

Last Name	First Name	Rank	Badge	Assigned	Violation	Date of Inc
Grace	Sean	PO	140	Third	TSAP (no physical file) (IU2020-0022) WCS	3/13/2020
Grace	Sean	PO	140	Third	violation(buffering mode w/o permission)	3/14/2020

Date of Hearing	Disposition
N/A	6/10/2020: Letter of Re-instruction issued
11/17/2020	2 Day suspension issued 12/8/20



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
Division of Police
Calvin D. Williams, Chief
1300 Ontario Street
Cleveland, Ohio 44113-1648
216/623-5005 • Fax: 216/623-5584

June 8, 2020

Patrol Officer Sean Grace #140
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: Instruction and Counseling

Patrol Officer Grace #140:

I had the opportunity to review the investigation conducted by the Traffic Safety Analysis Panel (TSAP) into the damage of marked police vehicle, #331 (2P5253), which occurred on March 13, 2020. During the course of the TSAP review, it was determined that the damage caused to the vehicle was preventable. Therefore, I am issuing you this **Non-disciplinary Letter of Reinstruction**. Please review Rules 6.03 and 6.05 of the Manual of Rules and Regulations, Civil Service Rule 9.10 (12) and (13).

Pursuant to the Manual of Rules and Regulations 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 and Regulations. 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.

Sincerely,

Calvin D. Williams
Chief of Police

CDW:rl:kfs

cc:

- Dornat Drummond, Deputy Chief, Field Operations
- Dorothy Todd, Commander, Third District
- Brian Carney, Commander, Bureau of Compliance
- Shawn Smith, Lieutenant, Officer-in-Charge, Training Section
- Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
- Christopher Viland, Police Inspector General
- Ronald Bakeman, Superintendent, Internal Affairs Unit
- Hassan Aden, Federal Monitoring Team



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October 26, 2020

Patrol Officer Sean Grace #140
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: IU2020-0022

Patrol Officer Grace #140:

Please be advised, in accordance with Article 28 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a pre-disciplinary conference 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 shall adhere.

Specification #1: (IU2020-0022) On or about March 13, 2020, you, Patrol Officer Sean Grace #140, placed your Wearable Camera System (WCS) into buffering mode before the end of an incident and without a supervisor's approval, in violation of General Police Order 4.06.04 (II, B-4) (Group I violation).

Specification #2: (IU2020-0022) On or about March 13, 2020, you, Patrol Officer Sean Grace #140, failed to notify Communications Control Section (CCS) when you discovered damage to your zone car as a result of a motor vehicle crash (MVC), in violation of General Police Order 8.1.01 (IV) (Group I violation).

The specifications are in violation of the rules and procedures of the Division of Police, Department of Public Safety.

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

PURPOSE: To establish guidelines for use, management, storage, retrieval, and supervision regarding the Wearable Camera System (WCS), and to provide officers with clear guidance on the use of the WCS and preservation of recordings to foster transparency, increase accountability, build trust, and protect the privacy rights of individuals.

POLICY: The WCS shall be deployed to ensure transparency and foster trust within our community. It shall be the responsibility of each officer to deploy their WCS in accordance with this order.

PROCEDURES:

II. Camera Deployment

- B. During tour of duty requirements for recording officers shall:
 - 4. Keep the WCS in event mode until the contact has concluded or when ordered by a Cleveland Division of Police supervisor.

General Police Order 8.1.01: Damage to City Vehicles (revised: 3/26/25)

PURPOSE: To set guidelines for the investigation of motor vehicle crashes (MVCs) involving City of Cleveland vehicles, MVCs involving Division of Police personnel, and any damage to Division vehicles.

POLICY: The Division shall investigate MVCs that involve City personnel operating City vehicles, MVCs that involve Division members, and damage to Division vehicles.

PROCEDURES:

- V. If a Division of Police vehicle is involved in an MVC or damaged by any means, the involved member shall notify CCS and obtain an incident number. An on-duty supervisor from the unit to which the vehicle is assigned shall complete the investigation. If no supervisor from the affected unit is on-duty, a supervisor from the district of occurrence shall

investigate. If the crash occurs outside of the City of Cleveland, the member's immediate supervisor shall complete the investigation.

MANUAL OF RULES FOR THE CONDUCT AND DISCIPLINE OF EMPLOYEES OF THE CLEVELAND DIVISION OF POLICE

II. ADMINISTRATIVE COMPLIANCE

Rule 2.02: Personnel shall not willfully disobey any rules, General Police Orders or directives of the Division of Police, or any lawful orders, written or oral, issued to them by a superior officer of the Division of Police.

Rule 2.14: The following are additional grounds for disciplining personnel, including removal, in addition to the grounds stated in Civil Service Commission rule 9.10:

- a. Incompetence
- e. Failure to obey orders given by proper authority
- f. Any other reasonable and just cause

III. ETHICS

Rule 3.12: Personnel shall be truthful and unbiased in all written reports, verbal reports, court testimony and conversations affecting the Division of Police, its officers and employees or persons under its jurisdiction.

