

**Decision in the Matter of
Pre-Disciplinary Hearing
Between The Yellow Springs Police Department
and
Yellow Springs Police Officer David Meister**

On February 7, 2019, the parties held a pre-disciplinary hearing between Yellow Springs Police Department(hereinafter referred to as YSPD) and Officer David Meister. At the hearing, the undersigned took testimony from YSPD Chief Brian Carlson, Sergeant Josh Knapp, Officer Paul Raffoul, Dispatcher Ruth Peterson and Officer David Meister. All witness were properly sworn prior to their testimony.

In addition to the testimony referenced above, the undersigned also reviewed the following exhibits introduced into evidence at the hearing: YSPD A-I-C from making allegations of misconduct against Officer Meister, Clark County Sheriff's Department(hereinafter referred to as CCSD) investigation into the alleged misconduct by Officer Meister, Ohio Uniform Incident Report filed by Officer Paul Raffoul. Ohio Uniform Narrative Supplement Report signed by Chief Brian Carlson, call logs from December 13, 2018, time sheet of Officer David Meister, prior disciplinary hearing conducted by Xenia Chief of Police Donald Person, Memorandum of Understanding

between Officer David Meister and the YSPD, YSPD Policy Section 410 Overtime Compensation, YSPD Overtime Procedures Policy, YSPD Policy 320, et seq. Standards of Conduct, YSPD Policy Section 342 Off-Duty Law Enforcement Actions, OCLEAC Standards Compliance Checklist, Updated 2017, YSPD Policy 329 Death Investigation, YSPD General Order 2.2(A) Guidelines for Effective Policing, effective March 16, 2017, YSPD Policy Section 703 Unacceptable Behavior, YSPD Law Enforcement Code of Ethics, and written closing arguments of counsel for the Village of Yellow Springs and counsel for Officer David Meister. The decision which follows is based upon a thorough review of all of the above as well as my assessment of the truthfulness, credibility, and veracity of all those who testified.

YSPD

The makeup of the YSPD is relevant to the matters at hand. By any definition, YSPD is a small police department, consisting of 9 full-time and 2 part-time officers. The department is organized around a one-crew system. This means, that when there is a call to the police department, its policy is to send one officer in response to that call, regardless of the nature of the call. The YSPD has no policy that mandates sending more than one officer in response to any call.

The YSPD also has no policy regarding limiting the less experienced officers to certain calls for a period of time after they start with the department. Chief Carlson stated that Officer Raffoul was deemed by the department to be competent to handle any call

he was requested to respond to while on duty with the YSPD, regardless of its severity. On December 13, 2018, Officer Raffoul had eight months experience with the YSPD, Officer Meister nine years.

THE INCIDENT OF DECEMBER 13, 2018

December 13, 2018 began normally for Officer Meister. His shift began at 11:00 a.m. It was to end at 9:00 p.m. Officer Raffoul, the newest member of the YSPD, the “rookie,” was to begin his shift at 9:00 p.m.

At 8:45 p.m., Officer Meister received a call regarding vandalism. He responded to the scene of that call and completed his investigation. He then returned to the station to complete his paperwork. Officer Meister received the vandalism call prior to the end of his scheduled shift. The paperwork required to complete that call required Officer Meister to work beyond his regularly scheduled shift end-time of 9:00 p.m. Per YSPD policy, Officer Meister took himself off duty after completing his paperwork. He logged 10 hours of regular pay and 1.25 hours of overtime pay.

Officer Meister was off duty, but still at the station and in uniform of the day, when events took an unexpected turn. Around 10:22 p.m., 911 calls came into Xenia and were routed to Dispatcher Ruth Peterson. (The time periods referenced in this decision are taken from the call logs admitted as evidence during the hearing on February 7, 2019. The times recorded in the logs are close in time to the events to which they relate, but are not recorded in real time. The only time-stamp that is in real-time are the audios of the actual 911

calls. In addition to the call logs, I also reviewed video inside the YSPD temporary dispatch center. The time-stamp on the video and times on the 911 call logs were compared to arrive at the most accurate time-line possible.)The calls were chaotic. Originally, one caller reported a shooting. That was later discounted and Dispatcher Peterson was told it was fireworks, not a shooting. Originally, medic crews were dispatched because of a shooting and later recalled because there was no shooting only fireworks. Subsequent calls again referenced a shooting. One caller stated that there was a shooting on a balcony and a person was seen running from the shooting scene carrying an AR15 and wearing a bullet-proof vest. This person allegedly got into a black Volvo and left the scene. The information was so chaotic that, when Officer Raffoul left the dispatch office to respond to the call, he thought he was going on a noise complaint.

