



Date: June 22, 2012

To: Board Members, Citizen Complaint Authority
From: Kenneth E. Glenn, CCIA Director
Subject: **CCA Investigative Summaries, Board Meeting / July 2, 2012**

1

Complaint #	12068
Complainant(s)	Alonzo Jackson
Involved Officer(s)	Jeffrey Ertel
CCA Investigator	Dena Brown
Director Recommendation	Use of Force (Physical) - Exonerated Discourtesy - Sustained
Board Recommendation	Pending
City Manager Finding	Pending

Narrative

Mr. Alonzo Jackson filed a citizen complaint with CCA on March 20, 2012. The incident occurred on March 19, 2012 on Daly Rd, at approximately 10pm.

Mr. Jackson alleged District Five Officers Jeffrey Ertel, and Anthony Egner, racially profiled him, used excessive force, and was discourteous.

Summary

Mr. Jackson alleged Officer Ertel used excessive force and was discourteous when he was stopped in McElvoy Park. Officers Ertel, Egner, Lutz and Horton responded to a communications dispatch of shots fired in the park. When they arrived, a Springfield Township officer had Mr. Jackson and Ms. Lillard stopped at gun point. The DVR captured the incident and when Mr. Jackson refused to comply with the officer's commands, Officer Ertel approached, grabbed his arm and walked him over to the cruiser. Mr. Jackson questioned the officers about the stop and Officer Ertel responded by using profanity which is not in compliance with CPD's policy associated with verbal stunning. The Investigator concluded the force used against Mr. Jackson was in compliance with CPD policies, procedures and training.

Findings

Officers Jeffrey Ertel - Use of Force-Physical

A preponderance of the evidence shows alleged conduct did occur, but did not violate CPD policies, procedures or training. **EXONERATED**

Officer Jeffery Ertel - Discourtesy

The allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper. **SUSTAINED ■**

2

Complaint #	12071
Complainant(s)	DeOndre Williams
Involved Officer(s)	Specialist Yvonne Gutapfel and Ron Schultz
CCA Investigator	Dena Brown
Director Recommendation	Gutapfel: Improper Search (Person) - Not Sustained Discourtesy - Not Sustained Improper Procedure (Frisk) - Sustained Schultz: Discourtesy – Not Sustained
Board Recommendation	Pending
City Manager Finding	Pending

Narrative

Mr. DeOndre Williams filed a citizen complaint with the Cincinnati Police Department on March 21, 2012. The incident occurred at the intersection of Gilsey and Glenway, at approximately 1:15 pm. The case was referred to CCA on March 22, 2012.

Mr. Williams alleged District 3 Specialist Yvonne Gutapfel improperly searched his pockets and Specialist Gutapfel and Ronald Schultz was discourteous when they made comments about a tattoo on his arm.

Summary

Mr. Williams was stopped and issued a citation for riding his bicycle on a sidewalk. He alleged he was improperly searched by Specialist Gutapfel. During the stop, Mr. Williams alleged Specialist Gutapfel and Schultz were discourteous when they questioned him about a tattoo on his arm referencing a Cincinnati neighborhood after he told them he was not from Cincinnati. Specialist Gutapfel and Schultz stated Mr. Williams was frisked and not searched and they questioned him about his tattoo when he stated he was not from Cincinnati and the tattoo made reference to a neighborhood.

Specialist Gutapfel conducted a frisk of Mr. Williams because she observed him with another male who touched his waistband as if he had a gun. Mr. Williams and the male went out of sight for a few seconds and he was uncooperative and kept his foot on the bicycle peddle. Specialist Gutapfel did not investigate the male Mr. Williams was seen with whom she stated touched his pants as if he had a gun.

Specialist Gutapfel did not articulate any specific facts and/or reasonable suspicion that would cause an officer safety issue and justify a frisk of Mr. Williams who was stopped for riding a bicycle on the sidewalk. The Investigator could not determine if Specialist Gutapfel searched Mr. Williams, however, the frisk was not in compliance with CPD policy. The Investigator could not determine if the comment about Mr. Williams' tattoo was discourteous as perceived by him or an investigative inquiry by the officers.

