

PUBLIC HEARING

March 17, 2009

The Village Solicitor opening statement: We are here today having a hearing under Ohio Revised Code 37.19 concerning Officer Aaron Bardwell who is present with his counsel, Attorney DeHoff, and his fiancé. This is concerning Officer Bardwell was originally suspended by the Chief and it is all documented, a five day suspension with a year probation. This was given to the Mayor and the Mayor upheld that and then Officer Bardwell utilized the provision in the Personnel Handbook that allowed for a grievance to be filed to the Safety Committee of Council. The Safety Committee heard Officer Bardwell's grievance and there was a recommendation made to the Mayor and the Mayor upheld that recommendation as far as the five day suspension and probation for six months. And that would be what they call Judgment by Statute at which point Officer Bardwell has five days to appeal that decision by the Mayor and that is what he has done. The statute says that suspension for more than 3 days reduction in rank or removal from the department may be appealed to the legislature authority Council and that is why we are here today. The statute goes on to say that the person may appear in person and by counsel, which he is, at the hearing, which is now and examine all witnesses and answer all charges against that person. After the hearing is done, not necessarily today, but at some point, Council may dismiss the charges, uphold the Mayor's judgment, or modify the judgment how Council sees fit. Any removal or suspension of the officer would take an affirmative vote of two thirds of all members which is still four votes of all six, so we are here now and there are witnesses, there are Cheryl, and Chief Dragovich and the Mayor are witnesses and we also have Sgt. Stiles who presented an affidavit signed that we received today, at some point that will be read into the record. I think all of the witnesses can probably stand and we sworn in now and if Mr. Hough will take over.

Cheryl, Mayor and Chief Dragovich would you please stand, raise your right hand and will you swear by the testimony you are about to give in this hearing will be the truth, the whole truth and nothing but the truth, so help you God? All replied affirmative. With the understanding that if you should lie during this hearing you can be charged with perjury, is that understood? Yes. Thank you, you may be seated.

The process is that Council will bring the witnesses forward and ask questions first and once Council is satisfied, then I believe that Attorney Celeste DeHoff can also question witnesses.

Mr. Sullivan: Mayor would you go first as to the situation that brought you to your decision on the suspension?

The reason for the suspension, I came into work one morning and there was out in the hallway where everyone works was a very large mail box that attaches to the door by magnets, and mail is put in there for you, we all have them. And I looked at that and thought, what is this? And here it was the Chief's mail box from back on his office which is back here in the hallway that all the officers put all their mail or any correspondence for the Chief to get. To say that upset me is a minor statement. So I called the Chief, got the Chief in here and... there was a letter attached to it so I knew who did it, it was Officer Bardwell and I called the Chief, I'm not putting up with anything like this. He moved government property and we're going to have to decide what we're going to do about it. And so the Chief recommended five days suspension and I went along with it. So we called Officer Bardwell in on his shift, whatever that was, and I explained to Officer Bardwell that you have an option here. First of all this was a very big mistake on your part, you have an option, you can take this to the grievance committee or you can take it to Council for a hearing, it's up to you. I told him how I felt about what he had done and then I said I'm going to turn this over to the Chief

and he has some things to say to you, at which time the Chief suspended him for five days, plus one year probation and two 8 hour shifts per week to take effect immediately.

What background led up to this?

There was a letter given to me, Officer Bardwell gave me a letter, that was about the Chief previous to this and I said we have a chain of command, you go to your immediate officer above you, that is in command with your complaints. If that doesn't work and he doesn't want to follow through with it, then you go to the Chief yourself. If you do not get results at the Chief's level then the Chief and I will discuss it. At that level either I will hear it from you or whatever the Chief and I decide, I will hand it down to you, answer your complaints or whatever.

Is this a conversation you had?

This is the conversation I had directly with Officer Bardwell.

So you asked him to follow the chain of command with his complaint?

He goes to his officer in charge who is Sgt. Stiles, that is the chain of command, the next person in the chain of command is the Chief and then from there it comes to me.

When you received this box of letters on your door, did you consider that a protest on Officer Bardwell's point, or what did you think that was?

Well, my conclusion on that is that Officer Bardwell, a part time officer, and what he was complaining about doesn't pertain to a part time officer. I thought okay, I'm not putting up with something like this, this is a protest of our Police Chief, our Police Department and our rules and a protest against the chain of command.