At 10:28:35 p.m. Officer Raffoul leaves the dispatch area to respond to the call. He is in his cruiser at 10:29:02 p.m. He arrives at the scene at approximately 10:30p.m. After arriving at the scene, Officer Raffoul call in a "Code 10" which means a dead body. Officer Meister was still at the dispatch center when that call came in. Officer Meister testified that he told Dispatcher Peterson "this is where you call a supervisor and I am going home." Dispatcher Peterson confirmed this conversation and also confirmed that Officer Meister's instructions to call a supervisor were correct. Officer Meister also testified that he told Dispatcher Peterson that if he was needed to call

him and he would go to the scene. Dispatcher Peterson testified that she did not recall hearing that conversation. She did not deny that it took place, but, given all that was going on at the time, she does not recall it.

Officer Meister is seen on the video leaving the dispatch building. Around two minutes later, his car is seen leaving the parking lot. Officer Meister testified that during those two minutes, he was monitoring the radio to determine if his assistance was necessary. He determined that it was not, and he went home.

Officer Raffoul was alone at the scene for approximately 11 minutes until Fire Chief Altman. In those 11 minutes between Officer Raffoul arriving on scene and Chief Altman arriving on scene, Officer Raffoul had viewed the scene, located and made safe the gun fired by Mr. Livingston, and contacted Dispatcher Peterson to inform her that the information about a fleeing shooter may not be accurate. After securing the scene, Officer Raffoul permitted medic crews access to the scene to perform their functions.

While Officer Raffoul was on scene, Officer Meister was listening to the radio, both in the dispatch area and in his car. Officer Meister testified that, in listening to the radio, he learned that the scene was secure, there was no active shooter and that Officer Raffoul appeared calm and to have control of the scene. Officer Meister testified that Officer Raffoul did everything right. Based upon what he heard, Officer Meister felt his assistance was unnecessary.

Based upon YSPD procedures, medics, rescue, and other YSPD officers including Sergeant Knopp and Chief Carlson responded to the scene. Kenneth Livingston was pronounced dead at the scene. The Coroner subsequently determined the cause of death to be an accidental shooting.

THE INVESTIGATION

On December 18, 2018, YSPD contacted the CCSD requesting an investigation into the conduct of Officer Meister during the events of 13 December 2018. Detective Brian Melchi and Deputy Amanda Mitchell from the CCSD conducted the investigation. Their report was an exhibit introduced into evidence at the hearing on 7 February 2019. Their investigation included reviewing videos, listening to 911 calls, and interviewing Officers Raffoul, Meister, and Dispatcher Ruth Peterson.

The CCSD concluded its investigation with the following findings:

1. In addition to the materials reviewed and the interviews conducted, the CCSD reviewed two sections of the YSPD departmental policies. One policy addressed overtime pay to officers who are off duty. The investigators from the CCSD found this policy to “be very open ended” and, in the opinion of the investigators, not applicable to the 911 call involving Mr. Livingston. The other document reviewed by CCSD was the Law Enforcement Code of Ethics. The CCSD opined that Officer Meister violated the Code ethics in failing to respond to the 911 call, and Officer Meister also

violated the Code of Ethics by telling his wife that Mr. Livingston was dead.

2. The CCSD found that Officer Meister, by calling in to 911 after getting home, and his wife's calls to 911 violated Section 320.5.8 Section D of the YSPD Policy Manual because their calls to 911 tied up phone lines and interfered with the ability of the dispatcher to perform her duties.

3. Finally, the CCSD opined that Officer Meister violated Section 703 of the personnel policy in that Officer Meister engaged in dishonesty and neglect of duty.

It is these findings that I have been asked to review.

YSPD POLICIES AND PROCEDURES

YSPD Code Of Ethics

The code of ethics states in part, "As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice...Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty."

