



## City of Cleveland

Justin M. Bibb, Mayor

### Department of Public Safety

Dornat (Wayne) A. Drummond, Interim Chief

FBI NA #230

Division of Police

1300 Ontario Street, Suite 929

Cleveland, Ohio 44113

216/623-5005 • 216/623-5584 Fax

[www.clevelandohio.gov](http://www.clevelandohio.gov)

## Disposition Letter

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 Schmitz #1875, of the result of the administrative pre-disciplinary hearing you attended on March 30, 2022, to address an external investigation wherein you were alleged to have engaged in improper procedure and/or conduct.

### **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) is recommending to the Chief of Police 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) is recommending to the Chief of Police 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, especially 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)

**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: 5.01, 5.08 and 5.09**

### **HEARING INFORMATION**

In attendance at the administrative pre-disciplinary hearing were you, President Jeffrey Follmer, Second Vice President Andrew Gasiewski and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, Investigator David Hammons and Investigator Arthur Bowker of the Office of Professional Standards, President Mister Jackson and Second Vice President Farid Alim of the Black Shield Police Association, Vice President Erik Melendez of the Hispanic Police Officers' Association, Lieutenant Charles DePenti of the Case Preparation Unit, and Deputy Chief Daniel Fay of Administrative Operations, 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 "Not Guilty" to the specification contained in the charge letter. Upon carefully reviewing the evidence presented, the memorialized record, as well as the arguments of you and your representatives, the Hearing Officer recommended that you be found "Guilty" of the Specification #1 and "Not Guilty" of Specification #2.



### FINDINGS AND CONCLUSION

Upon carefully reviewing the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I have accepted the recommendation of the Hearing Officer. You ceased in assisting the complainant to obtain her legal property and should have allowed the vehicle to be towed by a licensed driver, therefore, I find there is just cause to impose discipline. Based on the foregoing, I find you “**Guilty**” of Specification #1 and I 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*). Further, this Written Reprimand will be considered in conjunction with the Written Reprimand issued for Specification #2 by the Director of Public Safety for this incident (OPS2020-0201), and as such shall be considered a single Written Reprimand for disciplinary history.

Pursuant to the Manual of Rules, 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. 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.

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.

Respectfully,



Dornat A. Drummond  
Chief of Police

DAD:bpc:cld

cc: Sammy Morris, Acting Deputy Chief, Field Operations  
Daniel Fay, Deputy Chief, Administrative Operations  
Brian Carney, Commander, Bureau of Compliance  
Christopher Viland, Superintendent, Internal Affairs Unit  
Jarod Schlacht, Lieutenant, Internal Affairs Unit  
William Mokshesky, Acting Lieutenant, Officer-in-Charge, Personnel Unit  
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  
George E. Coulter, Assistant Director, Department of Public Safety  
Michael Spreng, Secretary, Civil Service Commission  
Michael Hess, Chairman, Civilian Police Review Board  
David Gatian, Vice Chairman, Civilian Police Review Board  
Henry Roney, Interim Administrator, Office of Professional Standards  
Hassan Aden, Federal Monitoring Team  
Jason Goodrick, Executive Director, Cleveland Community Police Commission