



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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Pre-Disciplinary Hearing Letter

July 22, 2022

Lieutenant Kevin Coleman #8507
C/o First District Headquarters
3895 West 130th Street
Cleveland, Ohio 44111

Re: VP2022-0001

Lieutenant Kevin Coleman #8507:

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: (VP2022-0001) On or about August 20, 2021, you, Lieutenant Kevin Coleman #8507, were directly involved in a vehicle pursuit of a mini bike. You failed to notify a superior officer to respond to the scene to conduct the follow up investigation, in violation of General Police Order 3.2.02. (*Group I Violation*)

Specification #2: (VP2022-0001) On or about August 20, 2021, you, Lieutenant Kevin Coleman #8507, were directly involved in a vehicle pursuit of a mini bike. You entered your own investigation of the pursuit into BlueTeam, in violation of the BlueTeam Quick Start Guide for Entering a Vehicle Pursuit and Manual of Rules 2.02. (*Group I Violation*)

Specification #3: (VP2022-0001) On or about August 20, 2021, you, Lieutenant Kevin Coleman #8507, entered a vehicle pursuit into BlueTeam and failed to forward through your chain of command until January 28, 2022, in violation of General Police Order 3.2.02. (*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 Division of Police Quick Start Guide: Entering a Vehicle Pursuit in BlueTeam Next Gen (dated: 1/25/21)

The superior officer is responsible for conducting the investigation and shall make the BlueTeam entry.

General Police Order 3.2.02: Vehicle Pursuits (revised: 5/1/02)

POLICY: The Cleveland Division of Police shall regulate the conduct of vehicle pursuits while balancing the need to carry out its law enforcement mission against the duty to protect the general public. The Division of Police shall proactively and vigorously enforce criminal and traffic laws. The Division of Police acknowledges the dangers associated with vehicle pursuits. Unless specifically approved by the controlling supervisor, no more than two police motor vehicles shall engage in a motor vehicle pursuit.

Officers shall err on the side of caution and interpret this policy in the more restrictive manner if, for any reason, this directive does not offer clear guidance for a specific set of circumstances.

Officers shall comply with the following sections of the Ohio Revised Code:

- 4511.03 - Emergency vehicles at red signal or stop sign
- 4511.041- Exceptions to traffic rules for emergency or public safety vehicle responding to emergency call
- 4511.24 - Speed limits not applicable to emergency or public safety vehicles
- 4511.45 - Right-of-way of public safety or coroner's vehicle
- 4513.21 - Horns, sirens, and warning devices

Ohio Revised Code Section 4511.041 establishes certain exceptions for public safety vehicles but, “does not relieve the driver...from the duty to drive with **DUE REGARD** for the safety of all persons and property upon the highway.”

PROCEDURES:

XV. Investigation and Administrative Review of Pursuits

- C. All pursuits that result in accidents where property damage, injury, or death occurs shall be the subject of an investigation. The investigation shall be conducted by the superior officer of the controlling supervisor who monitored the pursuit. If that supervisor was also involved in the pursuit, it shall be investigated by the superior officer next in that chain of command.

1. The investigating supervisor shall:

- a. Ensure that the investigation includes a review of the dispatch recordings, available AVL data, and audio or video recordings of the pursuit prior to finalizing and submitting any findings.*
- b. Produce an investigative package that will include a Form-1 synopsis and evaluation of the event. The Form-1 shall address whether actions taken by Division members were appropriate and in compliance with Division rules and procedures. The package shall also include as applicable; the original Vehicle Pursuit Form, copies of RMS and/or AIU reports, officer injury reports, PIT investigations, and any audio or video recordings of the pursuit.*
- c. Within seven days of the incident forward the package through the chain of command of the controlling supervisor.*

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

II. ADMINISTRATIVE COMPLIANCE

- 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.

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: 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
Chief of Police

DAD:bpc:clد:kfs

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
Robert Simon, Captain, Internal Affairs Unit
Westley Woods, Lieutenant, Inspection Unit
James O'Malley, President, Fraternal Order of Police, Lodge #8
Melissa Dawson, Sergeant, Employee Assistance Unit
Hassan Aden, Federal Monitoring Team