410 Overtime Compensation

"Overtime work must receive prior authorization by the supervisor." All parties who testified agreed that if an officer takes a call while on duty, which call takes the officer past his/her normal end

of shift time, that Supervisor approval of that overtime is not required. The parties also testified that once an officer is off-duty, additional calls that would require overtime pay required prior Supervisor approval. Finally, that Officer Meister was off-duty when the 911 call came in is not disputed. Dispatcher Peterson testified that she keeps officers on the log sheet as long as they remain in the station, even after they are off duty. Dispatcher Peterson testified that an officer could be off duty for an hour or more while still at the station, perhaps interacting with other officers. In that situation, Dispatcher Peterson will still show the officer as logged in, even when he is not. This is a personal thing that Dispatcher Peterson does. Dispatcher Peterson testified that this practice is her personal practice and is not procedure required by the YSPD and is not determinative of whether an officer is on or off duty at any given time.

Standard of Conduct 320.5.8(d)

Interfering with any investigation or case being handled by other employees of the police department or by any other governmental agency unless a supervisor orders the intervention, or with the belief, beyond a reasonable doubt, that a manifest injustice would result from failure to take immediate action.

ANALYSIS OF THE VIOLATIONS SET FORTH BY THE CCSD

Zoe Meister Claims- Code of Ethics, Breach of Confidentiality

I address this claim first as it is the easiest to dispose of. I find no violation of department policy by Officer Meister regarding any

conversation he had with his wife, which appeared to be limited to the fact that Mr. Livingston was deceased.

In finding that Officer Meister violated to Code of Ethics, the CCSD relied on the following language: **"Whatever I see or hear of a confidential nature or that is confided to me in my official capacity** will be kept ever secret unless relegation is necessary in the performance of my duty."(emphasis added) Mr. Livingston shot himself on a balcony in front of numerous people. There were several 911 call to that effect shortly after the gun went off. Yellow Springs is a small community. While the grapevine may not be as fast as a radio, in Yellow Springs the difference in speed between the two is minimal. When he got home, Officer Meister told his wife that Mr. Livingston had died. The evidence in the form of 911 calls points to the fact that Mr. Livingston's death was something of which she was already aware. By the time Officer Meister spoke to his wife, news of Mr. Livingston's death was anything but confidential. Additionally, the evidence produced at the hearing establishes that Officer Meister followed protocol and released no information. [REDACTED] gave a written statement. [REDACTED] statement, in parts, says the following:

Dave was in plain clothes and his wife Zo was there. So I was very confused by there(spelling as in original statement) presence. It quickly became clear to me that [REDACTED] (estranged wife of Mr. Livingston, addition mine) was not ready to believe that something happened to Ken. After a little while (15 min maybe) [REDACTED] became agitated and asked Dave if it was true and what he knew. Dave said he was not at liberty to tell her anything.

Based upon the evidence presented, I find no violation of the Code of Ethics and find that Officer Meister should face no discipline for informing his wife that Mr. Livingston had died.

**Allegations that Officer Meister and Zoe Meister
Interfered With An Investigation in
Violation of Standard of Conduct 320.5.8(d)**

Like the previous allegation, I find this allegation to be factually unsupported by the record. I find that neither Officer Meister nor Zoe Meister interfered with an investigation. Officer Meister should face no discipline arising out of this allegation.

The genesis of this allegation is the 911 calls that Zoe Meister and Officer Meister made to Dispatcher Peterson after Officer Raffoul had been dispatched to the scene of the shooting interfered with the ability of Dispatcher Peterson to perform her duties. Zoe Meister called 911 three times. At no time did she ask Dispatcher Peterson to take any unauthorized action. In fact, when Dispatcher Peterson stated that she could not act in a certain manner, Zoe Meister clearly conveyed to Dispatcher Peterson that she understood the limitations Dispatcher Peterson was operating under. It also is noteworthy that, contrary to impeding the investigation of the death of Mr. Livingston, Zoe Meister provided important contact information of next-of-kin to Dispatcher Peterson that she could pass on to the proper authority.

As to the contact of Officer Meister, he called Dispatcher Peterson one time, asking if anyone was going to provide notification to [REDACTED] of her husband's death. This call established that Officer Meister had not informed Mr. Livingston's wife of his

death. In the conversation with Dispatcher Peterson, Officer Meister can be heard telling Dispatcher Peterson that [REDACTED] has already received several calls from people telling her that her husband had killed himself and she was wanting some official confirmation of that fact. That Mr. Livingston's wife had already received several calls about her husband's death is further confirmation of the absence of confidentiality of that fact.

Finally, in her testimony, Dispatcher Peterson never testified that the calls from Officer Meister or Zoe Meister impeded her or prevented her from performing her dispatch duties relative to the death of Mr. Livingston. I find these allegations unfounded. Officer Meister should face no discipline arising out of those allegations.

**YSPD 703 UNACCEPTABLE BEHAVIOR
NEGLECT OF DUTY
FAILURE TO RESPOND TO AN EMERGENCY CALL**

In deciding whether Officer Meister is guilty of a neglect of duty violation, the threshold question is what duty was violated? As counsel for the village stated in his closing argument, duty has more than one definition. One such is a moral or legal obligation; a responsibility. In the terms of police officers, it can also mean being at work, on the clock, "working, at work, busy, occupied, engaged; *informal* on the job." See generally, Webster's Dictionary definition of "duty." So, in this context, the term "duty" as applied to Officer Meister could mean his moral or legal obligation or simply working during the time of his shift. In looking at portions of the YSPD policy, it is clear that, at times, the term "duty" refers to working. Section

342.4 regarding off-duty officers getting involved in law enforcement activities states: “There is no legal requirement of **off-duty officers** to take law enforcement action.” (Emphasis added.) In this instance, it is clear that the term duty means work.

The term “neglect of duty” is defined by Black’s Law Dictionary as “Omission; failure to do something that one is bound to do.” The question upon which my decision rests is, did Officer Miester, by not assisting Officer Raffoul on a 911 call that came into the station after Officer Meister was no longer on the clock, but was still in uniform and at the station, fail to do something that he was bound to do?

Police officers are not working 27/7. That fact is evidenced by YSPD Policy 342 Off-Duty Law Enforcement Actions. Section 342.2 states that “Officers generally should not initiate law enforcement activities while off-duty.” 342.4 states “There is no legal requirement for off-duty officers to take law enforcement action.” Officers, like the rest of us, go to work and they go home to their private lives. Sergeant Knapp testified that he does not take his service radio home with him. He wants time away from the job and to be with his family. Does that mean that if he misses a call for help that he has neglected a duty? The absurdity of that reasoning is self-evident.

The CCSD investigators were of the opinion that Officer Meister was guilty of neglect of duty and the gravamen of that offense was his failure to accompany Officer Raffoul on the 911 call.

The YSPD, like all police departments, expects that if an officer needs assistance, it will be provided to him. Those who require

assistance will receive it. The corollary to that expectation is that those who are in need of assistance will ask for it. There was no evidence presented at the hearing that Officer Raffoul, at any time in responding to the shooting on 13 December 2018, ever requested the assistance of any other officer other than those who were automatically dispatched to the scene by the nature of the call. All the testimony presented showed Officer Raffoul to be a very capable YSPD officer who performed well. If the Village did not recognize him for the job he did on that day, it should.

Regarding the actions taken by Officer Raffoul, Officer Meister testified that, for several minutes, while in the dispatch area and in his car, he listened to the radio traffic regarding the accidental shooting of Mr. Livingston. According to Officer Meister, Officer Raffoul appeared at all times to be in control of the situation and not panicking in any way. Officer Meister also testified that, at no time, did Officer Raffoul ever radio for assistance. One of the reasons Officer Meister did not respond was that, in his judgment, Officer Raffoul was in control of the situation, supervisors were in route, per department policy, and he, Officer Meister, could offer no additional assistance. Therefore, he went home.

The other reason that Officer Meister did not respond, according to him, is found in YSPD policy 410 Overtime Compensation. As stated previously, that policy states "Overtime work must receive prior authorization by the supervisor." At the time the call came in, Officer Meister was off-duty. His read of Section 410 led him to

believe that he needed prior supervisor approval to go back on the clock. It is noteworthy that when the CCSD investigators prepared their report, they stated that Section 410 was “open-ended.” They then took the view that, as written, it was their opinion that the policy did not apply to the situation with Officer Raffoul.

Officer Meister testified that in meetings, he, along with other officers, were told to keep overtime to a minimum. Sergeant Knapp, when asked about the overtime policy, stated that officers were abusing overtime by coming in on weekends to complete their paperwork that they should have done while working their shift. Sergeant Knapp was of the opinion, as was Chief Carlson, that the overtime policy was never meant to apply to this situation. However, in terms of written policy, what you mean is less important than what you say.

