

MEMORANDUM

TO: HR Director Lubin

CC:

FROM: Deputy Chief Jim Polak

DATE: 112912

REF: Ptl. Loehmann

On 112812, I was notified by FTO Sgt. Tinnirello of the following circumstances related to our recruit, Ptl. Loehmann. A written statement was included.

On this date, during a state range qualification course Ptl. Loehmann was distracted and weepy. He could not follow simple directions, could not communicate clear thoughts nor recollections, and his handgun performance was dismal. Sgt. Tinnirello tried to work through this with Ptl. Loehmann by giving him some time. But, after some talking it was clear to Sgt. Tinnirello that the recruit was just not mentally prepared to be doing firearm training. Sgt. Tinnirello stored the recruit's weapons and I advised Sgt. Tinnirello to continue the training day to see how Ptl. Loehmann progressed.

Sgt. Tinnirello and Ptl. Loehmann then continued out to Painesville to pick up some more of Ptl. Loehmann's gear that had arrived in the store. During this drive, Sgt. Tinnirello continued to speak with Tim about his problems, and Ptl. Loehmann continued with his emotional meltdown to a point where Sgt. Tinnirello could not take him into the store, so they went to get something to eat and he continued to try and calm Ptl. Loehmann. Sgt. Tinnirello describes the recruit as being very downtrodden, melancholy with some light crying. Sgt. Tinnirello later found this emotional perplexity was due to a personal issue with Ptl. Loehmann's on and off again girlfriend whom he was dealing with till 0400 hrs the night before. (Ptl. Loehmann was scheduled for 0800 the morning in question). Some of the comments made by Ptl. Loehmann during this discourse were to the effect of, "I should have gone to NY", "maybe I should quit", "I have no friends", "I only hang out with 73 yr old priests", "I have cried every day for 4 months about this girl."

Sgt. Tinnirello also found from Ptl. Loehmann that these events had happened once before about three months ago while in the Police Academy but the Capt. of the Academy was able to calm him. (Sgt. Tinnirello later verified that with Capt. Barnhard of the Cleveland Heights Police Academy. It was reported to us as an isolated incident, and after counseling by Capt. Barnhard, Ptl. Loehmann did finish the Academy satisfactorily.)

At this point when Sgt. Tinnirello and Ptl. Loehmann reported back to IPD, and these events were reported to me, I decided to send Ptl. Loehmann home for the day, and made sure his well-being was protected by contacting his family.

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There were three other incidents reported to me by Sgt. Tinnirello concerning Ptl. Loehmann. Individually these events would not be considered major situations, but when taken together they show a pattern of a lack of maturity, indiscretion and not following instructions.

When Ptl. Loehmann was issued his firearm he was told that it needed to be secured when he was not working. If the weapon was not with him, then it needed to be secured in his locker or the arsenal. Ptl. Loehmann was given a locker assignment, and he was later asked by Sgt. Tinnirello whether he had a lock for his locker. Ptl. Loehmann stated, 'yes'. The next day when Sgt. Tinnirello was in the locker room he noticed that Ptl. Loehmann's locker did not have a lock on it. So he asked Tim if he had a secured locker. Ptl. Loehmann then told Sgt. Tinnirello that he had a lock, like he was asked; he just didn't have time to put it on the locker because it was at home. So, Ptl. Loehmann had left his firearm in his locker overnight, unsecured, after being told that was not acceptable.

There was another incident where Sgt. Tinnirello told Ptl. Loehmann to sit in Dispatch for part of his orientation and he would come and get him later. A little while later, Sgt. Tinnirello came into the Patrol Room and saw Tim there. He asked Tim why he was upstairs and he told Sgt. Tinnirello that the Dispatchers said he was done and to come upstairs. Later in the day while driving around the City, Ptl. Loehmann confesses to Sgt. Tinnirello that he had come upstairs from Dispatch on his own, "that the Dispatchers never told him to come upstairs."

When Ptl. Loehmann was issued his bulletproof vest he was told by Sgt. Tinnirello to wear it in order to get used to it. Approximately ½ hr later, when checking in with Tim back down in Dispatch he found Ptl. Loehmann with no vest on. When he was questioned as to why it was off, Ptl. Loehmann stated, "that he was too warm, so he took it off."

On 112912, I called in and spoke to Ptl. Loehmann and Sgt. Tinnirello.

