

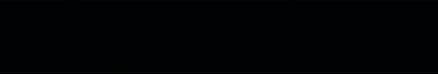


City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Safety  
Michael McGrath, Director  
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June 18, 2020

**Sergeant Christopher Graham #9954**



Sergeant Graham #9954:

This letter is to advise you (Sergeant Christopher Graham #9954) of the result of the administrative pre-disciplinary hearings you attended on Wednesday, May 15, 2019 and on Wednesday, December 4, 2019, in the Department of Public Safety. The hearings were held to address the results of internal investigations wherein you were alleged to have engaged in improper conduct and/or procedure.

Following your May 15, 2019 hearing, a request was submitted by the Fraternal Order of Police that no action be taken in regards to the allegations set forth during the May 15, 2019 hearing, until after the December 4, 2019 hearing, so that allegations from both hearings can be reviewed together. As such you were charged with rule violations, which follow:

**STATEMENT OF POLICY**

**In part:**

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations 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, regulations, 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 Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

**General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy** (revised: 9/29/09)

**General Police Order 1.1.02: Cleveland Division of Police Mission Statement** (revised: 5/17/17)

**General Police Order 1.1.03: Standards of Conduct and Courtesy** (effective: 3/1/02)

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**General Police Order 1.1.08: Violence in the Workplace** (revised: 9/10/2012)

**General Police Order 1.1.23: Reporting Controversial Incidents to the Chief's Office**

**General Police Order 1.3.02: Use of Division Computers and Email**

**The Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: Rules: 2.02, 2.03, 2.04, 2.06, 2.07, 2.08, 2.10, 2.14 (a) (b) (c) (e) (f), 3.12, 4.03, 4.08, 4.12, 5.01, 5.02, 5.08, 5.09, 9.01, 9.05, 9.08, 9.09 and 9.12.**

**Civil Service Commission Rule 9.10: 1, 3, 5, 7, 8, 10, and 18.**

**Specification #1:** On August 1<sup>st</sup> and 24<sup>th</sup>, 2018, you (Sergeant Christopher Graham #9954) disobeyed a direct order from your supervisor when you were instructed to correct and forward your secondary employment requests that were sitting in your Blue Team. As of November 11, 2018, the secondary employment requests have not been forwarded. (Group III)

**Specification #2:** On twenty three (23) separate occasions, you (Sergeant Christopher Graham #9954) submitted Form-1 requests for clarification on your work restrictions and what type of secondary employment you were barred from participating in. On October 16<sup>th</sup> and 22<sup>nd</sup>, 2018, you were ordered by your supervisors to submit any secondary employment questions or requests through Blue Team. You (Sergeant Christopher Graham #9954) were insubordinate and disobeyed a direct order from your supervisors when you continued to submit several more Form-1's. (Group III)

**Specification #3:** On November 21, 2018, you (Sergeant Christopher Graham #9954) typed another Form-1 requesting clarification on your secondary employment. Your actions were insubordinate when you continued to submit several Form-1's, after you were ordered by your supervisors to submit any secondary employment questions or requests through Blue Team. (Group III)

**Specification #4:** On Wednesday, November 28, 2018, you (Sergeant Christopher Graham #9954) circumvented the entire chain of command and directly e-mailed the Traffic Commissioner. (Group I)

**Specification #5:** On Wednesday, November 28, 2018, you (Sergeant Christopher Graham #9954) submitted a Daily Duty Report that contained inaccurate statements, representations and inflammatory language. (Group I)

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**Specification #6:** On Thursday, November 29, 2018, you (Sergeant Christopher Graham #9954) again circumvented the entire chain of command and directly e-mailed the Traffic Commissioner. This e-mail also included a challenge to the supervisors, which have in the past directed him, that he is in fact compliant with their verbal and written instructions. (Group I)

**Specification #7:** On April 19, 2019, you (Sergeant Christopher Graham #9954) sent an e-mail to your superior (Lt. Gordon Holmes #8441) in which you were insubordinate to your immediate supervisor (Sgt. Mark Medwid #9009) the Officer in Charge of the mounted unit, as you were previously directed that Sgt. Medwid was your immediate supervisor. Your statements were false, derogatory and unsupported by the facts and were in retaliation against your immediate supervisor. (Group III Violation)

**Specification #8:** On April 19, 2019, you (Sergeant Christopher Graham #9954) sent an e-mail in which you were insubordinate to your superior (Lt. Gordon Holmes #8441). Your statements were false, derogatory and unsupported by the facts. (Group III Violation)

**Specification #9:** On August 21, 2019, you (Sergeant Christopher Graham #9954) were ordered by Traffic Commissioner James Muhic #6040 to complete a Form-1 explaining how an OPS complaint became saturated with water. You, (Sergeant Christopher Graham #9954) instead completed a Form-1 requesting a 30 day continuance. Additionally, the Form-1 offered no explanation to the Traffic Commissioner's question. (Group III Violation)

**Specification #10:** On August 21, 2019, you (Sergeant Christopher Graham #9954) took an aggressive stance toward Sergeant Mark Medwid #9009 in Sergeant Mark Medwid's #9009 office. Sergeant Mark Medwid #9009 was concerned that the encounter might turn violent so he ordered you (Sergeant Christopher Graham #9954) to the first floor of the Mounted unit (downstairs). You refused several times. (Group III Violation)