IV. DUTY

Rule 4.02: Officers at the scene of an alleged serious crime shall exercise every precaution to prevent the destruction, impairment, disturbance or removal of any evidence, the personal effects and surrounding property and objects so that everything possible may be kept intact until it is noted, examined and/or photographed by personnel trained and equipped to perform such duties.

V. BEHAVIOR

Rule 5.01: Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

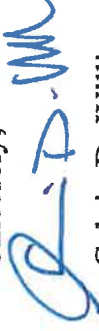
Rule 5.08: Personnel shall conduct themselves in such a manner as to command the respect of the public.

The pre-disciplinary conference is scheduled for **Tuesday, November 17, 2020, 1000 hours** in the Academy unit. Should you desire union representation, it is your responsibility to notify your union of this conference. 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. 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 **FULL "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 conference.**

THIS WILL BE YOUR TOUR OF DUTY.

THESE CHARGES MAY BE AMENDED AT A LATER DATE

Sincerely,



Calvin D. Williams
Chief of Police

CDW:bpc:cid:kfs
cc:

Dornat Drummond, Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Dorothy Todd, Commander, Third District
Westley Woods, Lieutenant, Inspection Unit
Jeffrey Follmer, President, Cleveland Police Patrolman's Associations
Christopher Vitland, Police Inspector General
Ronald Bakeman, Superintendent, Internal Affairs Unit
Hassan Aden, Federal Monitoring Team



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December 7, 2020

Patrol Officer Sean Grace #140
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: IU2020-0022

Patrol Officer Grace #140:

This letter is to advise you, Patrol Officer Sean Grace #140, of the result of the administrative pre-disciplinary hearing you attended on November 17, 2020 to address an internal investigation wherein you were alleged to have engaged in improper conduct and/or procedure:

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.

General Police Order 4.06.04: Wearable Camera System (WCS) (effective 1/1/2020)

General Police Order 8.1.01: Damage to City Vehicles (revised 3/1/02)

MANUAL OF RULES FOR THE CONDUCT AND DISCIPLINE OF EMPLOYEES OF THE CLEVELAND DIVISION OF POLICE

Rules 2.02, 2.14, 3.12, 4.02, 5.01 and 5.08.

Specification #1: (IU2020-0022) On or about March 13, 2020, you, Patrol Officer Sean Grace #140, placed your Wearable Camera System (WCS) into buffering mode before the end of an incident and without a supervisor's approval, in violation of General Police Order 4.06.04 (II, B-4) (Group I violation).

Specification #2: (IU2020-0022) On or about March 13, 2020, you, Patrol Officer Sean Grace #140, failed to notify Communications Control Section (CCS) when you discovered damage to your zone car as a result of a motor vehicle crash (MVC), in violation of General Police Order 8.1.01 (IV) (Group I violation).

These specifications are in violation of the rules and procedures of the Division of Police, Department of Public Safety.

In attendance at the administrative pre-disciplinary hearing were you, First Vice-President David Medina, Second Vice-President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, President Vincent Montague of the Black Shield Police Association, President Emmanuel Velez of the Hispanic Police Officers' Association, Sergeant Michael Morales of the Inspection Unit, Patrol Officer Mark Bahrijczuk of the Third District, Lieutenant Charles DePenti of the Case Preparation Unit, and Deputy Chief of Field Operations, Dornat Drummond, 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 "Not Guilty" to specification #2 as set forth in the charging letter. Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be found "Guilty" of both specifications.

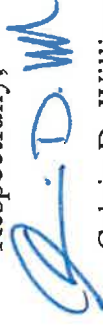
I have accepted the recommendations of the Hearing Officer, and I find there is just cause to impose discipline. Because your WCS was removed from "Event Mode" after the patrol car clearly struck something, I find you "Guilty" of both specifications and I am issuing you a **two (2) workday suspension without pay (Group I violation)**. This discipline is within the Group I violation range of the discipline matrix where aggravating factors outweigh mitigating factors (Aggravating Factors: multiple Group I violations and you were assigned your WCS for over one (1) year – Mitigating Factor: no active discipline).

Patrol Officer Sean Grace #140
December 7, 2020
Page 3 of 3

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 her designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer or her designee upon reporting for duty.

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, disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Respectfully,



Calvin D. Williams
Chief of Police

CDW:bpc:cld:kas

cc: Dornat Drummond, Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Dorothy Todd, Commander, Third District
William Mokshefsky, Officer-in-Charge, Personnel Section
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Jeffrey Follmer, President, Cleveland Police Patrolman's Association
Christopher Viland, Police Inspector General
Ronald Bakeman, Superintendent, Internal Affairs Unit
Nycole West, Director, Department of Human Resources
Kandice Ezell, Administrative Manager, Department of Public Safety
Michael Spreng, Secretary, Civil Service Commission
Hassan Aden, Federal Monitoring Team