



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Karrie D. Howard, Director

601 Lakeside Avenue, Room 230

Cleveland, Ohio 44114-1015

216/664-2560 • Fax: 216/664-3734

www.cleveland-oh.gov

August 4, 2022

Patrol Officer Ryan Sowders #1103
C/o Second District Headquarters
3481 Fulton Road
Cleveland, Ohio 44109

Re: UOF2022-0157

Patrol Officer Sowders #1103:

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 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: (UOF2022-0157) On or about May 8, 2022, you, Patrol Officer Ryan Sowders #1103, failed to de-escalate by taking unnecessary actions leading to the escalation for the need to use force. You escalated the situation by being loud, confrontational and aggressive to a possible suspect, all in violation of General Police Order 2.01.02. *(Group I Violation)*

Specification #2: (UOF2022-0157) On or about May 8, 2022, you, Patrol Officer Ryan Sowders #1103, failed to report a use of force to the supervisor on scene after pushing a person to the ground that was filming the incident, all in violation of General Police Order 2.01.05. *(Group II Violation)*

Specification #3: (UOF2022-0157) On or about May 8, 2022, you, Patrol Officer Ryan Sowders #1103, placed a suspect into handcuffs without asking for the suspect's identifying documents or information when there were no indicators that the suspect would flee or become a safety risk. You did not ask for compliance or give verbal commands for the suspect to turn around for handcuffing, all in violation of General Police Order 2.02.01. *(Group II Violation)*

Specification #4: (UOF2022-0157) On or about May 8, 2022, you, Patrol Officer Ryan Sowders #1103, failed to provide your name, rank or badge number after being requested twice by a citizen, all in violation of Manual of Rules 4.13. *(Group I Violation)*

Specification #5: (UOF2022-0157) On or about May 8, 2022, you, Patrol Officer Ryan Sowders #1103, arrested and used force on someone that was standing in a place they were legally able to be. You failed to give instructions as to where the subject could stand when the subject was only verbally confrontational and exercising their First Amendment rights. You then stated, "If the other one comes back, he goes too", referencing the person involved in the unreported use of force, all in violation of General Police Order 2.01.03. *(Group III Violation)*

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

RULES, POLICIES AND PROCEDURES

General Police Order 2.01.02: De-escalation (effective date: 1/1/2018)

POLICY: Officers have the ability to impact the direction and outcome of the situation with their decision making and employed tactics. Policing, at times, requires that an officer may need to exercise control of a violent or resisting subject, or a subject experiencing a mental or behavioral crisis. At other times, policing may require an officer to serve as a mediator between parties, or defuse a tense situation. Officers shall use de-escalation tactics and strategies when safe under the totality of the circumstances and as time and circumstances permit.

PROCEDURES:

- I. De-escalation Tactics and Techniques
 - B. Officers shall avoid taking unnecessary actions that may escalate the need to use force, (e.g. aggressive body language, proximity, harsh level of voice and tone, officer's own stress level or excitement).

General Police Order 2.01.03: Use of Force (effective date: 4/27/2020)

POLICY: Consistent with the Division's mission, including the commitment to carry out its duties with a reverence for the sanctity of human life, it is the policy of the Division to use only that force which is necessary, proportional to the level of resistance, and objectively reasonable based on the totality of circumstances confronting an officer. Officers shall also take all reasonable measures to de-escalate an incident and reduce the likelihood or level of force. Any use of force that is not necessary, proportional, and objectively reasonable and does not reflect reasonable de-escalation efforts, when safe and feasible to do so, is prohibited and inconsistent with Divisional policy.

PRINCIPLES:

VIII. Use of Force: When Prohibited

- A. Consistent with the principles of necessity, proportionality, objective reasonableness, and de-escalation, officers shall not:
 - 2. Use retaliatory force which includes, but is not limited to, force in excess of what is objectively reasonable to prevent an escape, force to punish an individual for fleeing or otherwise resisting arrest, force used to punish an individual for disrespecting officers, and other such circumstances.

General Police Order 2.01.05: Use of Force – Reporting (effective date: 7/1/2019)

POLICY: Officers shall notify their supervisor when they have used force, except for de minimis force. Officers shall clearly, thoroughly and properly report use of force incidents. The necessity for each application of force shall be documented, identifying the uniqueness of each situation and justifying every force response.

VI. Failure to Report Use of Force

- B. Officers who use or observe force and fail to report it shall be subject to the disciplinary process, up to and including termination, regardless of whether the force was objectively reasonable, necessary and proportional.

General Police Order 2.02.01: Investigatory Stops (effective date: 1/1/2020)

POLICY: It is the policy of the Division of Police that all investigatory stops will be conducted in a manner that not only promotes the safety of police officers and the public but also conforms to the constitutions of the United States and the State of Ohio. Officers shall not use an individual's gender, race, ethnicity, national origin, or perceived sexual orientation as a factor, to any extent, in establishing reasonable suspicion or probable cause, unless such information is part of an actual and credible description of a specific subject in an investigation that includes other identifying factors.

IV. Police Conduct During Investigatory Stops

- B. Officers shall limit the investigatory stop to a reasonable scope.
 - 2. Unless justified by the reasons articulated for the original stop, officers must have additional articulable justification for further limiting an individual's freedom during an investigatory (Terry) stop. Actions that would further limit an individual's freedom of movement may include actions such as:
 - f. Applying handcuffs

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

IV. DUTY

4.13 Personnel shall furnish their name, rank and badge number to any person who may request it.

V. BEHAVIOR

5.09 Personnel shall be courteous and respectful in their speech, conduct and contact with others.

CIVIL SERVICE COMMISSION Rule 9.10: Tenure:

The tenure of every officer or employee in the classified service shall be during good behavior and efficient service.

No such officer or employee shall be discharged, suspended or demoted for political, racial or religious reasons, or for refusing to contribute to any political fund, or refusal to render political service.

But any officer or employee in the classified service may be discharged, suspended or reduced in rank for any one or more of the following causes:

18. For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance or nonfeasance in office.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Friday, August 12, 2022 at 1000 hours** in the **Public Auditorium, Room LL09**. 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: Sworn Officers Uniform 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,

A handwritten signature in black ink, appearing to read "Karrie D. Howard". The signature is fluid and cursive, with the first name "Karrie" being more prominent.

Karrie D. Howard, Chief Director
Department of Public Safety

KDH:dad:bpc:cld:la

cc: Dornat A. Drummond, Chief, Division of Police
George Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Sammy Morris, Acting Deputy Chief, Field Operation
Brian Carney, Commander, Bureau of Compliance
Thomas Stacho, Commander, Second District
Christopher Viland, Superintendent, Internal Affairs Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Paul Patton, Chief Human Resources Officer
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
William Menzalora, Chief Assistant Director, Department of Law
Michael Pike, Assistant Director, Department of Law
Amanda Boutton, Assistant Director, Department of Law
Hassan Aden, Federal Monitoring Team
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice