



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety

Karrie D. Howard, Director
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November 18, 2022

Sergeant Thomas Barry #9243
C/o Field Operations
1300 Ontario Street
Cleveland, Ohio 44113

Re: CPD2019-0086

Sergeant Barry #9243:

This letter is to advise you, Sergeant Thomas Barry #9254, of the result of the administrative pre-disciplinary hearing you attended on Friday, September 30, 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 June 16, 2019, you, Sergeant Thomas Barry #9243, failed to properly conduct an investigation or offer a Citizen Complaint Form after being advised by an officer under your command that an arrested male made an allegation regarding missing/stolen money in the amount of \$1,453.00.

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.

RULES, POLICIES AND PROCEDURES

General Police Order 1.1.11: Disciplinary Guidance (Revised January 1, 2014 – Rescinded November 12, 2019)

General Police Order 1.3.15: Investigations of Police Conduct (Revised September 10, 2007 – Rescinded February 27, 2020)

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police:
Rules 2.04 and 5.01.

SPECIFICATION

Specification #1: (CPD2019-0086) On or about June 16, 2019, you, Sergeant Thomas Barry #9243, while acting as Sector Supervisor 3S33 and assisting on East 31st Street and Payne Avenue, failed to properly conduct an investigation or offer a Citizen Complaint Form after being advised by Patrol Officer Lorenzo Brazzell that the arrested male, David Word, made an allegation against Patrol Officer Brazzell regarding missing/stolen money, in violation of General Police Orders 1.1.11 and 1.3.15, and Manual of Rules 2.04 and 5.01. (*Group III Violation*)

This specification is in violation of the rules and procedures of the Division of Police, Department of Public Safety.

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that I presided over, were you, President James O'Malley and Attorney Robert Barrett of the Fraternal Order of Police, Lodge 8, Assistant Director Michael Pike of the Department of Law, Sergeant Michael Moctezuma and Sergeant Terry Lowther of the Internal Affairs Unit, Sergeant Kelly Smith, Assistant Director George Coulter 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 "No Contest" to Specification #1 as set forth in the charge letter.

HISTORY, FINDINGS AND CONCLUSIONS

Discipline History

7/18/2022—WCS Violation, Preventable MVC—Written Reprimand

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Mitigating: Accepted responsibility, no intentionality.

Aggravating: Active Discipline, supervisory rank of the officer.

- ***Anomalies***

None.

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. I have carefully reviewed the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures. I have determined that you, Sergeant Thomas Barry #9243 violated General Police Order 1.1.11, General Police Order 1.3.15, and Manual of Rules 2.04 and 5.01 when you failed to conduct an investigation or follow up with a Citizen Complaint Form when you were advised by an officer under your command that an arrested male made an allegation regarding missing/stolen money in the amount of \$1,453.00. You admitted that you were aware of the incident, that you had a conversation with the officer regarding the allegation of missing/stolen money, that you searched the car on behalf of the officer and that you did not follow up with the Internal Affairs Unit or the arrested male who was making the complaint. The officer in question has since been indicted because of this incident and another related incident and it no longer a member of the Cleveland Division of Police. You testified that this incident occurred on a busy night in the Third District and that you should have taken

the time to slow down. You further stated that you now recognize that the numerous calls for service that required your time and attention as a supervisor that night were dictating your pace instead of you dictating your own pace to ensure that everything was handled properly and according to policy. Because this conduct fits the definition of a Group II Violation in that it is contrary to the values of the Division and interferes with its mission, operations or professional image, I am amending this specification from a Group III violation to a Group II Violation for failure to investigate.

Based on the foregoing, I find you **"Guilty"** of the amended administrative charges in Specification #1 and find there is just cause to impose discipline. As such, **I am issuing you a six (6) workday suspension without pay for one (1) First Group II Violation.** This corrective action is within the First Group II Violation range of the discipline matrix where mitigating factors (*accepted responsibility, no intentionality*) outweigh aggravating factors (*active discipline, supervisory rank of the officer*).

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 1.07.05- Internal Complaints of Misconduct and Manual of Rules 2.04 and 5.01, and 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) and
- Public Safety Administration (publicsafetyadmin@clevelandohio.gov)

It is the Division's earnest desire that 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 CPPA, a record of the disciplinary actions or penalties will not be considered after three (3) years from the date of the action.

Sincerely,



Karrie D. Howard, Director
Department of Public Safety

cc: Dornat A. Drummond, Chief, Cleveland Division of Police
Jakimah R. Dye, Assistant Director, Department of Public Safety
George Coulter, Assistant Director, Department of Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Sammy Morris, Acting Deputy Chief, Field Operations
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Brian Carney, Commander, Bureau of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Section
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
James O'Malley, President, Fraternal Order of Police, Lodge 8
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
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