



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Karrie D. Howard, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-2560 • Fax: 216/664-3734
www.cleveland-oh.gov

April 13, 2022

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

Re: OPS2020-0201

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.

On March 14, 2022, a pre-disciplinary hearing was conducted in the Office of the Chief of Police before Deputy Chief Harold Pretel. The Civilian Police Review Board (CPRB) recommended discipline for Group I Violations regarding both specifications contained in this letter. Based upon the recommendation of the Hearing Officer, the Chief found you "Guilty" of Specification #1 and "Not Guilty" of Specification #2, departing from the CPRB recommendation. On April 12, 2022, as permitted by the City's Charter, the CPRB voted to appeal the Chief's decision to the Director of Public Safety.

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: (OPS2020-0201) The Civilian Police Review Board (CPRB) has appealed to the Director of Public Safety that the allegation of *Lack of Service* be sustained against you, Patrol Officer Steven Schmitz #1875, that on or about September 14, 2020, you violated General Police Orders 3.4.14 and 8.2.01 when, upon learning that the complainant's driver's license was suspended, you ceased in assisting her in obtaining her legal property, ordered her vehicle to be towed, refused her request that a licensed driver be allowed to take possession of her vehicle, and failed to provide minimal protection for the complainant's safety when you ordered her off the scene on foot, leaving her vulnerable to the aggressions of her nearby ex-boyfriend. (*Group I Violation*)

Specification #2: (OPS2020-0201) The Civilian Police Review Board (CPRB) has appealed to the Director of Public Safety that the additional allegation of *Unprofessional Conduct* be sustained against you, Patrol Officer Steven Schmitz #1875, that on or about September 14, 2020, you violated Manual of Rules 5.01, 5.08, and 5.09, when you failed to consider the safety of the complainant during your time on scene, to wit: when you allowed the complainant's agitated ex-boyfriend to approach and yell at the complainant as she was seated in her vehicle a few houses down from the ex-boyfriend's residence and again when you ordered the complainant away from the scene after calling for the tow of her personal vehicle and instructing her to walk to the gas station at the end of the street alone. (*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 3.4.14: Driving under Suspension Arrest and Citations (effective: March 1, 2002)

POLICY: The Cleveland Division of Police shall arrest/or cite violators for Driving Under Suspension and/or Wrongful Entrustment, and as legally mandated, seize the motor vehicle.

PROCEDURES:

II. Procedures for Driving Under Suspension Arrests and/or Citations:

- E. If a violator is in possession of a driver's license or other form of valid identification, it is the officer's discretion to cite and release, or make a physical arrest. If cited and released, the court date shall be set for 14 days from issuance, with the exception of the five day rule in Sec. III. B. of this order.
- F. When a violator is cited under CCO 435.07, driving under suspension, the motor vehicle that the violator is operating shall be towed in connection with the arrest/citation. The only exception to this is if the owner (or owner-authorized person) has a valid driver license, and proof of insurance for the motor vehicle.

General Police Order 8.2.01: Vehicle Tow or Release (Revised: 5/30/2003)

POLICY: The Cleveland Division of Police shall ensure that motor vehicles are properly towed.

PROCEDURES:

VIII. Officers are required to release a vehicle and cancel the tow when all of the following conditions exist:

- A. The owner or person claiming possession of the vehicle arrives prior to the tow and produces identification to the satisfaction of the towing officer that they are entitled to possession of the vehicle.
- B. The officer feels the owner or other claiming possession is capable of safely taking such possession.
- C. The officer feels the flow of traffic will not be unreasonably impeded.

- D. The towing officer feels the health; safety or welfare of the public will not be adversely affected.
- E. The vehicle has less than four outstanding parking infractions, judgments, or citations.

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Police Department

V. BEHAVIOR

- 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.
- 5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.
- 5.09 Personnel shall be courteous and respectful in their speech, conduct, and contact with others.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Thursday, April 14, 2022, at 1000 hours** in the **Cleveland Public Auditorium (Room LL09)**. 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: Sworn Officers Uniform 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

April 13, 2022

Page 4 of 4

Sincerely,



Karrie D. Howard, Director
Department of Public Safety

KDH:dad:ww:cld:la

cc: Dornat Drummond, Interim Chief, Division of Police
Timothy Hennessy, Assistant Director, Department of Public Safety
George E. Coulter, Assistant Director, Department of Public Safety
Sammy Morris, Acting Deputy Chief, Field Operations
Brandon Kutz, Commander, Fourth District
Westley Woods, Acting Commander, Bureau of Compliance
Ali Pillow, Commander, Bureau of Special Investigations
Robert Simon, Captain, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Paul Patton, Director, Department of Human Resources
Jakimah R. Dye, Coordinator of Operations, Department of Public Safety
Michael Hess, Chairman, Civilian Police Review Board
Henry Roney, Interim Administrator, Office of Professional Standards
Anitra Merritt, Investigator, Office of Professional Standards
LeeAnn Hanlon, Private Secretary, Civilian Police Review Board
Richard Rosenthal, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Hassan Aden, Federal Monitoring Team