



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety

Dornat (Wayne) A. Drummond, Interim Chief
FBI NA #230
Division of Police
1300 Ontario Street, Suite 929
Cleveland, Ohio 44113
216/623-5005 • 216/623-5584 Fax
www.clevelandohio.gov

Pre-Disciplinary Hearing

May 9, 2022

Sergeant Stephanie Maye #9272
C/o Fourth District Headquarters
9333 Kinsman Road
Cleveland, Ohio 44104

Re: OPS2020-0098

Sergeant Stephanie Maye #9272:

Please be advised, in accordance with Article 4 of the collective bargaining agreement between the City of Cleveland and the Fraternal Order of Police, Lodge #8, 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: (OPS2020-0098) The Civilian Police Review Board (CPRB) is recommending to the Chief of Police that the allegation of *Lack of Service* be sustained against you, Sergeant Stephanie Maye #9272, that on or about May 24, 2020, you violated Manual of Rules 1.06, 4.01, 4.18, and 4.19, General Police Order 2.2.02 and Divisional Notices 20-104 and 20-110 when you failed to provide guidance to officers on scene, which included ensuring that an assault report be created for the witnessed punch on scene. (*Group I Violation*)

Specification #2: (OPS2020-0098) The Civilian Police Review Board (CPRB) is recommending to the Chief of Police that the allegation of *Improper Procedure* be sustained against you, Sergeant Stephanie Maye #9272, that on or about May 24, 2020, you violated Divisional Notices 20-124 and 20-125 when you failed to wear Personal Protective Equipment (PPE) and Failed to enforce that PPE be worn by all responding officers on scene. (*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

General Police Order 2.2.02 Warrant Summons in Lieu of Arrest (effective: 3/1/02)

PROCEDURES:

- I. Criteria for Issuance of a Warrant Summons
 - B. Officers making a physical arrest on fresh charge(s) and/or non-qualifying warrant(s) shall not issue a summons. Officers shall book the prisoner on all warrant(s).
 - C. Officers shall issue a warrant summons when the defendant can be identified and meets all the required criteria established in this directive

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

I. Sworn Police Ranks

1.06 Sergeant of Police

Sergeants shall be assigned as officers in charge of stations or units within the Division of Police or assigned as sector supervisors in the basic patrol section and perform such other supervisory duties as the Chief of Police or their commanding officer may designate.

They shall have immediate control of the personnel under their supervision and shall be responsible for their discipline, appearance and general good conduct. They shall assist and instruct subordinates in the performance of their duties and continually seek to improve the efficiency of their performance.

They shall thoroughly familiarize themselves with all applicable federal statutes, state laws, municipal ordinances, rules, General Police Orders, Divisional Notices and memorandums of the Division, and be responsible for their strict observance and enforcement, causing full compliance by subordinates.

IV. Duty

- 4.01 Officers shall protect life and property, prevent crimes, detect, arrest and prosecute offenders, preserve the public peace and enforce laws and ordinances within the scope of their job classifications and in accordance to law.

- 4.18 Officers shall investigate all reports of suspected criminal activity and non-criminal incidents requiring police action that come to their attention whether by observation, assignment or information.
- 4.19 Only one officer shall be in charge when two or more officers are acting in concert on a police task. Absent a superior officer, the senior officer at the scene shall be in charge and assume responsibility for the proper action and reports.

Divisional Notice 20-104: Summons In Lieu of Arrest-Non-Violent Misdemeanors (Date: 3/24/20)

The policy of the Cleveland Division of Police is to work efficiently. The physical arrest of defendants for traffic or non-violent misdemeanor warrants or for non-violent misdemeanor offenses reduces the Division's efficiency. Officers shall use the multi-purpose complaint form when issuing a summons in lieu of arrest for defendants meeting certain minimum criteria.

No summons shall be issued without noting sufficient facts that support probable cause. Officers shall issue a summons in lieu of an arrest for non-violent fresh misdemeanor offenses when the identity of the violator is known and the violator's appearance in court is reasonably assured, with the following exceptions:

• Aggravated menacing • Intimidation of a victim or witness • Arson • Menacing by stalking • Assault • Negligent assault • Domestic violence (including threats) • Sex offenses • Endangering Children • Solicitation • Inciting violence • Vehicular assault • Inducing panic • Violation of a protection order

In cases where the sole offense is inducing panic, (i.e., individuals making false claims of COVID-19 infection) officers shall generate an Inducing Panic/Named Suspect report.

Individuals displaying persistent, erratic or turbulent behavior after a reasonable warning to desist, persons with non-qualifying warrants (per General Police Order 2.2.02), and nonresidents of Cuyahoga or adjoining counties are not eligible to receive a summons in lieu of arrest.

Officers shall have the victim complete a misdemeanor complaint statement as necessary. In addition, officers shall attempt to notify any affected person, including the victim or witnesses, when an individual is being issued a summons in lieu of arrest. This information shall be documented in the incident report.

