



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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Cleveland, Ohio 44113  
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**Disposition Letter**

July 18, 2022

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

**Re: VC2021-0193**

Sergeant Barry #9243:

This letter is to advise you, Sergeant Thomas Barry #9243, of the result of the administrative pre-disciplinary hearing you attended on June 23, 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.

**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)

**Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: 4.03, 6.03 and 6.05**

**Civil Service Commission Rule 9.10 Tenure (12) and (18)**

## **HEARING INFORMATION**

In attendance at the administrative pre-disciplinary hearing were you, Second Vice President Daniel Bernath and Attorney Joseph Mando of the Fraternal Order of Police, Lodge 8, Lieutenant David Skrletts of the NICE Unit, Commander Brian Carney of the Bureau of Compliance, and Deputy Chief Daniel Fay of Administrative 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 "No Contest" to Specification #1 and Specification #2 of the administrative charge as set forth in the charging letter. Upon carefully reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be found "Guilty" of the specifications.

## **FINDINGS AND CONCLUSION**

I have carefully reviewed the evidence presented by the memorialized record, as well as the arguments of you and your representatives, and I have accepted the recommendation of the Hearing Officer. You violated Manual of Rules 4.03, 6.03 and 6.05, and Civil Service Rules 9.10 (12) and (18) when you were involved in a motor vehicle accident that was determined to be preventable by the Traffic Safety Analysis Panel. This was your second preventable motor vehicle accident within two (2) years (*Specification #2*). In addition, you violated General Police Order 4.06.04 when you failed to immediately activate your WCS after becoming involved in a motor vehicle accident (*Specification #1*). As such, I find there is just cause to impose discipline and I find you "**Guilty**" of Specification #1 and Specification #2, and I am issuing you a "**Written Reprimand**." This corrective action is within the First Group I violation range of the discipline matrix where mitigating factors (*accepted responsibility, no active discipline, and focused on making notification regarding the accident*) outweigh aggravating factors (*second preventable motor vehicle accident within two (2) years and assigned WCS over one (1) year*).

**Additionally, you shall, within five (5) work days of receiving this Written Reprimand, read General Police Order 4.06.04, Manual of Rules 4.03, 6.03 and 6.05, and Civil Service Rules 9.10 (12) and (18), and expect to be reinstructed by a superior officer on that Order and those Rules. Upon completion of the reinstruction, you will email (as an attachment) a Form-1 indicating reinstruction, endorsed by the same superior officer, to both:**

- The Case Preparation Unit (caseprep@clevelandohio.gov)
- Lieutenant Charles DePenti (cdepenti@clevelandohio.gov).



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.

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 Fraternal Order of Police Lodge #8, a record of the disciplinary actions or penalties will not be considered after three (3) years from the date of the action.

Respectfully,



Dornat A. Drummond  
Interim Chief of Police

DAD:bpc:cld:kfs

cc: Daniel Fay, Deputy Chief, Administrative Operations  
Harold Pretel, Deputy Chief, Homeland Special Operations  
Brian Carney, Commander, Bureau of Compliance  
Maurice Brown, Commander, Bureau of Special Services  
Christopher Viland, Superintendent, Internal Affairs Unit  
William Mokshefsky, Acting Lieutenant, Officer-in-Charge, Personnel 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  
George E. Coulter, Assistant Director, Department of Public Safety  
William Menzalora, Chief Assistant Director, Department of Law  
Michael Spreng, Secretary, Civil Service Commission  
Hassan Aden, Federal Monitoring Team  
Jason Goodrick, Executive Director, Cleveland Community Police Commission