“Open-ended” as used by the CCSD in its report has been defined as something “having no set limits.” A policy that is open-ended is subject to more than one interpretation. When I looked up synonyms for “open-ended,” “ambiguous” was one word that came up. In deciding whether any officer should face discipline based upon his reading of a policy that the CCSD concedes is capable of more than one interpretation, I fall back to a basic concept of contract law. Written policies are construed strictly against the drafter of the policy, in this case, Yellow Springs. A literal reading of Section 410 supports Officer Meister’s position that he needed prior supervisor approval for overtime. That the CCSD has a different interpretation of that policy is

neither persuasive nor dispositive. If the YSPD wants to remove that ambiguity, it is free to do so. For now, that ambiguity is resolved in favor of Officer Meister.

In reviewing the policies and procedures of the YSPD, there are no written guidelines on this issue. During the hearing, YSPD Chief of Police Carlson testified that he felt it was wrong that Officer Meister left Officer Raffoul alone at the scene. The YSPD policy is that officers responding to call, regardless of their nature, respond alone. Officer Meister himself was alone for several minutes holding a robbery suspect at gunpoint until help arrived. There is no policy that, in certain instances, officers must respond via a crew of two officers. If the YSPD feels that current policy is inadequate or unsafe, change the policy. Those officers who respond know they are doing so alone. They also know that any officer who require assistance will receive it. However, it is expected that those who desire assistance will ask for it. Officer Raffoul never asked for it.

Finally, there are issues of selective enforcement that are troubling. That Officer Meister was not on duty when the 911 call came in is admitted. That he was at the station and in uniform is also true. Officer Meister listened to the radio traffic and made a judgment decision, based on his experience, that his assistance was not necessary. That the Chief of Police and other officers disagreed with that decision and would have taken a different course of action was on full display at the hearing. However, when the decision to discipline an officer becomes based, not on an objective and written

policy, but rather is based upon a comparison of what one officer did to what another officer would have done in the same situation, the ability to be able to follow any rule or regulation becomes impossible and the ability to discipline any officer at any time for anything becomes a reality.

Also problematic is the apparent relationship of discipline to proximity to the dispatch office. If at the time of the 911 call and the dispatching of Officer Raffoul to the scene, Officer Meister was 10 feet outside of the door to dispatch, walking to his car, in uniform, with his radio on, no disciplinary action would be taken against him. 10 feet should not be the determining factor as to whether an officer faces discipline.

In my attempts to find one definition of neglect of duty, I was unable to do so. The case law seems to address each case on its own as to whether any specific act rises to neglect. Defining neglect appears similar to what United States Supreme Court Justice Potter Stewart said regarding obscenity in *Jacobellis v. Ohio*:

I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description ["hard-core pornography"], and perhaps I could never succeed in intelligibly doing so. But *I know it when I see it*, and the motion picture involved in this case is not that

However, I cite one case for an example. In Cummins, II -v- Village of Minster, Ohio, Court of Appeals Of Ohio, Third District, Auglaize County, 43 N.E.3d 902(2015), the court found the following conduct to be neglect of duty:

The trial court specifically found that 1) on multiple occasions, Cummins had allowed his mistress to ride in his cruiser for four to six hours; 2) while on patrol, Cummins would leave his vehicle for various periods of time to be with his mistress; 3) Cummins continued to smoke in his patrol car on multiple occasions after a policy was put in place prohibiting such acts; 4) Cummins used the janitor's sink in the garage as a urinal; 5) Cummins complained to subordinates about other officers whom he suspected of reporting his behavior to the chief; and 6) Cummins made racial epithets repeatedly. *Id.* at 23–27. These findings were supported by the testimony of the mistress, other officers, the statements made by Cummins at the first hearing, and the exhibits provided by the parties. Feb. 4, 2014 Tr., Feb. 5, 2014 Tr., and Exhibits. Based upon this behavior, the trial court determined that Cummins' conduct had “imperiled his state of readiness to such an extent that it amounted to gross neglect of duty.” *Id.* at 27 Oct. 5, 2015.

Neglect of duty is more than a judgment call that others disagree with. It is a conscious disregard of the obligations of a police officer while on duty and performing his or her job functions. By way of illustration, had this 911 call arrived at dispatch who then gave the call to Officer Miester who then refused to answer the call because his shift ended in 10 minutes, that would be neglect of duty. Those facts are not present here.