To issue a summons, officers shall:

1. Mark the multi-purpose complaint form with an X in the misdemeanor complaint and summons box.
2. Complete the top portion with the defendant's information.
3. Under "To the Defendant: Complaint" fill in the officer's name and badge number, date, time, and location.

Divisional Notice 20-110: Covid-19 Modified Operations (Date 3/25/20)

As part of the Cleveland Division of Police response to the COVID-19 pandemic, the following measures are being enacted in order to reduce the spread of the virus, to reduce the threat of exposure to officers and citizens, and to ensure that critical services can be maintained. The following guidelines take into consideration operational changes of partner agencies such as the Cuyahoga County Corrections Center, Cuyahoga County Court of Common Pleas, and the Cleveland Municipal Court.

Enforcement Guidelines

- Limit non-essential traffic and subject stops.
- Temporarily cease enforcement of administrative violations (e.g., recently expired driver license, expired vehicle registration, etc.). Governor DeWine ordered the closing of most BMV offices. Five locations remain open for commercial driver licenses (CDLs) only.
- Temporarily suspend equipment violations in all but the most extreme cases.

Arrests of Non-Violent Offenders

- All eligible non-violent misdemeanor offenders shall be issued a summons in lieu of arrest for warrants and fresh charges as per Divisional Notice 20-104.
- For non-violent fourth and fifth degree felony offenses (e.g., receiving stolen property, forgery, theft, vandalism, etc.) officers shall confer with a supervisor. Under the same guidelines for issuing a misdemeanor summons in lieu of arrest, when the identity of the offender is known, the offender is a resident of Cuyahoga or an adjoining county, and there is a reasonable assurance of the offender appearing in court, complete a named suspect report in lieu of arrest.
- Special circumstances may exist where officers may need to conduct a physical arrest, in those cases, a supervisor shall be notified.

Divisional Notice 20-124: Personal Protective Gear Protocols (PPE) – N95 Facemasks (Date 4/9/20)

The Cleveland Division of Police (CDP) is committed to protecting our members during the COVID-19 pandemic, in part by responding to the latest updates and information coming from the CDC and Public Health officials. Based on most recent CDC guidelines, members should wear N95 facemasks (respirators) when exposed to other individuals in their workspace and on calls for service. The Division is therefore making the wearing of N95 masks mandatory. This directive is meant to provide guidance as to the proper use, reuse, and storage of N95 masks. Supervisors shall continue to remind members of the recommended safety practices and emphasize social distancing and other hygienic practices sent in earlier divisional notices.

The N95 facemasks are intended for multiple uses and provide highly effective protection in cases where it may be difficult to maintain proper social distancing. Manufacturer specifications indicate the N95 masks have a 30-day/40-hour life. The N95 is the preferred facemask of the Cleveland Medical Examiner's (ME's) office. The ME's office routinely reuses the N95, discarding them if they are soiled with body fluids or if the straps break or tear. There is a significant shortage of N95 masks nationwide, which makes it essential to optimize supplies.

(Retention in a paper bag is critical and members should not discard masks, which may potentially be treated and returned to service.) All masks should be marked with officers' badge numbers for future recycling. (A program for treating and recycling masks is being developed.)

Currently, N95 masks are available to frontline personnel and specialized units. Individuals who are working in a private office or secluded workspace need not wear an N95 mask while at work. Each frontline employee will be issued two N95 masks, each of which can be used for a maximum of three days. After using three days, the mask should be placed in a paper bag as described below and labeled, "Day 3". On or after the fourth day, the mask should be ready for use and virus free since the virus is believed to survive on these surfaces for three days.

The Division is exploring sources for cloth masks that will be made available to all members who are continuing to report to work at Division facilities.

Note: "Surgical masks (See DN 20-126) do NOT replace the wearing/donning of an N95 mask. Surgical masks are intended to be used on (non-Division) persons (i.e., arrestees, assisted citizens) during a COVID-19 and/or suspected COVID-19 encounter or call for service."

Guidelines for N95 Facemask Placement (Donning):

- Thoroughly inspect the facemask for damage/wear and tear.
- Place the N95 mask with the blue color outward. The white interior surface is designed for moisture absorption and wearing it inside out will bypass the surface functions of each side of the mask.
- Ensure the mask conforms and fits properly to the face.
- Press the nosepiece and contour under the eyes.
- Proper placement and security should decrease the need and desire to touch the outer surface of the mask.
- If necessary, to adjust or reposition the mask, attempt to manipulate from the outer edges or ear loops rather than making contact with the frontal surface.
- DO NOT place the mask on your forehead, neck nor just unloop it on one side. If there is a need to doff the mask, remove it completely from the face to prevent inadvertent contamination to the head, neck or face.

