



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
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Pre-Disciplinary Hearing Letter

November 8, 2022

Patrol Officer Michael Coleman #477
C/o First District Headquarters
3895 West 130 Street
Cleveland, Ohio 44111

Re: OPS2021-0019

Patrol Officer Coleman #477:

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.

On September 19, 2022, a pre-disciplinary hearing was conducted in the Office of the Chief of Police before Deputy Chief Harold Pretel. The Civilian Police Review Board (CPRB) recommended discipline for a Group II Violation regarding the specification contained in this letter. The Chief found the discipline does not rise to the level of a Group II violation and more closely comports with a Group I violation, "conduct that has a negative impact on the operations or professional image of the Division or that negatively impacts relationships with other officers, agencies or the public," and recommends a Letter of Reinstruction and Retraining in De-escalation, departing from the CPRB recommendation. On November 8, 2022, as permitted by the City's Charter, the CPRB voted to appeal the Chief's decision to the Director of Public Safety.

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: (OPS2021-0019) The Civilian Police Review Board (CPRB) has appealed to the Director of Public Safety that the allegation of *Lack of Service* be sustained against you, Patrol Officer Michael Coleman #477, that on or about January 23, 2021, you violated General Police Order 3.4.16 when you failed to review the video evidence the complainant had of the alleged assault and failed to complete a Domestic Violence report. (*Group II Violation*)

This specification is in violation of the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES, AND PROCEDURES

General Police Order 3.4.16: Enforcement of Domestic Violence Statutes (revised: 8/11/09)

PROCEDURES:

I. Field procedures:

- E. To determine which family or household member is the primary physical aggressor, officers shall consider of the following:
 - 1. Any history of Domestic Violence or of any other acts by either person involved in the alleged offense that the officers can reasonably ascertain;
 - 2. If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;
 - 3. Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of use of force against any person, and the reasonableness of that fear;
 - 4. The comparative severity of any injuries suffered by the persons involved in the alleged offense.

IV. Reporting:

- A. The investigating officer shall make a Record Management System (RMS) report when there is a violation of the Domestic Violence Statute. Reports must include the following:
 - 1. A complete description of the suspect.
 - 2. A detailed description of the officer's observations of the suspect, victim and scene.
 - 3. A statement that the Information Sheet to Victim's of Domestic Violence (Form C of C #71-2195) and the booklet; Picking Up the Pieces have been given to the victim.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Thursday, November 10, 2022, at 1000 hours** in the **Cleveland 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: 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,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:dad:bpc:clد:kfs

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
Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Kevin Schwarz, Acting Commander, First District
Brian Carney, Commander, Bureau of Compliance
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
Paul Patton, Chief Human Resources Officer
Mark Griffin, Chief Director of Law
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Michael Spreng, Secretary, Civil Service Commission
Thomas Fisher, Interim Administrator, Office of Professional Standards

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Eric Richardson, Acting Senior Investigator, Office of Professional Standards
David Gatian, Vice Chairman, Civilian Police Review Board
Michael Hess, Chairperson, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ayesha Hardaway, Federal Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission