



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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Disposition Letter

July 14, 2022

Detective Michael Cox #163
C/o Fifth District Headquarters
881 East 152nd Street
Cleveland, Ohio 44104

Re: VD2021-0046

Detective Cox #163:

This letter is to advise you, Detective Michael Cox #163, of the result of the administrative pre-disciplinary hearing you attended on June 27, 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: (VD2021-0046) On or about November 11, 2021, you, Detective Michael Cox #163, failed to activate your Wearable Camera System (WCS) prior to conducting a traffic stop, in violation of General Police Order 4.06.04. (*Group I 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 4.06.04: Wearable Camera System (effective: 1/1/20)

HEARING INFORMATION

In attendance at the administrative pre-disciplinary hearing, were you, President Jeffrey Follmer, Vice President David Medina, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Vice President Luther Roddy of the Black Shield Police Association, Detective Brian Sabolik and Sergeant Brian Crites of the Fifth District, Lieutenant Charles DePenti of the Case Preparations Unit and Deputy Chief Harold Pretel of Homeland Special Operations, who presided over the hearing.

During the hearing, you acknowledged receipt of the charging 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 the specification as set forth in the charging 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.

FINDINGS AND CONCLUSION

I have carefully reviewed the evidence incorporated into the record by reference, the applicable Wearable Camera System videos, the memorialized record, including statements made at your hearing and the applicable Rules, Policies and Procedures. I accept and adopt the recommendation of the Hearing Officer. General Police Order 4.06.04 states in pertinent part, "All officers assigned a WCS, while in the field, shall activate their camera prior to responding to all calls for service, prior to all investigative or enforcement contacts with the public..." Review of your WCS video shows that you were switching from the passenger seat to the driver seat of your patrol car when your WCS was activated. Further review of all Wearable Camera System regarding this incident reveals that you activated your camera at 2349 hours, the same as the other four responding officers (your partner, Detective Sabolik engaged the suspect in a foot pursuit and activated his WCS at 2353 hours). This indicates that you spotted the suspect contemporaneous with the radio assignment. Because you are not normally assigned to the Patrol Section, I believe reinstruction is appropriate regarding your failure to activate your camera while simultaneously exiting the patrol vehicle to investigate this suspect. Therefore, I am issuing you this **Non-disciplinary Letter of Reinstruction**. Please review General Police Order 4.06.04 and ensure that you follow it verbatim.

Pursuant to the Manual of Rules, you are personally 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 obligated to also know pursuant to 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 any questions, please contact your immediate supervisor for specific answers about any of the Division's policies and protocols and their application.

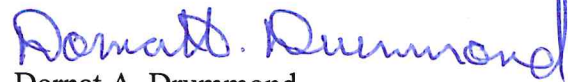
This letter is not discipline and should not be regarded as such.

Detective Michael Cox #163

July 14, 2022

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Sincerely,



Dornat A. Drummond
Interim Chief of Police

DAD:rcs:cld

cc: Sammy Morris, Acting Deputy Chief, Field Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Robert Simon, Acting Commander, Bureau of Compliance
Johnny Johnson, Commander, Fifth District
Christopher Viland, Superintendent, Internal Affairs Unit
Mark Maguth, Commander, Bureau of Support Services
Shawn Smith, Lieutenant, Training Section
William Mokshefsky, Sergeant, Personnel Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
William Menzalora, Chief Assistant Director of Law
George E. Coulter, Assistant Director, Department of Public Safety
Monique Young, Labor Relations Officer, Department of Human Resources
Michael Spreng, Secretary, Civil Service Commission
Paul Patton, Chief Human Resource Officer
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Hassan Aden, Federal Monitoring Team