



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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Disposition Letter

December 29, 2022

Patrol Officer Diovanni Smith #285
Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: DBI2022-0093

Patrol Officer Smith #285:

This letter is to advise you, Patrol Officer Diovanni Smith #285, of the result of the administrative pre-disciplinary hearing you attended on November 23, 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.

SPECIFICATION

Specification #1: (DBI2022-0093) On or about September 21, 2022, you, Patrol Officer Diovanni Smith #285, failed to safeguard and secure your city issued equipment (gas mask and carrier) which was entrusted in your care, in violation of Manual of Rules 6.05. (*Group I Violation*)

This specification violates the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES, AND PROCEDURES

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: 6.05

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing were you, President Jeffrey Follmer, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, First Vice President Luther Roddy of the Black Shield Police Association, President Emmanuel Velez of the Hispanic Police Officers' Association, Sergeant Mark Worsencroft of the Third District, Lieutenant Charles DePenti of the Case Preparation Unit and Deputy Chief Harold Pretel of Homeland Special 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 Specification #1 of the administrative charge as set forth in the charge letter. Upon reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be issued a Letter of Reinstruction with reimbursement to the city for the cost of the equipment lost.

FINDINGS AND CONCLUSION

I have carefully reviewed the evidence incorporated into the record by reference, the memorialized record, including statements made at your hearing and the applicable Rules, Policies and Procedures, and I accept and adopt the recommendation of the Hearing Officer.

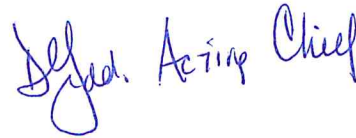
You violated Manual of Rules 6.05 when you failed to safeguard and secure your city issued equipment (gas mask and carrier) which was entrusted in your care. Based on the foregoing, I believe reinstruction with reimbursement is appropriate and I am issuing you this **Non-disciplinary Letter of Reinstruction for the Specification**. Please review Manual of Rules 6.05 and ensure that you follow it verbatim.

In addition, you are required to reimburse the City of Cleveland for the cost of one (1) gas mask and carrier (\$536.92), which you shall have withdrawn from your bi-weekly paychecks and paid/allocated directly to the General Fund of City of Cleveland in the amount of (\$20.65) for twelve (12) months (26 Pay Periods), commencing in Pay Period 03-2023 and completing in Pay Period 02-2024.

Pursuant to the Manual of Rules, you are responsible for maintaining a current set of General Police Orders either as a paper copy or in electronic format. Furthermore, your Commanding Officer maintains all Divisional directives, which you are also obligated to know under the Manual of Rules. Please inform your Commanding Officer through the chain of command if you cannot access these policies and protocols. If you have questions, please contact your immediate supervisor for specific answers about the Division's policies and protocols and their application.

This letter is not discipline and should not be regarded as such.

Sincerely,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld:la

cc: Karrie D. Howard, Chief Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Daniel Fay, Deputy Chief, Administrative Operations
Brian Carney, Commander, Bureau of Compliance
Robert Tucker, Commander, Third District
Robert Simon, Captain, Office of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
William Menzalora, Chief Assistant Director of Law
Ahmed Abonamah, Director, Department of Finance
Delante Thomas, Chief Ethics Officer
Mary L. Bradley, Executive Director, Civil Service Commission
Sylvia Grimes, Secretary, Civilian Police Review Board
Michael Hess, Chairperson, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ayesha Bell Hardaway, Interim Monitor, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Dr. Leigh Anderson, Executive Director of the Police Accountability Team