

CITY OF CLEVELAND
DISCIPLINARY ACTION REPORT

<u>Steve Tyson</u>	<u>05/12/2015</u>
Employee Name	Date
<u>Police</u>	<u>08/07/1987</u>
Department	Date of Hire
<u>Criminal Investigations</u>	<u>1st</u>
Division	Shift
Employee Status: <u> </u> Probationary <input checked="" type="checkbox"/> Permanent <u> </u> Other	

Due to your actions as follows:

Violation Policy 04-A/LL "General Rules and Regulations" Subsection 4-F "Failure to Report Violations"

See Attached Pages

The following disciplinary action will be administered after review by Human Resources Director and/or City Manager:

_____ **Verbal Warning:** (Verbal Warnings to be documented above by Supervisor/Dept. Head and are not required to be signed by employee)

Written Reprimand

_____ **Suspension:** For period of _____

Effective date/time suspension to begin: _____

24 hour notice to begin: _____ Notice period: paid unpaid

_____ **Demotion**

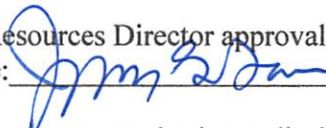
_____ **Dismissal:** Notice given: _____ Termination effective: _____

Other: Transfer from CID Lieutenant to Patrol Lieutenant

*Lt. Tyson will be reassigned after we post the CID position and select a Lieutenant to replace him.

(Disciplinary Action Report form continued):

Human Resources Director approval prior to disciplinary action being administered:

Signature:  Date: 5/12/15

City Manager approval prior to disciplinary action being administered (if applicable):

Signature: _____ Date: _____

Supervisor Signature: _____

Date: _____

Department Head Signature: 

Date: 5/13/15

EMPLOYEE ACKNOWLEDGEMENT:

I hereby acknowledge that this action has been discussed with me and that I have received a copy. I understand that pursuant to the City of Cleveland Personnel Rules and Regulations Section VIII Separations and Disciplinary Actions, Subsection N., I have a right to appeal this action in writing to the City Manager within two (2) working days of receipt of notification of the disciplinary action.

I understand that continued unsatisfactory performance on my part will result in further disciplinary action.

I received notice of this action on (date): 5/13/15

Employee Signature:  Date: 5/13/15

FINAL APPROVAL:  5/13/15
Department Head Date

 5/13/15
Human Resources Director Date

City Manager Date

City of Cleveland

CLEVELAND, TENNESSEE
Police Department

100 Church Street NE
Cleveland, TN 37311-5330

Phone: (423) 476-1121
Fax: (423) 559-3315



To: Human Resources Director Jeff Davis

From: Interim Chief Mark Gibson

Handwritten initials "M.G." in blue ink, enclosed in a blue circle.

Re: IA# C-15-01-DA (Criminal Investigations Division, Lt. Steve Tyson)

The following is the summary of findings reported by the District Attorney's Office. This portion of findings is related to the actions of Lt. Steve Tyson and is included in Internal Affairs Investigation # C-15-01-DA report. I will include my recommendations at the end of this summary.

Findings:

On February 28, 2015, Lieutenant Steve Tyson was contacted by Officer Jeff Griggs. Officer Jeff Griggs asked that Lieutenant Tyson meet with him after the incident occurred in Calhoun, TN. Lieutenant Tyson met Officer Shane Clark and they both attempted to find Officer Griggs, but were unsuccessful. Lieutenant Tyson spoke with Captain Maddux several times the afternoon of 02-28-2015.

At the time of the incident, Captain Maddux was a Captain who was appointed interim Chief. In the City of Cleveland's position description of a Criminal Investigation Division (CID) Lieutenant, it states CID Lieutenant reports to a Police Captain, but does not specify which Police Captain. In Cleveland Police Department Policy 06-A "Organization," the CID Lieutenant reports directly to the Operations Bureau Captain, who was Mark Gibson at the time. Captain Gibson and Captain Maddux had spoken of the incident in Calhoun by phone and Captain Gibson was aware of the situation. Lieutenant Tyson and Officer Clark never made contact with Officer Griggs on 02-28-2015 and therefore had no first-hand knowledge of the situation. Lieutenant Tyson did speak with Captain Maddux about the situation. Lieutenant Tyson did not contact Captain Gibson about Officer Griggs' request to meet, but no evidence was discovered that suggested Lieutenant Tyson violated any Cleveland Police Department policies on 02-28-2015.

On March 03, 2015, Lieutenant Tyson was asked by Officer Griggs, along with Officer Shane Clark, to visit him after they got off work. There was no evidence that suggested Officer Clark or Lieutenant Tyson were aware of the stipulation in the Order of Protection against Officer Griggs that prohibited him from being at his own residence until it was made known to them by Bradley County

Deputies. There was no evidence that Lieutenant Tyson or Officer Clark interfered with the Bradley County Deputies' investigation into the violation of the Order of Protection.

