



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Dornat (Wayne) A. Drummond, Chief
FBI NA #230
Division of Police
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Cleveland, Ohio 44113
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Disposition Letter

September 6, 2022

Patrol Officer Jonathan Smith #2120
C/o First District Headquarters
3895 West 130th Street
Cleveland, Ohio 44111

Re: IU2022-0008

Patrol Officer Smith #2120:

This letter is to advise you, Patrol Officer Jonathan Smith #2120, of the result of the administrative pre-disciplinary hearing you attended on August 22, 2022, to address an internal investigation wherein you were alleged to have engaged in improper procedure and/or conduct.

STATEMENT OF POLICY

In part: The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of Divisional charges which can result in suspension, loss of pay, demotion or termination. The rules and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and a General Police Order, the Rule provision shall be adhered to.

SPECIFICATIONS

Specification #1: (IU2022-0008) On or about March 5, 2022, you, Patrol Officer Jonathan Smith #2120, were driving a motor vehicle while under the influence of alcohol or drugs in violation of Cleveland Codified Ordinance 433.01; you were found guilty of that same offense of in a court of law (Cleveland Municipal Court Case 2022-TRC-002776), all in violation of Manual of Rules 2.01, 2.02 and 5.01. (*Group II Violation*)

Specification #2: (IU2022-0008) On or about March 5, 2022, you, Patrol Officer Jonathan Smith #2120, failed to control the motor vehicle you were driving, striking two parked vehicles in violation of Cleveland Codified Ordinance 431.34A; you were found guilty of that same offense in a court of law (Cleveland Municipal Court Case 2022-TRD-003085), all in violation of Manual of Rules 2.01 and 2.02. (*Group I Violation*)

These specifications are in violation of the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

Cleveland Codified Ordinance 431.34: Failure to Control; Weaving; Full Time and Attention

Cleveland Codified Ordinance 433.01: Driving or Physical Control While Under the Influence of Alcohol or Drugs

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Police Department: 2.01, 2.02, 4.12, 5.01 and 5.08

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing, were you, First Vice President David Medina, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, President Mister Jackson of the Black Shield Police Association, Sergeant Michael Matson of the Internal Affairs Unit, Lieutenant Charles DePenti of the Case Preparation Unit and Deputy Chief Daniel Fay of Administrative Operations, who presided over the hearing.

During the hearing, you acknowledged receipt of the charge letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of "No Contest" to Specifications #1 and #2 of the administrative charges as set forth in the charge letter. Upon carefully reviewing the evidence presented, the Hearing Officer recommended that you be found "Guilty" of both specifications.

FINDINGS AND CONCLUSION

Upon carefully reviewing the evidence presented by the Division and the memorialized record, I have accepted your plea of "No Contest" and I find there is just cause to impose discipline. As such, I find you "**Guilty**" of both specifications and I am issuing you an **eight (8) workday suspension without pay**. This discipline is within the First Group II violation range of the discipline matrix where aggravating factors (*actions had the potential to cause injury and harm to the public*) outweigh mitigating factors (*no active discipline, accepted responsibility*).

The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer or his designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer or his designee upon reporting for duty. **Additionally, within five (5) work days of your return from suspension, you shall read Manual of Rules 2.01, 2.02, 4.12, 5.01 and 5.08 and be reinstructed by a superior officer on those Rules. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to:**

**The Case Preparation Unit (caseprep@clevelandohio.gov)
Lieutenant Charles DePenti (cdepenti@clevelandohio.gov).**

It is the Division's earnest desire that that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a record of the disciplinary sentence will remain in your personnel file for a period of three (3) years.

Respectfully,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld

cc: Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Kevin Schwarz, Acting Commander, First District
Brian Carney, Commander, Bureau of Compliance
Dorothy Todd, Commander, Chief's Office
Christopher Viland, Superintendent, Internal Affairs Unit
William Mokshefsky, Acting Lieutenant, Officer-in-Charge, Personnel Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Paul Patton, Chief Human Resources Officer
George E. Coulter, Assistant Director, Department of Public Safety
Michael Spreng, Secretary, Civil Service Commission
Hassan Aden, Federal Monitoring Team
Richard Rosenthal, Federal Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission