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Officers in dispute cited before Sagamore Hills custody investigation reveals blemished history

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Two of the Sagamore Hills police officers who interceded in a controversial custody dispute have documented histories of bad judgment, disciplinary problems and use of force.

They were part of a trio of police who ultimately arrested a Sagamore Hills woman who had legal custody of her 8-year-old daughter. Their action June 8 allowed the woman's ex-husband to take the child out of the country for his wedding despite the woman's objections.

The officers told investigators that Somier McLaughlin became increasingly abusive and aggressive, ultimately kicking one of the officers in the groin. She is awaiting trial on related charges in Summit County Common Pleas Court.

According to township records, Sgt. Mark Podgorski, the officer in charge during McLaughlin's arrest, has a history of disciplinary problems. He received three-day suspensions on three occasions in as many years, mainly for threatening, abusive conduct toward other police officers.

The first suspension, in 2003, notes that Podgorski also submitted a report about a confrontation with another officer that included falsehoods.

An internal investigation in 1997 noted an off-duty episode where Podgorski was drunk at a wedding. The report also said another officer "knows of occasions where Mark had been drinking before coming to work."

In 1993 and 2004, Podgorski was relieved of duty and sent home after taking Breathalyzer tests. The 2004 test was below the legal limit, but the police chief still insisted Podgorski go home.

In 1999, the department ordered him to undergo psychological testing because of two sexual-harassment complaints.

One of the other officers involved in the incident at McLaughlin's house, Patrolman Tim Ellis, was fired by Woodmere in 2004 for using a Taser on a woman in her car during a traffic stop, according to village records.

His personnel file is a bit ambiguous about the severity of the Tasing. But a videotape indicates that Ellis had difficulty controlling what should have been a routine traffic stop.

Inside of 16 minutes, he orders the woman out of the car, she gets out, he orders her back in, she gets in, then he orders her back out. When she refuses, he uses the Taser.

During an interlude before the Tasing, a laid-off Cleveland police officer who was working for Woodmere talks to the woman alone. She is perfectly calm.

The woman was cited for three offenses, but the village later dropped the charges.

Ellis is the subject of a civil rights complaint that the Justice Department is pursuing on his behalf against Woodmere alleging racial discrimination. Ellis is white and many on that department are black.

He was fired during his probationary period.

In Sagamore, Ellis was involved in two similar incidents last year, leading to his suspension and psychological evaluation.

In one, he ordered a man out of his car during a traffic stop, ordered him back in, then reached in and forcibly removed him from the car. In the other, he pepper-sprayed a truck driver. A memo from the police chief at the time said Ellis had no basis for stopping the trucker in the first place.

An internal review by a Sagamore sergeant voiced concern about Ellis' aggression, and his apparent inability to de-escalate tense situations.

The third officer involved in McLaughlin's arrest, Detective Ken Wolf, has a record with no significant disciplinary problems.

An independent investigation into the arrest said Podgorski used bad judgment in going to the woman's home at 1 a.m., and that he and the other officers should have left when she told them to.

The three officers had no warrant, writ or court order granting them access to the home.

The report also said McLaughlin was responsible for her own arrest because of her abusive language and assault on Podgorski.

John F. Corrigan, her lawyer, said earlier that McLaughlin was within her rights to expel the police officers from her home by any means at hand. He characterized the officers as lawless thugs who had no business there.

McLaughlin has complained that the three officers became involved because her ex-husband is a Summit County sheriff's lieutenant. An investigation found that he did nothing wrong.

David Hayes, the current Sagamore chief, said he has only been there since April "and that really isn't a long enough time to form an opinion" about any of the officers. He said he is still reviewing the independent investigation of the McLaughlin arrest.

Ellis and Podgorski did not respond to a request for interviews.

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McLaughlin

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