Lieutenant Tyson and Officer Clark were both aware of the fact that Officer Griggs was going to be arrested for the violation of the Order of Protection. They left before Officer Griggs was actually put in custody, but they knew he was to be arrested. Lieutenant Tyson is the direct supervisor of Officer Clark. Because Lieutenant Tyson was present, Officer Clark's supervisor was notified; albeit involved in the situation. According to Cleveland Police Department policy, Officer Clark's obligation to report the incident to his immediate supervisor was met.

Lieutenant Tyson's immediate supervisor at the time was Captain Mark Gibson. Lieutenant Tyson, by his own admission, did not notify Captain Gibson that Officer Griggs had been arrested for the violation of Order of Protection. Lieutenant Tyson also did not speak with Captain Maddux about Officer Griggs being arrested, as had been the case on 02-28-2015.

Under Cleveland Police Department General Order number 06-A "Organization," Section Three states, "Supervisory personnel within the ranks of the department are accountable for the activities of employees under their immediate control." Under Section Five Subsection B of the same policy, "All Criminal Investigations Division personnel will report to one of the Lieutenants who are under the direct command of the Operations Captain."

Under policy 04-A/LL "General Rules and Regulations," Subsection 4-F states, "Members of the department shall report violations of the rules or orders of the department committed by members of the Department to their immediate supervisor. Members of the department who fail to report violations of which they are aware shall be subject to disciplinary action equal to the degree of severity prescribed for the unreported violation. (Violation of this policy is a Class A violation.)"

Under policy 2-A/H "Code of Ethics" Subsection 2-E "Obeying Laws," the policy states, "Members shall obey all laws of the United States and of any state and local jurisdiction in which the member is present. Conviction of a criminal offense (felony) or of a misdemeanor involving moral turpitude shall be prima facie evidence of a violation of these rules and regulations. (Class A Violation)."

Under policy 5-A/LL "Prohibited Behaviors" Subsection 5-II "Unlawful Conduct Offenses," the policy states under #1, "Personnel shall adhere to all federal, state and local laws, and shall not commit any act or crime defined as a misdemeanor, whether chargeable or not, which brings discredit upon the department or otherwise impairs the operation and efficiency of the department, and/or which is likely to impair efficiency of the department, and/or which is likely to impair the ability of personnel concerned to perform assigned duties. (Violation of this policy is a Class A violation)."

Bradley County Sergeant Deputy Olinger explained to Officer Clark and Lieutenant Tyson that Officer Griggs was violating a valid Order of Protection and that he was going to be arrested. By Officer Griggs violating the Order of Protection, he was also violating policy 2-A/H "Code of Ethics" Subsection 2-E "Obeying Laws." Because Lieutenant Tyson knew Officer Griggs was violating an Order of Protection,

but did not notify Captain Gibson, he violated policy 04-A/LL "General Rules and Regulations," Subsection 4-F and policy 5-A/LL "Prohibited Behaviors" Subsection 5-II "Unlawful Conduct Offenses" #1.

Whether Lieutenant Tyson's failure to notify Captain Gibson of Officer Griggs' violation and subsequent arrest was intentional or an honest mistake, the fact remains three Lieutenants who did not have first-hand knowledge of Officer Griggs' arrest notified Captain Gibson of the situation. Lieutenant Tyson, who had first-hand knowledge of the situation and an obligation to report to his immediate supervisor that a fellow Officer and subordinate was violating an Order of Protection and being arrested, failed to do so.

Summary:

I have reviewed the findings for the internal affairs investigation conducted by 10th Judicial District Attorney's Office Investigator Calvin Rockholt and Detective Cody Hinson. The investigation shows that Lt. Steve Tyson violated two class A policies by failing to notify his direct supervisor about the arrest of one of our officers. **Policy 04-A/LL "General Rules and Regulations," Subsection 4-F** states, "Members of the department shall report violations of the rules or orders of the department committed by members of the Department to their immediate supervisor. Members of the department who fail to report violations of which they are aware shall be subject to disciplinary action equal to the degree of severity prescribed for the unreported violation. (Violation of this policy is a Class A violation.)" CST. Griggs was arrested for violating an order of protection which is covered under **Policy 5-A/LL "Prohibited Behaviors" Subsection 5-II "Unlawful Conduct Offenses," the policy states under #1,** "Personnel shall adhere to all federal, state and local laws, and shall not commit any act or crime defined as a misdemeanor, whether chargeable or not, which brings discredit upon the department or otherwise impairs the operation and efficiency of the department, and/or which is likely to impair efficiency of the department, and/or which is likely to impair the ability of personnel concerned to perform assigned duties. (Violation of this policy is a Class A violation)."