Ed, you said there was a letter attached to the mail box? What was the contents of the letter?

A complaint against the Chief, all the complaints against the Chief.

Were there letters or any correspondence was the mail box empty or did it have ...?

It had paperwork in it.

The letter is marked Exhibit A. This is the letter that was attached to the box that was put on the Mayor's door.

The main issue being it mentions an officer that has been working here for five months and the paperwork was not sent....

Ms DeHoff ~ Mayor Tucker you said that the issues do not pertain to a part time officer?

A part time officer when he is complaining about his Chief and the way the Chief acts, in my opinion, unless you are a full time officer, and you want to go to the proper channels, then do it. He does not go through his proper channels. He is a part time officer. It relates into many other things, vacation, sick pay, this deal here about London, that is about another officer, another part time officer. What is it Mr. Bardwell's business as to what that Chief does on his job.

Ms DeHoff ~ Does a part time officer take an oath of office?

Yes, he does.

Does he follow the mission statement that the full time officers do?

I don't know, you'll have to ask the chief.

Where would the chain of command be located?

It is posted right out here on the wall and it's in the handbook, I believe.

The Village handbook or the Police Rules and Regulations?

The Village Handbook.

So you would be the Chief's supervisor, is that correct?

The police department is run under my general direction.

So that makes you the Supervisor, correct?

Under my general direction, you call it whatever you want to call it.

So how many times a week do you go to the police department specifically to the Chief's office?

I was in there four times today.

But in the last year, how many times have you gone back there?

I have no idea how many times I've been back there, if I have communication that I want to communicate with the Chief, I will either call him into my office or I'll call him and go back to his office if I have communication with any patrolman for any reason, which I had today, four different times, I come back to their office and I talk to them and I let them know what I want. I do not pass memos out because they are there and I'm right here.

You don't pass memos out?

No I do not use memos. Twice I used them last year, maybe. The people are right here. I tell them verbally what I want or what I need, it gets done. I've never had a reason to go back to that police department unless I need something.

So, if I had a memo here from you to Chief Dragovich that rescinded all previous directives, orders, practices, policies, methods of operation, standards of operations, rules and regulations issued by the previous Mayor's administration is hereby rescinded then that is not a memo you did?

Yes, I handed it to him.

So all of the police department rules and regulations that they are to follow, you rescinded? Where are the new ones. I requested them and I don't have them.

I don't know about that, but there is five new policies that was written during the course of last year that one section of a time was taken care of the old police rules and regulations. Officer Bardwell received those and signed it.

So, general order 8005 discipline, issuing authority to Chief Dragovich that is what you are discussing? That would be one of them.

The discipline has been rewritten since. Is that one of them? I'm assuming it is, if you show it to me I'll tell you.

I'm a little confused, from the handbook that I received the parts of it that I received, your disciplinary policy specifically states on page 14 that all offenses, reprimands shall be signed and dated by the supervisor and the employee which there is nothing in Officer Aaron Bardwell's personnel file that is signed and dated by him or his supervisor and he has not signed anything and then it also says that disciplinary policy and appeal for police officers and police department personnel are governed by the Hartville Police Department rules and regulations in the Ohio Revised Code. But what you are telling me is that all the other rules and regulations from previous Mayors are gone because you rescinded them all and we have five policies in place, one of which is this disciplinary policy, is this correct?

The only policy, the disciplinary policy supersedes the old police rules and regulations, or the handbook, either one. The rules and regulations are older than the handbook. When are in a process of completely rewriting that book, but as we wrote them and changed them, the Officers signed that they got a copy of these.

Absolutely, they got a copy of that, but what I'm asking is that you in your January 1, 2008, interoffice memo, you got rid of all previous directives, orders, practices, policies and methods of operation, standards of operation, rules and regulations issued by previous Mayors and administrations are hereby rescinded. Correct? That is what this says, correct?

Yes.

How is that relevant to what is specifically before Council today?

Because we are saying that he violated certain rules in a handbook that doesn't pertain to the police department because in the handbook it says that they are governed by the policies, but the policies, there are five in place, Exhibit B, where he got rid of all the other rules and regulations.

I'm not here to testify but I think that the chain of command from patrol officer to sergeant to chief, is more recognized, it doesn't have to be stated as to how, is that correct?

