT BRUCE GRAHAM	S-109	

Total SERGEANTS: 61

GRAND TOTAL: 67



Susannah Muskovitz

muskovitz@mllabor.com

January 18, 2013

Via Email (PAmbrose@Akronohio.gov)

Patricia Ambrose-Rubright
Director of Labor Relations
City of Akron
202 Ocasek Building
161 South Street
Akron, Ohio 44308

RE: Assistant Chief of Police

Dear Ms. Ambrose-Rubright:

I am writing on behalf of the Fraternal Order of Police, Akron Lodge No. 7. On January 14, 2013, I sent you an email requesting information on Mr. Charles Brown and the newly created position of Assistant Chief of Police. Specifically, I asked the following questions:

1. What is the job description for the new position? Can you forward it to me?
2. Can you send me the hiring ordinance under which Mr. Brown was hired?
3. Can you send me the current organizational chart for the police department, showing the position of Assistant Chief of Police, and if the position falls within the chain of command? (Today [January 14th], Chief Nice assigned Mr. Brown the responsibility of running the shift meeting – placing him in rank between the Chief of Police and the Captains.)
4. How does the Assistant Chief's position relate to the position of Deputy Chief?
5. Can you clarify whether Mr. Brown is employed as a sworn police officer or a civilian?

On January 15, 2013, the Police Chief's secretary, Marlene Long, sent an email to all police personnel, stating that "due to numerous requests regarding the status and title of Charles Brown," all personnel should be advised that he resigned from the police department but was still a City employee. His formal title is Assistant Chief of Police and he is still a sworn Ohio Peace Officer.

Patricia Ambrose-Rubright
January 18, 2013
Page 2

Then on January 17, 2013, the Police Department issued a revised seniority list, which lists Mr. Brown as S-2, directly within the police chain of command between the Chief and the (unfilled positions of) Deputy Chief and the positions of Captain.

This means that the Mayor hired a civilian from outside the City, into a civil service position as a police officer within the chain of command below the rank of Chief and above the ranks of Deputy Chief and Captain.

Given the above, it has become clear that the City's actions violate the City Charter as well as the City's Civil Service Rules. The Mayor does not have the authority to hire an individual from outside of the police department as a ranking police officer within the chain of command. Furthermore, the Mayor does not have the authority to hire a civilian to work as a police officer. The fact that Mr. Brown may still hold a police commission does not change his employment status as a civilian.

In addition to being unlawful, this action has caused an enormous disruption within the police department as to Mr. Brown's authority and duties. I am requesting a meeting as soon as possible to discuss this situation. I am also advising the FOP on the legal options they have available.

Upon receipt of this letter, please contact me so we can discuss the situation and so I know how to proceed.

Very truly yours,

MUSKOVITZ & LEMMERBROCK, LLC

Susannah Muskovitz

SM: m1m12287

cc: (Via email)
Paul Hlynsky, President, FOP, Akron Lodge #7 (p364@aol.com)
Michael Leslie, FOP Benefits Officer (fop7leslie@msn.com)
Cheri Cunningham, Director of Law (ccunningham@akronohio.gov)

AKRON POLICE DEPARTMENT S-LIST

Tuesday, January 22, 2013

S-1 CHIEF JAMES NICE
Total CHIEFS : 1
Auth CHIEFS : 1

S-2
S-3
S-4
S-5

Total DEPUTY CHIEFS : 0
Auth DEPUTY CHIEFS : 4

S-6 CAPTAIN ELIZABETH DAUGHERTY
S-7 CAPTAIN PAUL CALVARUSO
S-8 CAPTAIN DANIEL ZAMPELLI
S-9 CAPTAIN MARTHA SULLIVAN
S-10 CAPTAIN MICHAEL SHEARER, JR.
S-11 CAPTAIN SYLVIA TRUNDLE
S-12 CAPTAIN KENNETH BALL II
S-13 CAPTAIN MICHAEL PREBONICK
S-14 CAPTAIN MICHAEL CAPREZ
S-15