The first thing I established was that there was no personality or relationship issues between Ptl. Loehmann and Sgt. Tinnirello. Ptl. Loehmann stated that there *were not* and that he respected Sgt. Tinnirello for helping him and training him. He felt they got along fine, and would not have felt that Sgt. Tinnirello assessments of him were biased in anyway.

Ptl. Loehmann was then asked to explain his actions of 112812. His version of events concurred with the Sergeant's reporting. Although somewhat remorseful, he seemed to cast these issues as misunderstandings or miscommunications. But when pushed, he seemed to understand his deficiencies and why they worried us. He stated he spoke with his priest friend and a Cleveland Police officer last night about the situation, and they gave him some advice on how to deal with his issues at home and at work. He said he was refreshed by this counseling, and was ready to train again.

As our discussion focused on Ptl. Loehmann's future and his commitment to Independence, there seems to be a theme of him being "told" to work at IPD. He keeps referring to being told to stay in Independence, although it appears he often thinks of going to NY, where his best friend lives, and he has opportunities to work for NYPD. He told me that he was called by NYPD, and although he declined their position, he was told he would be on their list for 2 more years. That theme was repeated many times by Ptl. Loehmann, even him stating, "I will work here as long as possible, and do my best, but if I find I don't like it then I will go do something else". I found this lack of commitment to us, disturbing.

Ptl. Loehmann appears genuine in his explanations, and takes criticism well. It just appears that he is not mature enough in his accepting of responsibility or his understanding in the severity of his loss of control on the range.

Summary

These are the deficiencies as noted:

Emotional Immaturity-

Ptl. Loehmann's inability to perform basic functions as instructed, and his inability to emotionally function because of a personal situation at home with an on and off again girlfriend leads one to believe that he would not be able to substantially cope, or make good decisions, during or resulting from any other stressful situation. This ongoing personal relationship should not have whole-fully consumed him that he would not be able to follow simple direction, especially after being given a reasonable amount of time to collect himself.

Circumventing Direction-

It appears from the pattern developing within our short time frame with Ptl. Loehmann that he often feels that when told to do something, that those instructions are optional, and that he can manipulate them if he so feels it can better serve him. I do not say he is doing this for some benefit, or in an insubordinate way, but he just appears to have the mind set that if he thinks he knows better, than that is the course he follows.

Recommendation

Due to this dangerous loss of composure during live range training and his inability to manage this personal stress, I do not believe Ptl. Loehmann shows the maturity needed to work in our employment.

Unfortunately in law enforcement there are times when instructions need be followed to the letter, and I am under the impression Ptl. Loehmann, under certain circumstances, will not react in the way instructed.

Ptl. Loehmann's lack of commitment for his future here at Independence is disconcerting. Although saying he is happy to be here, he seems to be considering other options.

For these reasons, I am recommending he be released from the employment of the City of Independence. I do not believe time, nor training, will be able to change or correct these deficiencies.

After reviewing the documents of this situation and discussing the events with the HR Dept., I decided to meet with Ptl. Loehmann to advise him I was beginning the disciplinary process of separation.

On 12/03/12, Ptl. Loehmann, Sgt. Tinnirello, Mr. Lubin, and I met. I advised him of my intent and reasons for it, and Ptl. Loehmann decided to resign instead for personal reasons. I accepted his written resignation.

I will be forwarding this information to you for the Mayor's review.

On November 28, 2012 probationary Officer Tim Loehmann came to work at 0600 hrs. He appeared to be sleepy and upset. In the past days with Ptl. Loehmann he had shared with me that he was having trouble with his girlfriend. Ptl. Loehmann and I went down to IPD range to qualify him on the State of Ohio gun qualifications. During the qualification Ptl. Loehmann was distracted and was not following simple instructions.

Ptl. Loehmann went to the back of the range to reload his magazines and could not return to the shooting line. He was emotionally upset and appeared to be crying. I asked several times if he was ok and Ptl. Loehmann stated "I need a minute." After several attempts to get Ptl. Loehmann to return, I decided that he was not fit to return and had him sit down. He expressed to me again that the situation with his girlfriend was upsetting him and he was still emotionally upset and crying. Concerned for his well being I took Ptl. Loehmann's gun belt and gun from him and secured it in a safe location. I gave him a few minutes to pull himself together, and I notified Chief Nicasastro and Deputy Chief Polak of the situation. We decided to stop firearms training and to go out to Atwells Police Supply to pick up Ptl. Loehmann's Bullet Proof Vest.