Yes.

Where does that chain of command come from Chief?

It is a paramilitary organization which is what the police department is and a paramilitary kind of goes along the military chain of command which Patrolman Bardwell was a part of as well.

Yes, he was. Mr. Bardwell, do you understand the chain of command here?

Yes, I do.

What is the chain of command?

The chain of command is that I am to talk to my sergeant if I have any problems, then I would go to the Chief handle that, if the Chief can't get it squared away then we would go to the Mayor to handle, however, when the problem is something that the Chief is doing wrong there's really no reason of my going to the Chief with that, I would go to his direct supervisor.

So you recognize the chain of command that you just spoke of?

He recognizes the chain of command, that isn't the problem. So as the Chief's supervisor, you have been.... It really isn't a problem, and you will see why when I ask him certain questions.

Mayor Tucker, you said that you had visited...

I want to answer this now that I see what you have about the previous rules and regulations, it says that by the previous Mayor's administration, the previous Mayor had written some different rules and regulations as to how this police department was run and that is what I rescinded. It doesn't say anything that book, it says previous Mayor.

That's not how I read it but we can discuss that later too.

So you said you visited back in the police department frequently?

No, not frequently, it depends today I was back there 4 times because we had a cruiser issue. I may have not been back there for a week, I don't know. If there is something I need to talk to a police officer on, I call him if he is out on the road, he comes in, I call the Chief first, never do I call a police officer before calling the Chief to contact the officer for me. But I very seldom have any connections with the police department other than when, today was a perfect for instance. We had two cruisers broke down. We had two officers here, so I went back to assist them, when out to the cruisers, because my background is automotive and we worked on that. We got the cruisers taken care of, that is my communication with them. That's it.

It is my understanding that Officer Bardwell was suspended for five days and put on probation because he went outside the chain of command taking this box and letters to the Chief and put it on the Mayor's door as a sign of a protest or a sign of whatever it may have been, but it was inappropriate on his behavior, that is the Mayor saying and he was suspended for that. The Chief suspended for five days and the Mayor upheld it, the Safety Committee reviewed, that is what I understand took place and it maybe out of frustration, maybe whatever the motivation was, that took place, so I think you need to keep this hearing as condensed as possible for those issues.

So, if the Mayor has been back there has he seen the overflowing mailbox?

Mr. Hough, if Officer Bardwell had noticed that this was overflowing had you approached or written to your sergeant and had you given something to him about your complaint.

I spoke with Sgt Stiles, Sgt Stiles told me he could not help me with the problem with the Chief that he was not the Chief's boss, that I would have to talk with the Chief's boss which is the Mayor and on three separate occasions I tried to do that.

We already know that you understand the chain of command and you made the statement that there was no point in going to the Chief because if he is the problem, there is no need to go him. Now I was in the military the same way. The chain of command still stands.

If you have a problem with my direct supervisor who is in my chain of command, I go to him and tell him I have a problem with you directly. If that is not resolved then you notify that person that you are going to go around you to the next level up, that is the chain of command. It is in the military, it is in the paramilitary, that is a common understanding. You didn't get that piece?

I was not a commissioned officer in the US Army, I understand the chain of command very well and the Sergeant told me that I need to see the Mayor because he is the Chief's boss, so that is exactly what I did.

I want to interject here because this is some of the same things we heard at the Safety Committee and one of the things that we recommended was that this chain of command be reviewed because my problem here is that when this issue was brought to the immediate supervisor's attention, that supervisor, I thought the chain of command which I am understanding as well, has a duty to turn around and tell the Chief and nothing in this Affidavit states that he went and talked with the Chief. I think there was miscommunication, I don't think it happened all the way, I think there was some circumventing of the chain of command but also this chain of command needs to be reviewed within house.

Keep in the mind, the chain of command is there, whether it was followed by the members within it...

Let's call the Chief.

Who discovered the mailbox, the Mayor?

The Mayor found it and he called the Chief.

So you came in and you and the Mayor had some discussion as to what to do.

He showed me the mailbox magnetized to his door. I recognized it as my mail box from my door and he told me that it had been put there by Patrolman Bardwell according to the letter that he had.