Guidelines for N95 Facemask Removal (Doffing) and Storage:

- Change the surgical mask if it becomes wet from perspiration, exhalation, or material splattered during a face-to-face interaction, or by any other means.
- Indicators that a mask is too saturated to be effective include, increased respiratory effort needed to move air through the mask, inability to maintain adherence to the face, and tearing.
- Replace the mask if is torn, damaged, or no longer able to be effective as described above.
- Remove the mask by the ties or loops, tilting the head forward as the mask is removed and placed to the side.
- Removal of the mask should occur away from other individuals to prevent any inadvertent shedding of material.
- Remove the mask during hydration and eating. Follow removal procedures as above.
- Care should be taken to ensure that individuals do not touch the outer surfaces of the mask

during care, and that mask removal and replacement be done in a careful and deliberate manner.

- If the N95 mask does not need to be replaced (see conditions above), it may be reused on a limited basis.
- N95 masks should be carefully folded so that the outer surface is held inward and against itself to reduce contact with the outer surface during storage. (Basically form a clam shell with the outside surface folded against itself and inserted into the package with the folded edge outward).
- The folded mask should be stored between uses in a clean sealable paper bag or breathable container. The use of a plastic bag or Ziploc-type bag should be avoided since they will retain moisture, not allowing the mask to dry leading to potential mold growth on the mask.
- If reusable, N95 masks should not be thrown away but stored for future use as described above.
- The longevity of each person's mask and its ability to be reused may vary depending on the weather, type of enforcement activity, and the individual.

Links to additional N95 guidance:

<https://www.youtube.com/watch?v=HluIkTbTBIw>

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html>

Members may supplement the N95 masks with simple eye protection to ensure the mucous membranes of the eye (as a portal of entry) are offered some level of protection. Additionally, eye protection may add a reminder to not rub the eyes with potentially contaminated hands. Members may use their own eyewear and a limited supply of goggles are currently available in the Supply Unit with more on order.

Link to additional eye protection guidance:

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/eye-protection.html>

Members shall undertake frequent hand hygiene throughout their tour of duty with particular attention during any manipulation of the mask surface, doffing the mask, after donning the mask during re-use, and after contact with environmental surfaces. It is important to wash or sanitize your hands IMMEDIATELY after you remove and store your mask. There is no particular harm in placing a small amount of sanitizer on the outside of the mask during manipulation.

Divisional Notice 20-125: Personal Protective Gear Protocols (PPE) – General (Date: 4/9/20)

The Cleveland Division of Police (CDP) is committed to protecting our members during the COVID-19 pandemic, in part by responding to the latest updates and information coming from the CDC and Public Health officials. The Division has therefore made the wearing of Personal Protective Equipment (PPE) mandatory in certain situations.

Effective immediately officers are required to wear PPE whenever engaging with the Public.

Officers shall also adhere to the following protocols when engaging with citizens:

- While engaged in making arrests or conveying someone in the zone car:

- Officers shall ask arrested subjects to place surgical masks on themselves before placing subject into vehicle and transporting to the Cuyahoga County Corrections Center (CCCC) for booking. Officers may have to place the mask on the subject due to the subject being previously handcuffed.

- Officers will place surgical mask or spit sock on arrested subject(s) who refuse to put on a mask voluntarily.

- CCS call takers are asking the following questions and entering the responses into the CAD:

- Do you have or have you been in contact with someone with fever, cough, or flu-like symptoms?

- Are you or have you been in contact with someone that has tested positive for or is currently being evaluated for COVID-19?

- Do you have a mask to put on while you talk to the officers? If YES, please put it on. If NO, the officers may provide you with a mask to don while they are at your home.

- Can you please step outside to talk to the officers? Officers will be practicing social distancing when responding to assist you.

- If the caller does not have a mask then the officers may supply a surgical mask to the caller to don, while practicing social distancing.

- Officers are required to engage in social distancing when dealing with the public.

- Officers are now in single cars and will team up to respond to calls for service that we required two or more officers.

For comprehensive guidelines for N-95 Facemask Placement and Removal (Donning/Doffing), see DN #20-124.

Supervisors shall continue to remind members of the recommended safety practices and emphasize social distancing and other hygienic practices sent in earlier divisional notices.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Monday, May 23, 2022, at 1000 hours**, in the **Academy Unit**. 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.**

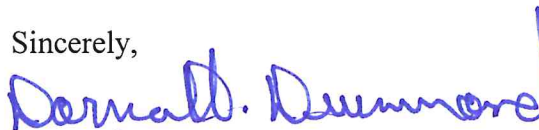
If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours prior to the scheduled hearing. It is your responsibility to notify said witnesses of the date and time of the hearing. 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,



Dornat A. Drummond
Interim Chief of Police

DAD:bpc:cld:la

cc: Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Brandon Kutz, Commander, Fourth District
Robert Simon, Captain, Internal Affairs Unit
Melissa Dawson, Sergeant, Employee Assistance Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
Michael Hess, Chairman, Civilian Police Review Board
Henry Roney, Interim Administrator, Office of Professional Standards
Art Bowker, Investigator, Office of Professional Standards
LeeAnn Hanlon, Private Secretary, Civilian Police Review Board
Hassan Aden, Federal Monitoring Team