During the forty minute drive out to Atwells, Ptl. Loehmann remained emotionally upset. He informed me that during his time at the Cleveland Hts. Police Academy he had a similar situation happen and Captain G. Barnard had to counsel him. He stated his Girlfriend broke up with him for four months and he cried every morning for four months. When we arrived at Atwells Police Supply Ptl. Loehmann was still upset and I felt he needed more time to get his emotions under control. I took him out for breakfast and talked with him. During our time at breakfast Ptl. Loehmann expressed that he was unclear on where his future was headed. I explained to Ptl. Loehmann that he could not be released from the FTO program until IPD knew he could handle the job. Ptl. Loehmann stated "that just makes me want to quit." As we talked about being emotionally ready for duty and the events of the morning Ptl. Loehmann became agitated. He stated to me as if he was thinking out loud "what I want is for you to shut up." Ptl. Loehmann wasn't even looking at me when he made the statement and seemed to be distracted as if the statement just came out under stress.

We finished breakfast and went to Atwells Police Supply and returned to the station without further incident. I directed Ptl. Loehmann to dispatch for training and I met with Deputy Chief Polak. We decided to send Ptl. Loehmann home for the day and meet with him on November 29, 2012 at 0830. When I met with Ptl. Loehmann and informed him that he was going home. He stated he didn't want to go home but understood why we were sending him home. I noticed again he was becoming emotionally upset and asked him if he need Counseling, he stated no. I asked him if he was thinking about hurting himself and he stated no. I repeated that we would do whatever we could to help him if he needed counseling but he again stated he was good. As he was leaving the department I noticed he was even more upset.

Concerned for Ptl. Loehmann I attempted to contact his father or his mother. I was able to reach [REDACTED] at her work. I informed her of the situation and she stated she knew there was a problem but Ptl. Loehmann did not share details with her. She informed me that as Ptl. Loehmann was going through the Cleveland Hts. Police Academy his study papers would be soaked in tears nightly for three months because of

the problems with his girlfriend. I asked her to contact him and see if there was anything we could do to help him. She asked if her husband could contact me and I gave her my personal cell phone number. I expressed to her that we were concerned about Tim and that we would do whatever it took to get him the help he needed.

After getting off the phone with [REDACTED] I called the Cleveland Hts. Police Academy and talked with Captain G. Barnard. He informed me that during one of Ptl. Loehmann's classes he noticed he was falling asleep. He stated he counseled Ptl. Loehmann once about sleeping in class. During their talk Ptl. Loehmann told Captain Barnard that the reason he was falling asleep was because of the situation with his girlfriend. Captain G. Barnard stated Ptl. Loehmann corrected his behavior and he did not have another problem with him the rest of the Academy. He also stated he did not notice any unusual behavior with Ptl. Loehmann and he seemed to get along with others in his class.

I started Ptl. Loehmann introduction to the FTO program on November 19, 2012. We spent approximately 10-12 hrs days together. During that time period there are several events that should be noted. I issued Ptl. Loehmann a locker and instructed him to put a lock on it ASAP. IPD officers keep their firearms in their lockers, and when I issued Ptl. Loehmann his firearm I asked him if he had a lock on his locker. He indicated that he did, and I offered advice about keeping his duty gun at work. On November 28, 2012 when I went to put Ptl. Loehmann's gun belt above his locker I noticed there was no lock. When questioned about it, he stated he did not state he had a lock on the locker but had a lock at home. I asked him if he left his firearm unsecured in his locker and he stated yes. Then I asked him why he didn't bring a lock in, he stated because he was upset about his girlfriend.

I also instructed Ptl. Loehmann to sit a dispatch on November 26, 2012 to learn how IPD Dispatch Center works. During that time he was called into the IPD report room for an unrelated topic. I instructed him to return to dispatch and I would come get him later. A short time later, I returned to the IPD report room and Ptl. Loehmann was there. I asked why he wasn't in dispatch, he stated the Dispatchers informed him he was done. I instructed him to return to Dispatch and to follow the instructions given him. Later that day Ptl. Loehmann informed me that the Dispatchers did not tell him he was done and that he had made it up.

Sgt. Greg Timmirello 3945