On 02/28/2015 Lt. Tyson had numerous phone conversations with Jeff Griggs and Captain Dennis Maddux before and after the physical altercation took place in Calhoun. Lt. Tyson never voluntarily disclosed any information or knowledge of the events from the 28th to me or the city manager. I wasn't aware of any conversations he had with either party until I read this report. In the findings it reports that he didn't violate any policies on the 02/28/2015, but it seems that this is a serious issue and that you would just instinctively know to include your direct supervisor. This incident was in the media and caused a great deal of embarrassment to the City and the Police Department. I would have expected anyone with knowledge of the event to come forward before any Internal Investigations began.

On 03/03/2015 Lt. Tyson had an obligation to notify the Operations Captain about the arrest of Jeff Griggs, which he failed to do. I had multiple phone calls about this event including three other Lieutenants under my command. The other Lieutenants heard about Griggs's arrest but were not present. They still knew they had an obligation to notify me as part of their duties. I contacted Lt. Tyson after I was informed that he was with Griggs. He admitted that he didn't call to inform me of his arrest and just didn't think about. Again this event was embarrassing for the City and to the Cleveland Police

Department. I reviewed his phone records provided in this IA report. Lt. Tyson had a 20 minute conversation with Jeff Griggs's attorney (Jimmy Logan) at the scene, but never made an attempt to contact his supervisor or Lt. Robert Harbison (Griggs's immediate Supervisor) about this incident. His decision not to notify his supervisor should be perceived as being disrespectful.

Recommendations:

This investigation has found two policy violations. Lt. Tyson had a duty to report any violations committed by his subordinate. Lt. Tyson was present when a subordinate (Jeff Griggs) was arrested on 03/03/2015 for violation of Order of Protection. The internal affairs investigation does support that Lt. Tyson violated **Policy 04-A/LL "General Rules and Regulations," Subsection 4-F** and failed to report the arrest of Jeff Griggs to his supervisor. I have also reviewed the second violation, which as a part of policy 04-A/LL Subsection 4-F holds members of the department equally responsible for the violation that they fail to report to their supervisor. In this matter Jeff Griggs was arrested for violating an Order of Protection. That charge was later dismissed and wasn't a finding in Griggs portion of this investigation. I believe the finding that Lt. Tyson violated **Policy 5-A/LL "Prohibited Behaviors" Subsection 5-II "Unlawful Conduct Offenses," the policy states under #1** should be excluded. I do support the finding but will exclude it as part of the disciplinary action because it wasn't part of the findings for Jeff Griggs.

Policy 04-A/LL "General Rules and Regulations," Subsection 4-F is a class A violation. In accordance with the Cleveland Police Department's CALEA accredited policy the appropriate disciplinary action for any Class A policy violation will result in termination unless there are mitigating factors involved to justify reduction of punishment. The discipline chart was revised last year and previously would not allow for a reduction of punishment involving two Class A violations. I am only considering one class A violation and I do find that there are mitigating considerations in this case that would justify a reduction in discipline.

Lt. Tyson used poor judgment in this incident. He is friends with all the parties involved and became personally involved with events, beginning on 02/28/2015. The facts in this investigation don't indicate that Lt. Tyson intentionally violated policies in this matter and probably had good intentions. The events of 02/28/2015 attracted a lot of attention from the public and the media. Lt. Tyson should have known that a second arrest related to this event would be even more controversial. Fortunately, we (Cleveland Police Department) have a good working relationship with the Bradley County Sheriff's Office and Chief Deputy Brian Smith called to inform me of the events. I also had other supervisors without direct knowledge call me about this event. It allowed the Department to make critical decisions that night and prepare for inquiries in the morning. I called Lt. Tyson and asked him about the incident as I found out. He was truthful and acknowledged that he should have called to advise me of the arrest. He did, however, minimize the importance of the issue. Lt. Tyson has 28 years of service with the Cleveland Police Department. He has a good relationship with officers at this department, but it is important in today's society that Law Enforcement Agencies be completely transparent. We must provide the public with accurate information as quickly as possible. This is even more critical involving alleged misconduct

by our police officers. When supervisors delay reporting facts and third parties receive the information first there becomes a break down in the accuracy. There is justification to reduce discipline in this case. I recommend Lt. Tyson receive a written reprimand and also be reassigned from the Criminal Investigation's Division back to a patrol team at his current Lieutenant (Level 28)rank. Lt. Tyson would be in a more structured environment with more oversight of day to day operations. Lt. Tyson would also need to understand that any other policy violations could result in enhanced discipline.