Total CAPTAINS : 9
Auth CAPTAINS : 10

S-16 LIEUTENANT JERRY HUGHES
S-17 LIEUTENANT RICHARD DECATUR
S-18 LIEUTENANT BRIAN OLDAKER
S-19 LIEUTENANT JAMES PHISTER, JR.
S-20 LIEUTENANT DAVID WHIDDON
S-21 LIEUTENANT CLARK WESTFALL
S-22 LIEUTENANT MELISSA SCHNEE
S-23 LIEUTENANT STEPHEN PHILLIPS
S-24 LIEUTENANT RICHARD EDWARDS
S-25 LIEUTENANT CYNTHIA CHRISTMAN
S-26 LIEUTENANT TERRY PASKO
S-27 LIEUTENANT ROGER ERWIN
S-28 LIEUTENANT BRIAN SIMCOX
S-29 LIEUTENANT CHRISTOPHER BREWER
S-30 LIEUTENANT JESSE LEESER
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S-36

Total LIEUTENANTS : 15
Auth LIEUTENANTS : 21

S-37 SERGEANT JOHN CALLAHAN
S-38 SERGEANT MICHAEL STOTT
S-39 SERGEANT WILLARD CONGROVE
S-40 SERGEANT MICHAEL CIANCIOLA
S-41 SERGEANT JEFFREY SHAFFER
S-42 SERGEANT WARREN WEBB
S-43 SERGEANT TIMOTHY MCLEOD
S-44 SERGEANT GEORGE WITEOF
S-45 SERGEANT DANIEL CAPREZ
S-46 SERGEANT JEFFREY MULLINS
S-47 SERGEANT LEONARD MITCHELL, JR.
S-48 SERGEANT TROY MINEARD
S-49 SERGEANT RONALD BLACK
S-50 SERGEANT BRUCE GRAHAM

S-51 SERGEANT DANIEL GORRING
S-52 SERGEANT JEFFREY MCNEIL
S-53 SERGEANT GERALD MILES
S-54 SERGEANT FRANK WILLIAMS
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S-73 SERGEANT CHRISTOPHER BROWN
S-74 SERGEANT ANTHONY STARVAGGI
S-75 SERGEANT GERALD FORNEY
S-76 SERGEANT OSCAR MORRIS, JR.
S-77 SERGEANT DENNIS WOODALL
S-78 SERGEANT DALE DORN
S-79 SERGEANT DAVID HAMMOND
S-80 SERGEANT MARK FARRAR
S-81 SERGEANT ERIK WELLS
S-82 SERGEANT MICHAEL RINN
S-83 SERGEANT STEVEN SWARTZ
S-84 SERGEANT ERIC PAULL
S-85 SERGEANT SCOTT LIETKE
S-86 SERGEANT ROBERT HORVATH
S-87 SERGEANT VINCE YURICK
S-88 SERGEANT MICHAEL JOYNER
S-89 SERGEANT DANIEL ENGELHART
S-90 SERGEANT MICHAEL VAVRO
S-91 SERGEANT CHRISTOPHER DAVIS
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S-93 SERGEANT GARY GARRETT
S-94 SERGEANT PATRICK DUGAN
S-95 SERGEANT DAVID LONG, JR.
S-96 SERGEANT KARL BURTON
S-97 SERGEANT DREW KELLY
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Total SERGEANTS : 61
Auth SERGEANTS : 73

GRAND TOTAL : 86

AUTH GRAND TOTAL : 109



CITY OF AKRON, OHIO

DEPARTMENT

CHIEF'S OFFICE

CHIEF'S DIRECTIVE

2013-CD-11

February 5, 2013

DIRECTIVE

During my absence from 5PM Monday, February 11, 2013 through 5PM Friday, February 15, 2013, Assistant Chief Charles Brown will be Acting Chief of Police.



**James D. Nice
Chief of Police**

EXHIBIT

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