I think we all get what happened from there on. The Mayor and you had a conversation, you determined what was going to happen, you call the officer in, you suspended the officer, obviously Mayor you concurred and that is where we are today in a short condensed version. But you had the conversation directly with the officer?

He came into the Mayor's office that evening at 11:00 p.m.

You notified Officer Bardwell that he was under suspension?

Correct.

Was our interpretation correct of the chain of command? How is the chain of command for the Village of Hartville, how is that to proceed if a patrolman has an issue, how is that to proceed up the chain of command?

He would talk with his Sergeant, if the Sergeant cannot resolve the issue, then the Sergeant brings it to me or the patrolman then brings it to me. If we can't resolve the issue then we take it to the Mayor to resolve the issue, that is how the chain of command is supposed to work.

Have these issues been brought to your attention by Sergeant Stiles?

No sir.

Have you had direct conversation with Officer Bardwell regarding these issues?

No.

Has there been any conversation with Officer Stiles subsequent to this event, where you asked him why this not relayed to you?

No, because I don't believe, the Mayor has had that conversation, I did not have that conversation with Stiles, he didn't bring it to me, so I have to assume that it never happened or he decided there was nothing that he could do about and he didn't bring it to me.

But you did speak with him, Mayor Tucker?

Yes, this is Sgt Stiles' affidavit of the conversation that he had with me after this happened.

This is following the suspension?

Yes. This is February 8th or something when we met.

Let me clarify, I wasn't in Safety Committee meetings, the question clarifying this evening, was it proper procedure to remove the mail box from the Chief's door and place it on the Mayor's door? Is that the question for us?

Yes it is.

And the Chief has taken the position that it is not appropriate, the Mayor backed him up that it is not appropriate. Have we as Council acted on that in the past?

No, that is what we are doing here tonight.

The Chief responded that the mailbox issue is you each have your own mail box out here, I don't go into your mailboxes, I assume you don't go into my mailbox up here. I have my door pocket, that's my mailbox the officers all have a mailbox in the back, I don't go into their mailboxes, I expect the same courtesy, I have not been given that courtesy by this officer, he seems to offend him that I have a door pocket full of paper work which a lot of the officers throw all the catalog, faxes we get in into my mailbox and they seem to get a kick out of that. They put all the overtime slips in there, they put all their requests for time off in there. It is my working mailbox and I know what is in there, I put stuff in there myself that I don't want to go into my office and file, I keep it there and I have a lot of paperwork in there, but it is no longer on my door since I moved my mailbox up front, it is very seldom loaded with paperwork, the faxes aren't being put in there any longer, the general generic faxes aren't coming in which was a form of harassment by some of the officers.

Still you don't go into my mailbox out here and take stuff out or move my mailbox?

No. If I put something in your mailbox that I want to direct to you I would put it in but I do not remove anything, I don't remove your mailbox and put it somewhere that you don't know where it is at.

So a letter from Officer Bardwell to you with the complaint as was written to the Mayor could have been put in the mailbox on your door.

It could have been, but it wasn't there. I go through the mailbox to see what was in there and it was not in there.

Ms DeHoff asks if he checks his inbox daily then is what you are saying?

Occasionally, not daily sometimes I'm not in there because of meetings I go to and sometimes I don't get in here every day, but I come in on the weekends and grab paper work and take it home, whatever I have to do with it.

And there would be some pretty important paperwork that would be put in your mailbox?

There can be important paperwork that goes into officers' files that I have to file and put away in my personnel files and do other things like that or send out or record checks I need to do.

Do you do the vacation requests that are put in there.

The vacation requests come in, the sick leave forms come to me, I initial off on them and take them forward to the Fiscal Officer so he document it, but vacation request days off requests are put. Some purchase orders that are not submitted directly by the officer, some of the officers have the ability to write requisitions for repairs to the cruisers, he can take them forward without my signature.

So all that stuff would not go in your box?

It may not go in my box, they may give me a copy of it for my records, it may be in there also, yes.

So, things like new officer hires for things that need to be submitted, that would be in your box?

It would be if I already faxed them down and haven't gotten back to put them in that officer's personnel jacket.

Okay. It wouldn't hang around for a couple of weeks?

It could be in that box before I get back in the office to put it in there.

There are some pictures up on the front table that were taken in June, would you say that that is what your box normally looks like?

