



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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AMENDED

November 4, 2022

Patrol Officer Anthony Lucas #2396
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: CPD2020-0124

Patrol Officer Lucas #2396:

This letter is to advise you, Patrol Officer Anthony Lucas #2396, of the result of the administrative pre-disciplinary hearing you attended on Friday, October 14, 2022. The hearing was held to address the results of an internal 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 or about December 5, 2020, you, Patrol Officer Anthony Lucas #2396 discharged your service weapon during a use of deadly force incident where the rounds you discharged from your service weapon struck a multitude of occupied residential townhomes, creating a risk to bystanders and residents.

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: (CPD2020-0124) On or about December 5, 2020, you, Patrol Officer Anthony Lucas #2396, discharged your service weapon during a use of deadly force incident. Subsequent to your application of force in discharging your weapon, your service rounds struck a multitude of occupied residential townhomes, creating a risk to bystanders and residents, all in violation of General Police Order 2.01.03. (*Group III 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 2.01.03: Use of Force-General (effective: April 27, 2020)

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that Assistant Director George Coulter of the Department of Public Safety presided over were you, First Vice President David Medina and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Lieutenant Jarod Schlacht of the Internal Affairs Unit, Sergeant Diane Salamon of the Inspection Unit, Assistant Director Amanda Boutton of the Department of Law, Sergeant Kelly Smith and Assistant Director Jakimah R. Dye 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.

Discipline History

8/9/2021—Unprofessional Conduct (OPS), CEW on Fleeing Subject—Suspended 6 Days

11/3/2021—Failed to Complete and Log OH-1 Crash Report—Suspended 8 Days

9/16/2022—Unprofessional Conduct- Social Media Videos in Uniform—Suspended 10 Days

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Mitigating: Rapidly evolving situation with an armed suspect, use of force was necessary, proportional and objectively reasonable.

Aggravating: Active discipline, actions had the potential to cause serious injury and harm to the public.

- ***Anomalies***

None.

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. Upon carefully reviewing the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I have determined that you, Patrol Officer Anthony Lucas #2396 violated General Police Order 2.01.03 when you discharged your service weapon during a use of deadly force incident resulting in your service rounds striking a multitude of occupied residential townhomes, creating a risk to bystanders and residents. Although your use of force was necessary, proportional and objectively reasonable during a rapidly evolving situation with an armed suspect, you are responsible for every round that you discharge from your firearm. You were trained to be aware of your surroundings, to include foreground, target, backstop and beyond. The eight (8) rounds that you fired had the potential to cause serious injury and harm to the public.

Based on the foregoing, I find you **"Guilty"** of Specifications #1. **Consistent with City of Cleveland policies and procedures, I am issuing you a twenty (20) workday suspension without pay for one (1) Group III Violation.** This corrective action is within the First Group III violation range of the discipline matrix where aggravating factors (*active discipline, actions had the potential to cause serious injury or harm to the public*) outweigh mitigating factors (*rapidly evolving situation with an armed suspect, use of force was necessary, proportional and objectively reasonable*).

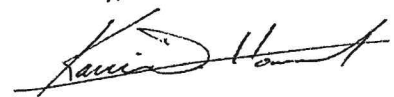
The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer 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 2.01.03 and expect to be reinstructed by a superior officer on that Order and those Rules. 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).

You are also required to complete retraining in Firearms (surroundings, foreground, target, backstop & beyond) and Crime Scene Management FIT Procedures from the Training Section within ninety (90) days after your return from suspension.

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.

Sincerely,



Karrie D. Howard, Chief Director
Department of Public Safety

cc: Dornat Drummond, Chief, Division of Police
George Coulter, Assistant Director of Operations, 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
Brian Carney, Commander, Bureau of Compliance
Michael Butler, Interim Commander, Third District
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Christopher Viland, Superintendent, Internal Affairs Unit
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Paul Patton, Chief Human Resources Officer
Michael Spreng, Secretary, Civil Service Commission
Michael Evanovich, Investigator, Department of Justice
Richard Rosenthal, Member, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Hassan Aden, Federal Monitoring Team