



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Dornat (Wayne) A. Drummond, Interim Chief

FBI NA #230

Division of Police

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Cleveland, Ohio 44113

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Pre-Disciplinary Hearing Letter

July 22, 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:

Please be advised, in accordance with Article 28 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a pre-disciplinary hearing has been re-scheduled to determine whether you violated the following provisions of the Manual of Rules, Department of Public Safety and the Rules of the Civil Service Commission of the City of Cleveland.

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

- (a) No person shall operate a motor vehicle or motorcycle upon any street or highway without exercising reasonable and ordinary control over such vehicle.

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

- (a) Driving under the influence.
 - (1) No person shall operate any vehicle, streetcar, or trackless trolley within this City, if, at the time of the operation, any of the following apply:
 - A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Police Department

II. ADMINISTRATIVE COMPLIANCE

- 2.01 Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.
- 2.02 Personnel shall not willfully disobey any rules, General Police Orders or directives of the Division of Police, or any lawful orders, written or oral, issued to them by a superior officer of the Division of Police.

IV. DUTY

- 4.12 Personnel shall be considered to be on duty at all times for purposes of discipline.

V. BEHAVIOR

- 5.01 Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Monday, August 22, 2022, at 1000 hours** in the **Cleveland Division of Police Headquarters, Room 924**. Should you desire union representation, it is your responsibility to notify your union of this hearing. All officers shall have an opportunity to testify. All testimony provided during the hearing shall be given the same weight as sworn testimony; therefore, your statements can and may be used against you at the hearing or at a later date. **Any documentation that could explain any of the above allegations shall be forwarded to the Case Preparation Unit a minimum of 48 hours prior to the scheduled hearing. Any new or additional evidence brought to the hearing will result in the hearing to be suspended and the matter shall be returned to the Internal Affairs Unit or the Police Review Board for consideration, as appropriate. In addition, it is also your responsibility to bring the documentation to this scheduled hearing.**

If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours prior to the scheduled hearing. It is your responsibility to notify said witnesses of the date and time of the hearing. In addition, it is your sole responsibility to ensure the attendance of any witnesses appearing on your behalf. Prior permission for any Division member's attendance **MUST** be obtained from the Case Preparation Unit. Any witnesses that will appear are to be in full uniform of the day. No overtime shall accrue as a result of their attendance.

In accordance with General Police Order 1.1.12: Uniform and Clothing Regulations, you are to appear in **"CLASS A" UNIFORM and have your badge, city issued service weapon, and identification card with you.** Failure to attend as ordered may subject you to additional disciplinary charges. You shall **PERSONALLY** contact the Case Preparation Unit (216-623-5022) **IMMEDIATELY** if there are any conflicts that would cause your lack of attendance to the scheduled hearing.

THIS WILL BE YOUR TOUR OF DUTY

THESE CHARGES MAY BE AMENDED AT A LATER DATE

Sincerely,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld:la

cc: Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Michael Butler, Commander, First District
Christopher Viland, Superintendent, Internal Affairs Unit
Wesley Woods, Lieutenant, Inspections Unit
Melissa Dawson, Sergeant, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolman's Association
Hassan Aden, Federal Monitoring Team