It could at times look like that from the distance, there is a calendar on there. There's a phone message attached there, I see a schedule in there. It looks like that, it looks worse, it's looked better.

So by walking past your door you could see what was in your box, it's not a matter of going through your box?

It's a plastic, I don't know what you call it. It's a smoky dark color plastic, you can't read unless you pull it out of the box because the only part of it sticking out would be the right hand side of it.

But if the officer had put some important stuff in to your box, they would know what was in there, correct?

Possibly, yes.

Okay, has Officer Bardwell ever called you?

If there was a specific need or problem, or if he called on shift, yes, he has called me.

So do you have a good relationship with Officer Bardwell?

Not particularly.

That is all for the moment.

The fact that we have mail in the Chief's mailbox or any quantity of mail in the Chief's mailbox I'm not sure what that has any relevance to. As far as we are concerned in the structure of what we are looking at here. If it was empty or full, we are addressing whether it was appropriate to remove and put on the Mayor's desk.

Nothing more for the Chief.

I don't know exactly why Cheryl is here.

I have a question for Cheryl. This whole matter came to my attention, you sent an e-mail to Mike Sullivan, myself and Scot. Did you know what was in the letter, the contents of the letter?

Well, at that time yes because that was, the Mayor must have gotten notice that a Safety Meeting needed to be scheduled within a certain amount of time and that's what was in that letter along with Officer Bardwell's grievance because I get an e-mail earlier explaining that there are envelopes in your mailbox and I was asked if you had picked them up as yet and then I explained that it was important and they needed to be picked up.

Had Officer Bardwell had any conversations with you about problems prior to this e-mail?

Yes.

What did share with you.

He had called because he had asked me what the steps were to file a grievance and at that time I had explained that it is in the Employee Handbook. I was told at that time he did not have an employees handbook and that is when I got mine out and I went through the steps.

Officer Bardwell told us in the Safety Committee grievance hearing that he was given a handbook when he started in January 2007.

I'm just telling you what I was told.

Cheryl, how many times have you seen Officer Bardwell come to visit the Mayor?

Like since it happened? I've seen him on numerous occasions, I don't have an exact number but there have been numerous occasions that he has come up to the front, at least

three times. Before the officers used to be allowed to come say good morning or whatever, and now it is pretty much if they need to come up it needs to be either to talk with the Fiscal Officer or the Mayor.

Have you ever gone back and put things in the Chief's box?

No, we have this box here. I have always put stuff in this box, I've never messed with that box in the back because he has this one up here.

Would you state your whole name for the record?

Cheryl Marcelli.

I'll read the Affidavit of Sergeant Stiles:

The Affidavit of Sergeant Dan Stiles, being first duly sworn deposes and says that on personal knowledge the following:

1. I had a conversation with Mayor Tucker, I believe on Sunday, February 8, 2009 regarding an incident with Officer Aaron Bardwell.
2. Mayor Tucker informed me that Officer Bardwell had approached him with a letter citing several problems in the police department. Mayor Tucker asked if I was aware of the letter.
3. I told Mayor Tucker that I did not remember seeing a letter, but I told Mayor Tucker that Officer Bardwell had approached me with several complaints and he was concerned about regarding the police department.
4. I informed the Mayor that after Officer Bardwell explained his complaints and concerns to me I informed Officer Bardwell that I was unable to help him due to the fact that I had no control over the issues that he had mentioned.
5. I told Mayor Tucker that I directed Officer Bardwell to the Chief or the Mayor concerning these complaints and the concerns that he had.
6. Mayor Tucker asked me what issues Officer Bardwell had concerns with or questions about, but I told Mayor Tucker that I could not remember them all, however, some of the issues and complaints dealt with new equipment and cruisers, requests for reports and background checks that were being ignored, unapproved vacation holiday requests, no departmental training and no printed work schedule.
7. Mayor Tucker said that Officer Bardwell "kind of" followed the chain of command and that Mayor Tucker and I would talk at a later date.

Signed by Sergeant Dan Stiles, March 17, 2009 and notarized.

Now the ORC says that a witness to be presented and examined but Ms DeHoff has agreed to accept just the affidavit of Officer Stiles, is that correct Ms DeHoff?

That is correct.

I don't know if Council wants to ask Stiles questions, if that is the case we will have to continue this hearing at a later date, but at least Ms DeHoff has accepted the affidavit of Sgt Stiles.

The only other question I would have and I don't know if directly pertains to what we are discussing is doesn't state in here that the concerns were raised to the chief by the sergeant. Did that happen, yes or no and if it didn't, why didn't, but again that isn't going to perview here, so I'm not looking passed this, I do have a question but the question does not pertain to this issue.

Any other questions for any of the witnesses. The floor is open.

Mr Hough states that the Affidavit of Sgt. Stiles directed Officer Bardwell to the Chief or the Mayor.

Officer Bardwell, what were you told?

I was told I would have to take it to the Chief or the Mayor. How can I go to the Chief and say, why aren't you doing your job? That's your job to empty that out and make sure things are signed and make sure officers work is sent to London, what's he going to tell me?

Well my point in that question would be where is it and your thinking that it is your position to tell the Chief what his job is.

It is not, that is why I went to the Mayor.

Now you went to the Mayor via the moving of the mail box.

I went to the Mayor three times prior to that trying to get things squared away and I was told that the Chief is the Chief and that is just that and if I didn't like it I could find another job.

I can feel your heart burn with that, I would understand that too. But again my point is being a non commissioned officer in the military, you know the chain of command and whether you like the chain of command or not you follow the chain of command. At this point it did not happen. Your chain of command is Sgt Stiles, the Chief of Police, the Mayor. The statement you made that says there was no point in going to the Chief because the problem was with the Chief which my understanding is that in your own mind you made up that you were going to bypass the Chief so there is no point in going to the Chief, is that a true statement?

Yes.

Officer Bardwell, in the past have you tried to contact the Chief?

Yes, I have.

And what has happened?

I spoke to him for a few minutes and then his phone disconnects.

Okay, how many times have you seen him when you are going off shift?

What time period are we talking?

Last year.

Zero.

And what is your shift?

I was working midnights to 7:00 a.m.

So in the last year, you have seen the Chief exactly zero times?

I wouldn't say zero, I saw him once when the Mayor came in and passed out the new policy procedures that they came up with and once when I was suspended.

So that's two times in a year.

Two times in a year, yes.

And the times you have tried to call him on the phone the calls disconnected, so did you feel like you could talk to the Chief?

No.

Did you and the Chief have a good relationship?

Negative.

So why exactly did you remove the mailbox and put it on the Mayor's desk?

To bring attention to the fact that there were certain things in that mailbox that needed to be taken care which subsequently after that happened they were immediately taken care of.

So how did you know those things were in the mailbox?

Because I put some of those things in the mailbox and other officers have put things in that mailbox and the main problem in question was hanging on the outside of the mailbox for three and a half weeks.

And what would that be?

That was the officer appointment, new officer appointment for Officer Clark that had not been signed by the Chief, so I know it wasn't faxed.

So what happens if an Officer is hired and it is not sent on time?

I believe it says right on the sheet within 10 days. Officer Clark has been working here for 5 ½ months, and the Chief of Police still has not sent that paperwork in 5 ½ months so the State of Ohio had no idea that he was even a police officer anywhere in the State of Ohio.

What would happen to the Village of Hartville if he was involved in an incident and not certified in Ohio.

I don't have any idea, that's why I asked in the memo that they speak with the Village Attorney on that.

Again, I'm trying to figure out why in all of this that you felt that it was your job to take on something that to do with another officer, number one and even if the Chief wasn't checking his mailbox at all, again, under what authority did you grant yourself do you feel obligated to take care of it at all? Again, we're back to the same thing.

What was the first question again?

First of all, why did you find it necessary to take on anything that dealt with Officer Clark?

Because he is a police officer in this Village and in the State of Ohio and there are certain responsibility and oath of office that I took to make sure things are done and done correctly.

Which correctly you mean? My point is that fact is if you disagree with the departmental policy or the way the department is being run, do you believe that it gives you some authority outside of your current authority outside of your current authority to handle that?

If I had a problem with the way the department was being run by the department head I would go to his boss which is exactly what I did.

But we're back to the whole chain of command question. You are obligated as a non commissioned officer in the military or as a police officer in the Village are you not supposed to follow your chain of command.

I think we have established that the chief doesn't talk to me and I don't talk to the Chief.

Again, my point is whether or not you like it, you are obligated as a police officer duly sworn as a non commissioned officer in the military to follow the chain of command, are you not?

