



## City of Cleveland

Justin M. Bibb, Mayor

### Department of Public Safety

Karrie D. Howard, Director

601 Lakeside Avenue, Room 230

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August 10, 2022

**Patrol Officer Steven Schmitz #1875**

**C/o Fourth District Headquarters**

**9333 Kinsman Road**

**Cleveland, Ohio 44104**

**Re: OPS2020-0201**

Patrol Officer Schmitz #1875:

This letter is to advise you, Patrol Officer Steven Schmitz #1875, of the result of the administrative pre-disciplinary hearing you attended on Friday, June 3, 2022. The hearing was held to address the results of an external investigation wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

#### **FACTUAL SUMMARY**

The Civilian Police Review Board (CPRB) ruled that the allegation of *Lack of Service* and *Unprofessional Conduct* be sustained against you, Patrol Officer Steven Schmitz #1875 with discipline that is conducive to a Group I Violation for each specification. OPS2020-0112 was submitted to the Chief's Office on February 24, 2022 and a pre-disciplinary hearing was held on March 30, 2022 before Deputy Chief Daniel Fay in which you plead "Not Guilty" to both specifications. Based upon the recommendation of the hearing officer, the Chief found you "Guilty" of Specification #1 for *Lack of Service* and "Not Guilty" of Specification #2 for *Unprofessional Conduct*, departing from the CPRB's 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*)  
Public Safety.

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)

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

**Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Police Department: Rules 5.01, 5.08 and 5.09**

### PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that Assistant Director George Coulter of the Department of Public Safety presided over, were you, President Jeffrey Follmer, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Intern Law Clerk Sean Goodman, Jr., Intern Law Clerk Kyle Webster, Intern Law Clerk Dustin Read, Assistant Director Amanda Boutton of the Department of Law, Investigator David Hammons of the Office of Professional Standards, Manager Aikaterini Houston of the Safety Medical Unit, Lieutenant Charles DePenti of the Case Preparation Unit, Assistant Director Jakimah R. Dye of the Department of Public Safety and myself.

During the hearing, you acknowledged receipt of the charge 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 Specification #1 and Specification #2 as set forth in the charge letter.

## HISTORY, FINDINGS AND CONCLUSIONS

### ***Discipline History***

No active discipline

### ***Findings and Conclusions***

- ***Mitigating and Aggravating Factors***

Aggravating: None.

Mitigating: No active discipline.

- ***Anomalies***

None.

### ***Disciplinary Conclusion***

A thorough review was conducted by the Department of Public Safety. I have carefully reviewed the investigation completed by the Office of Professional Standards, evidence incorporated into the record by reference, statements made at the hearing, and pertinent laws, rules, policies and procedures. The Office of Professional Standards stated on the record that they were only appealing *Specification #2*, so *Specification #1* will be addressed in a separate letter from the Office of the Chief. I concur with the CPRB's recommendation and as it relates to *Specification #2* and find that you violated Manual of Rules 5.01, 5.08 and 5.09 when you allowed the complainant's ex-boyfriend to walk directly past you and insert himself into the door frame of the complainant's vehicle where he yelled in her face and degraded her. Although the complainant's vehicle was lawfully towed, it was unnecessary. You could have allowed for a licensed driver to take possession of her vehicle. As members of the Department of Public Safety, we are service providers to the citizens of the City of Cleveland. The complainant called us for help and in turn, she was inconvenienced and made fun of when you stated, "You're sitting here talking about lung surgery and you're smoking how many cigarettes? You can walk up the street- it's healthier for you." You also made unprofessional comments when speaking to the tow truck driver on scene stating that you would, "solve the situation one way or another" as you laughed and referenced the complainant's citation and tow. As such, find you **"Guilty"** of *Specification #2* and am issuing you a **"Written Reprimand."** This corrective action is within the First Group I violation range of the discipline matrix where mitigating factors (*no active discipline*) outweigh aggravating factors (*none*).

**Additionally, you shall, within five (5) work days of receiving this Written Reprimand, read Manual of Rules 5.01, 5.0 and 5.09 and expect to be reinstructed by a superior officer on 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 the Case Preparation Unit (caseprep@clevelandohio.gov) and The Department of Public Safety (publicsafetyadmin@clevelandohio.gov).**

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, verbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

August 10, 2022

Page 4 of 4

Sincerely,

A handwritten signature in black ink, appearing to read "Karrie D. Howard". The signature is fluid and cursive, with the first name "Karrie" being more prominent.

Karrie D. Howard, Chief Director  
Department of Public Safety

KDH:dad:kas

cc: Dornat A. Drummond, Chief, Cleveland Division of Police  
George E. Coulter, Assistant Director, Department of Public Safety  
Jakimah R. Dye, Assistant Director, Department of Public Safety  
Joellen O'Neill, Deputy Chief, Executive Officer  
Daniel Fay, Deputy Chief, Administrative Operations  
Harold Pretel, Deputy Chief, Homeland Special Operations  
Sammy Morris, Acting Deputy Chief, Field Operations  
Brandon Kutz, Commander, Fourth District  
Brian Carney, Commander, Bureau of Compliance  
Christopher Viland, Superintendent, Internal Affairs Unit  
William Mokshefsky, Officer-in-Charge, Personnel Section  
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit  
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association  
Paul Patton, Chief Human Resources Officer  
William Menzalora, Chief Assistant Director, Department of Law  
Michael Pike, Assistant Director, Department of Law  
Amanda Boutton, Assistant Director, Department of Law  
Michael Hess, Chairman, Civilian Police Review Board  
Henry Roney, Interim Administrator, Office of Professional Standards  
Spyridon Kodellas, Research Analyst, Office of Professional Standards  
Monique Young, Labor Relations Officer, Human Relations  
Richard Rosenthal, Member, Monitoring Team  
Michael Evanovich, Investigator, Department of Justice  
Hassan Aden, Federal Monitoring Team  
Jason Goodrick, Executive Director, Cleveland Community Police Commission