



City of Cleveland  
Justin M. Bibb, Mayor

**Department of Public Safety**

Dornat (Wayne) A. Drummond, Interim Chief  
FBI NA #230  
Division of Police  
1300 Ontario Street, Suite 929  
Cleveland, Ohio 44113  
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**Pre-Disciplinary Hearing**

May 31, 2022

**Sergeant Thomas Barry #9243**  
**C/o NICE Unit**  
**1300 Ontario Street**  
**Cleveland, Ohio 44113**

**Re: VC2021-0193**

Sergeant Barry #9243:

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:** (VD2021-0193) On or about December 14, 2021, you, Sergeant Thomas Barry #9243, failed to activate your Wearable Camera System (WCS) after striking a wall while backing down the First District ramp to refuel, in violation of General Police Order 4.06.04. (*Group I Violation*)

**Specification #2:** (VC2021-0193) On or about December 14, 2021, while on duty, you, Sergeant Thomas Barry #9243, were involved in a motor vehicle accident that was reviewed by the Traffic Safety Analysis Panel and determined to be preventable. This is your second preventable motor vehicle accident within two (2) years, in violation of Manual of Rules 4.03, 6.03 and 6.05, and Civil Service Rules 9.10 (12) and (18). (*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**

### **General Police Order 4.06.04: Wearable Camera System** (effective: 1/1/20)

#### **PROCEDURES:**

##### **I. General Guidelines**

- A. 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, or other contact with the public that may or does become adversarial after the initial contact. Officers shall understand there are exceptions and prohibited times to record set forth in Section II.C. and II.D. below.

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

#### **IV. DUTY**

- 4.03 Personnel shall give full attention to the performance of their duties.

#### **VI. VEHICLES AND EQUIPMENT**

- 6.03 Personnel shall operate police vehicles in a safe and lawful manner.
- 6.05 Personnel shall be held responsible and accountable for the proper care, maintenance, serviceability, cleanliness and safekeeping of all police vehicles, equipment and property in their care.

### **CIVIL SERVICE COMMISSION Rule 9.10: Tenure:**

The tenure of every officer or employee in the classified service shall be during good behavior and efficient service.

No such officer or employee shall be discharged, suspended or demoted for political, racial or religious reasons, or for refusing to contribute to any political fund, or refusal to render political service.

But any officer or employee in the classified service may be discharged, suspended or reduced in rank for any one or more of the following causes:

- 12. Negligent or willful damage to public property.
- 18. For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance or nonfeasance in office.

**HEARING INFORMATION**

The pre-disciplinary hearing is scheduled for **Thursday, June 23, 2022, at 1000 hours** in the **Academy Unit**. 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.**

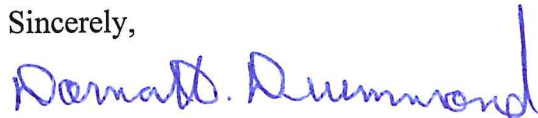
**If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours prior to the scheduled hearing. It is your responsibility to notify said witnesses of the date and time of the 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  
Interim Chief of Police

DAD:bpc:eld:la

cc: Sammy Morris, Acting Deputy Chief, Field Operations  
Brian Carney Commander, Bureau of Compliance  
Robert Simon, Captain, Internal Affairs Unit  
James O'Malley, President, Fraternal Order of Police, Lodge #8  
Melissa Dawson, Sergeant, Employee Assistance Unit  
Hassan Aden, Federal Monitoring Team