



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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December 7, 2022

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

Re: OPS2021-0019

Patrol Officer Coleman #477:

This letter is to advise you, Patrol Officer Michael Coleman #477, of the result of the administrative pre-disciplinary Civilian Police Review Board (CPRB) Appeal hearing you attended on Thursday, November 10, 2022. The hearing was held to address the results of an external investigation wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

FACTUAL SUMMARY

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 one (1) Group II Violation regarding the specification contained in this letter. Based upon the recommendation of the Hearing Officer, the Chief departed from the CPRB recommendation and found you, "Guilty" of Specification #1, which was amended from a Group II Violation to a Group I Violation and recommended a *Letter of Reinstruction* and *Retraining in De-escalation*. On November 8, 2022, as permitted by the City's Charter, the CPRB voted to appeal the Chief's decision to the Chief 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) is recommending to the Chief of Police 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)

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that Assistant Director of the Department of Public Safety George Coulter presided over, were you, Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Investigator Eric Richardson of the Office of Professional Standards, Assistant Director Amanda Boutton of the Department of Law, Lieutenant Charles DePenti of the Case Preparation Unit and Sergeant Kelly Smith of the Department of Public Safety.

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 "Not Guilty" to Specification #1 as set forth in the charge letter.

HISTORY, FINDINGS AND CONCLUSIONS

Discipline History

No active discipline

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Aggravating: Lack of service is related to an alleged crime of violence

Mitigating: No active discipline

- ***Anomalies***

None

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. After carefully reviewing the investigation completed by the Office of Professional Standards, evidence incorporated into the record by reference, statements made at the Chief's level hearing and CPRB appeal hearing, and pertinent laws, rules, policies and procedures, I concur with the recommendation of the Chief of Police as outlined in the Chief's Departure Memorandum dated November 7, 2022 as it relates to amending the specification from a Group II Violation to a Group I violation. However, I depart from the Chief's recommendation for discipline.

Evidence presented at the Chief's level hearing indicates that the complainant alleged that her children's father "put his hand on me" and that she did not feel that her children were safe in the home. Additionally, she informed you and your partner that she had a video to prove her allegations of domestic violence. Although, you and your partner that night did take the time to interview other members of the household, the service provided was not consistent with the expectations of the Cleveland Division of Police. Even though the video that the complainant had was "pretty long" by her own admission, you and your partner should have taken the time to review it or request that a supervisor respond to your location to assist in making the determination on whether or not a Domestic Violence report should be completed and guide you on your next course of action. I concur with the Chief of Police in that your actions outlined in Specification #1 correspond more closely 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.", but do not feel that retraining in de-escalation is appropriate. Upon reviewing the WCS videos of both you and your partner, you are observed providing service as the cover officer to your partner, assisting in interviewing other members of the household and playing with the children in the house. However, as the senior officer on scene, you could have stepped in to review the complainant's video, conferred with a supervisor via radio and/or phone or requested that a supervisor respond to your location to assist in making a final determination of your reporting requirements or next course of action.

Based on the foregoing, I find you "Guilty" of Specification #1 (amended from a Group II to a Group I Violation) and find that there is just cause to impose discipline. As such, I am issuing you a **one (1) workday suspension without pay for one (1) Group I Violation**. This corrective action is within the First Group I violation range of the discipline matrix where aggravating factors (*lack of service is related to an alleged crime of violence*) outweigh mitigating factors (*no active discipline*).

The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer or designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer or designee upon reporting for duty. **Additionally, you shall, within five (5) work days of returning from suspension, read General Police Order 3.02.02, General Police Order 5.05.01 and expect to be reinstructed by a superior officer on that Order. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to:**

- **The Case Preparation Unit (caseprep@clevelandohio.gov)**
- **The Department of Public Safety (publicsafetyadmin@clevelandohio.gov)**

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, verbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

December 7, 2022

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Sincerely,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:DAD:kas

cc: Dornat A. Drummond, Chief, Cleveland Division of Police
Jakimah R. Dye, Assistant Director, Department of Public Safety
George E. Coulter, Assistant Director, Department of Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Sammy Morris, Deputy Chief, Field Operations
Jarod Schlacht, Commander, First District
Brian Carney, Commander, Bureau of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Section
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Paul Patton, Chief Human Resources Officer
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Michael Hess, Chairman, Civilian Police Review Board
Jon Cudnik, Interim Administrator, Office of Professional Standards
Monique Young, Labor Relations Manager, Department of Public Safety
Mary L. Bradley, Executive Director, Civil Service Commission
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