Yes, I am.

What rank were you in the service?

I was a sergeant.

And your commanding officer right above you was?

A warrant officer.

You signed a code of ethics Aaron, that said in part, I will seek affirmative ways to comply with the standards of my department and the lawful directions of my supervisors and it goes on further to say that I will not allow another's actions or failings to be my excuse for not performing my duties in a responsible, professional and expected manner. If this whole matter was of such importance to you why did you never make it a point to get in the Chief's face and say we need to talk?

Because in the past I have done that and it has gone no where. It goes back to the fact that he does not talk to me.

Wait a minute you just said that you didn't talk to the Chief about this problem.

How long have you worked here?

Two years.

So in the last year you have not spoke?

Have you ever spoken to the Chief about this problem.

This exact problem?

No.

Have you spoken to the Chief about different problems?

Yes.

And what happened?

Nothing was accomplished.

Was this under this administration?

This term Mayor? No.

This is a rhetorical question, but in the military which branch was it?

Army.

Had you taken your sergeant's, he was your supervisor?

I was the sergeant he was a warrant officer.

Had you taken or even thought about taking a mailbox off his door and putting it on the guy above him on his door?

No, because in the military we made sure things were done.

I want to express something here, I worked midnight shift as well, I never, except for Christmas party and very rarely on pay day if I am there to pick up my paperwork, do I ever see the main who is over my department. I may occasionally see my shift supervisor and that is only if he follows me on the shift rotation and so for you not to see the Chief for a year is not out of the ordinary in that situation. I rarely ever see the guy two steps above me and I work on midnight.

This is the letter that was on the mailbox correct?

Yes.

Officer Bardwell you wrote the letter?

Yes.

Due to the Chief working from home and not checking his box since November of last year, maybe somebody else in the front office can take care of his job for him. How did you arrive at that understanding?

The officers in the department were told by the Mayor that the Chief would be working from home.

I mean he hasn't check his inbox since November.

Because there was paperwork in there since November.

And you work how many days a week.

I was working four shifts a week.

So you are here four days a week, so that leaves 3 days a week and I heard the Chief say in the past in his testimony that he sometimes comes in on the weekend. So we don't know for sure whether he checks it or not. Correct?

It is an assumption.

Aaron, did you not tell the Safety Committee that you had not looked in the mailbox?

I didn't look through the mailbox.

Well how did you know that there was stuff in there from November?

Because if it doesn't get checked for but every four months you tend to realize and write down when the last time it was checked.

How do you know when it was checked?

Because that was the last time it was emptied.

But emptied and checked are two different animals.

Well if you have paperwork that you need to send somewhere or fill out or sign off on, I would think that once you took it out and give it to the proper person it would be gone out of the box, would you not?

But if you didn't look in there, how would you know what was in there?

I think the Chief made the implication that he used the box on the door as a file box until he gets it filed elsewhere.

Officer Bardwell takes pride in his work and he believes that things should be done correctly. He likes the Village of Hartville, he likes being a police officer here. Christopher Clark was appointed on September 2, 2008, this was not signed until 12/22/08 and that is a lot longer than the 10 days required by law which can result in fines for you and if something would have happened it would have ended up in a liability for you. I don't think you guys would like lawsuits filed because this form which was not filled out correctly and on time and faxed in. Whether or not you believe that Officer Bardwell is a good guy, yes they butt heads, the Chief and Officer Bardwell. They admitted that they don't like each other so that could be why he isn't going to the Chief because he feels nothing is going to be done, so he went to the Mayor. Was that proper procedure, I don't know because I am not in the military nor have I ever been, but if you can't speak with the Chief then you are going to go to his superior. I think the five day suspension is incredibly harsh for someone who has nothing in his personnel file any other disciplinary records. This wasn't even in his personnel file when I got it.

There are four photographs of the door pocket which was taken on June 26 and 27th, 2008 at 11:00 p.m.

Exhibit A is the letter from Officer Bardwell.

Exhibit B is the interoffice memo.

Exhibit C is the photographs

Exhibit D is the peace officer appointment

Exhibit E is the Safety Committee recommendations.

Exhibit F is the Affidavit of Sgt. Stiles.

Officer Clark is in full standing.

Return to Council meeting.