**Specification #11:** On August 28, 2019, you (Sergeant Christopher Graham #9954) submitted a Form-1 explaining how the OPS became so saturated with water. The Form-1 was back dated to August 21, 2019. The explanation was at variance with Traffic Commissioner James Muhic #6040 and Sergeant Mark Medwid #9009 statements regarding the condition of the OPS complaint. The submitted Form-1 provided an explanation but did not seem to be supported by the condition of the original OPS complaint. (Group III Violation)

**Specification #12:** On multiple occasions (February 17, 2019, June 9, 2019, June 24, 2019 and June 30, 2019), during your tour of duty, you (Sergeant Christopher Graham #9954) made 339 public records request totaling approximately twelve (12) hours and twenty-one (21) minutes. (Group II Violation)

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**Specification #13:** Improper reporting procedures. You (Sergeant Christopher Graham #9954) stated that you were aware as early as January 2019 that supervisors were leaving work early and without permission, while submitting overtime, but did not attempt to advise any superior officer or the Chief's Office until April 4, 2019. (Group III Violation)

**Specification #14:** On April 25, 2019, you (Sergeant Christopher Graham #9954) wrote in an e-mail to the Cleveland Public Records Center, "Do you rely on the honesty of the Traffic Commissioner..." and "I am confident that if you looked in his e-mail that you'd find the e-mails that I've requested. I believe that the Traffic Commissioner would be proven a liar if a 3<sup>rd</sup> party looked into this matter if he is saying that there aren't any e-mails that fit the parameters of my request." Your comments were disparaging and offensive. (Group II Violation)

**On Wednesday May 15, 2019** you were charged with six specifications. In attendance at the administrative pre-disciplinary conference held on May 15, 2019 were you, President Brian Betley, Vice President Jerrold Zarlenga of the Fraternal Order of Police, Commissioner James Muhic, Lieutenant Gordon Holmes, Sergeant Mark Medwid of the Bureau of Traffic, Captain Robert Simon Acting Commander of the Bureau of Compliance, Attorney David Frantz, Sergeant Reginald Lanton of the Case Preparation Unit and Director Michael McGrath, who presided over the conference.

During the conference, 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 specifications #1-#6 as set forth in the charging letter.

**On Wednesday December 4, 2019** you were charged with eight specifications. In attendance at the administrative pre-disciplinary conference held on December 4, 2019 were you, President Brian Betley, Vice President Jerrold Zarlenga of the Fraternal Order of Police, Attorney Marcus Sidoti legal counsel for Sergeant Christopher Graham, Commissioner James Muhic, Lieutenant Gordon Holmes, Sergeant Mark Medwid of the Bureau of Traffic, Sergeant Robert Dunn of the Inspections Unit, Sergeant Wilfredo Diaz of the Hispanic Police Officer Association, Attorney David Frantz, Sergeant Reginald Lanton of the Case Preparation Unit and Director Michael McGrath, who presided over the conference.

During the conferences, you acknowledged receipt of the charging letters; you and your representatives waived the reading of your charge letters and were then afforded the opportunity to be heard. You entered a plea of "**Not Guilty**" to specifications #7-#11 and #13. And "**No Contest**" to specifications #12 & #14 as set forth in the charging letters.

Upon carefully reviewing the evidence presented by the Division, the memorialized record, as well as the arguments of you and your representatives, I find there is just cause to impose discipline. As such, I am **dismissing** specifications #3, #4 and #7, and find you **guilty** of specifications #1, # 2, #5, #6, #8, #9, #10, #11, #12, #13, and #14.

A review of specification #3 determined that it was a duplication of specification #2. Therefore specification #3 is **dismissed**.

With regards to specification #4, information provided during the hearing indicates that there was direct communication between you and Commissioner Muhic, that was initiated by Commissioner Muhic and that the email that was sent, was in response to the conversation between Commissioner Muhic and yourself, therefore it is **dismissed**.

With regards to specification #7, information provided during the hearing revealed that your statements were based upon your observations and opinion and submitted as a suggestion. Therefore, it is **dismissed**.

I am issuing you a **twenty (20) workday suspension without pay (Group III offense, first violation. Multiple Group I, II and III violations. Aggravating Factor: multiple Group I, II and III violations, multiple occurrences involving the same incident(s). Mitigating factor: no active discipline history)**. This discipline is within the Group III violation range of the discipline matrix, where aggravating factors outweigh mitigating factors.

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 + one (1) live round to your Commanding Officer or his designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer and/or his designee upon reporting for duty.

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, a record of the disciplinary sentence will remain in your personnel file for a period of three (3) years.

Sincerely,



Michael McGrath, Director  
Department of Public Safety

**Sergeant Christopher Graham #9954**

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MM:rl

cc:

Calvin D. Williams, Chief, Cleveland Division of Police  
Joellen O'Neill, Deputy Chief, Executive Officer  
Dornat Drummond, Deputy Chief, Field Operations  
Deon McCaulley, Deputy Chief, Administrative Operations  
Harold Pretel, Deputy Chief, Homeland Special Operations  
Brian Carney, Commander, Bureau of Compliance  
Deirdre Jones, Commander, Bureau of Support Services  
James Muhic, Commissioner, Bureau of Traffic  
William Menzalora, Chief Assistant Director of Law  
David Frantz, Attorney, Zashin & Rich  
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit  
Ronald Bakeman, Internal Affairs Superintendent  
Gregory White, Consent Decree Coordinator  
Hassan Aden, Federal Monitoring Team  
Nycole West, Director, Department of Human Resources  
Kandie Ezell, Administrative Manager, Department of Public Safety  
Michael Spreng, Secretary, Civil Service Commission

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