



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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Pre-Disciplinary Hearing

July 7, 2022

Patrol Officer Steven Schmitz #1875
C/o Fourth District Headquarters
9333 Kinsman Avenue
Cleveland, Ohio 44104

Re: VD2022-0021

Patrol Officer Schmitz #1875:

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 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: (VD2022-0021) On or about April 29, 2022, you, Patrol Officer Steven Schmitz #1875, failed to keep your Wearable Camera System (WCS) in event mode until the completion of your assignment and without the approval from your immediate supervisor, in violation of General Police Order 4.06.04. (*Group I Violation*)

Specification #2: (VD2022-0021) On or about April 29, 2022, you, Patrol Officer Steven Schmitz #1875, failed to immediately report damage to your zone car to a superior officer, in violation of Manual of Rules 6.06. (*Group I Violation*)

Specification #3: (VD2022-0021) On or about April 29, 2022, you, Patrol Officer Steven Schmitz #1875, failed to contact Communications Control Section (CCS) when your Division of Police vehicle was involved in a Motor Vehicle Crash (MVC) and damaged, in violation of General Police Order 8.1.01. (*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 8.1.01: Damage to City Vehicles (revised: 3/26/15)

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

- 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.

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

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:
2. Place their WCS into event mode during other contacts with the public that may or does become adversarial.
 4. Keep the WCS in event mode until the contact has concluded or when ordered by a Cleveland Division of Police supervisor.
 7. Document the reason that a WCS unit has been returned to buffering mode. Documentation shall take the form of making a recorded announcement on the WCS. Examples include:
 - a. Contact complete.
 - b. Incident complete.
 - c. Ordered by supervisor (name) to end recording.
 8. Notify a supervisor when a WCS was not placed into event mode in compliance with this order as soon as practical.

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

6.05 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.

6.06 Personnel shall immediately report to their superior officer the loss, theft or damage of any police equipment entrusted to their care.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Wednesday, July 20, 2022, at 1000 hours** in the **Cleveland Division of Police Headquarters, Room 924**. 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: Uniform and Clothing 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:cld:kfs

cc: Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Brandon Kutz, Commander, Fourth District
Melissa Dawson, Sergeant, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Hassan Aden, Federal Monitoring Team