I find that Officer Meister, having ended his shift violated no YSPD policy in not providing assistance to another officer who was not requesting assistance. I also find that Officer Meister's reliance upon Section 410 requiring prior approval of overtime to be reasonable.

YSPD 703 UNACCEPTABLE BEHAVIOR DISHONESTY

The CCSD investigators were of the opinion that Officer Meister was untruthful regarding his testimony that he told Dispatcher Peterson that he was available to be called out if necessary. According to the CCSD report, Dispatcher Peterson said “he did not say that because if he had said that, she would have told him to go to the scene to assist.” Dispatcher Peterson testified about this conversation at the hearing on 7 February 2019. In two areas, her testimony differs from the testimony attributed to her by the CCSD investigators. One difference is that Dispatcher Peterson never stated that Officer Meister did not say he was available to go to the scene. She testified that she does not recall hearing that conversation. Secondly, Dispatcher Peterson testified that she has no authority to send anyone to a scene. Counsel for the Village also asked about a quote attributed to Officer Meister in the Yellow Springs News “I was never asked to go to told to go and it was not my call to take,” he said. No, I didn’t offer [to go] But I was not asked.” In his testimony, Officer Meister said he was misquoted.

During the hearing, I found all witness to be credible and forthright in their testimony. There were differences of opinions and the witnesses all remembered some things differently than others. However, I found no reliable evidence that leads me to find that Officer Meister was untruthful. I find no violation and find that Officer Meister should receive no discipline based on these allegations.

CONCLUSION

To begin, I wish to commend Attorney Christopher Conard and Attorney David Duwel for their preparation, presentation, and professionalism throughout a hearing that was emotionally charged and with much at stake. They exemplified the best of what lawyers should strive to be.

Being a police officer is different from all other non-military forms of employment. It is a career where those who do it believe that they must be there for other officers and other officers must be there for them. It is a calling where, at times, the only person a police officer can rely upon is another police officer. The relationship between police officers is, at its core, based upon trust. It is also career that is highly dependent upon the judgement of the individual officers who make up a police department. Every day, those who put on the uniform must make judgment calls that can, and often do, have long-term consequences. Do I stop this car or not? Do I arrest or counsel? Do I fight or diffuse? Do I draw my weapon or stand down? Do I fire my weapon or is there another option? Only those who do it can truly understand what the job requires.

However, a career in law enforcement is also a job. The officers are employees, and usually, but not always, a municipality is the employer. In every employer-employee relationship, the employer has a right to expect certain conduct from its employees. Conversely, those employees have the right to know what is expected of them

and to be able to look to rules and regulations to know what is required of them in the day-to-day execution of their duty. While the relationships between officers on the street may involve an unwritten code of what is expected of police officers relative to each other, the relationship between any one officer and his employer must be more concrete and objective.

In the events leading up to this hearing, I find that interactions between Chief Carlson and Officer Meister relative to prior discipline handed down to Officer Meister played a role in the events leading to this hearing. In the hearing, it was apparent to me that Chief Carlson has reservations about Officer Meister's judgment and decision making, and he viewed the actions of Officer Meister on December 13, 2018, both through the lens of those reservations, and the lens of what would other officers have done in the same situation. Officer Meister, on the other hand, had felt he was under a microscope where any misstep, no matter how small, could result in him losing his job. Rules and regulations had to be followed. "I"s had to be dotted, "T"s had to be crossed. My decision is not constrained by those limitations.

In the final analysis, the decisions made by Officer Meister were judgment decisions that his testimony reasonably supported and which the testimony of the YSPD Chief, officers, and employees did not adequately dispel. To discipline Officer Meister, or any other officer for that matter, it is incumbent upon the YSSD to point to clear violation of established policy. This, the Village did not do. Accordingly, I find that Officer Meister was under no duty to

accompany Officer Raffoul to the scene of a 911 call on 13 December 2018. Officer Meister violated no policies regarding the incidents that took place on 13 December 2018. I find that no discipline should be imposed upon him arising out of the actions that Officer Meister took, or did not take, on December 13, 2018, or that are related to the events that transpired on 13 December 2018.

Respectfully submitted,



Jeffrey A. Hazlett

18 February 2019