Findings

Specialist Yvonne Gutapfel- Improper Procedure-Frisk

The allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper. **SUSTAINED**

Specialist Yvonne Gutapfel- Improper Search-Person

There are insufficient facts to decide whether the alleged misconduct occurred. **NOT SUSTAINED**

Specialist Yvonne Gutapfel and Ron Schultz- Discourtesy

There are insufficient facts to decide whether the alleged misconduct occurred. **NOT SUSTAINED ■**

3

Complaint #	12074
Complainant(s)	Edward Millen
Involved Officer(s)	Ryan Olthaus and Nathan Asbury
CCA Investigator	David Moonitz
Director Recommendation	Olthaus and Asbury: Excessive Force - Not Sustained
Board Recommendation	Pending
City Manager Finding	Pending

Narrative

Mr. Edward Millen alleged on March 16, 2012, after he was handcuffed, Officer Ryan Olthaus used excessive force when he kicked his legs from under him causing him to fall to the ground. Mr. Darryl Brown alleged Officer Nathan Asbury used excessive force when he was taken to the ground. The incident occurred in Roselawn Park and was reported to CCA in person on March 26, 2012.

Summary

Sergeant Beechler and Officer Adams were on surveillance in Roselawn Park and observed several individuals smoking marijuana. The sergeant was working as a team with uniformed Officer Olthaus and plainclothes Officers Davis, Peponis, Hamlet and Asbury and radioed for them to respond to the park to investigate. During the investigation, Officer Asbury found a concealed weapon on Mr. Brown who indicated he advised the officers prior to the pat down that he was in possession of a firearm as required by law. Officer Asbury denied that the warning was given and arrested Mr. Brown for carrying a concealed weapon. Mr. Millen stated Mr. Brown was reaching into his pocket for the permit and Mr. Washington stated he had the permit in his hand when the officers approached them. Mr. Brown alleged he was taken to the ground by Officer Asbury. Mr. Washington and Mr. Millen also indicated Officer Asbury took Mr. Brown to the ground which was denied by all of the officers.

During the investigation, Officer Olthaus smelled marijuana on Mr. Millen and handcuffed him. After being handcuffed, Mr. Millen alleged Officer Olthaus kicked his legs from under him causing him to fall to the ground. Mr. Washington stated Officer Olthaus slammed Mr. Millen to the ground. When Officer Asbury felt the gun on Mr. Brown, he yelled gun and Officer Olthaus ordered Mr. Millen to sit on the curb. Mr. Millen refused to sit down and as Officer Olthaus attempted to sit him down, Mr. Millen stumbled. Officer Olthaus held onto him and sat him on the curb for safety reasons. Officer Adams who was on surveillance with Sergeant Beechler indicated he observed Mr. Millen stumble as Officer Olthaus attempted to sit him down.

There are no DVRs, unbiased witnesses or other evidence to support or refute the allegations.

Findings

Officer Ryan Olthaus-Excessive Force (Mr. Millen)

There were insufficient facts to determine whether the alleged misconduct occurred. **NOT SUSTAINED.**

Officer Nathan Asbury-Excessive Force (Mr. Brown)

There were insufficient facts to determine whether the alleged misconduct occurred. **NOT SUSTAINED ■**

4

Complaint #	12079
Complainant(s)	Steve Smith
Involved Officer(s)	Ryan Parks
CCA Investigator	Dena Brown
Director Recommendation	Use of Force (Physical) - Exonerated
Board Recommendation	Pending
City Manager Finding	Pending

Narrative

Mr. Steve Smith filed a citizen complaint with the Cincinnati Police Department on March 31, 2012. The case was referred to CCA on April 3, 2012. Mr. Smith alleged Officer Ryan Parks used excessive force when he pushed his daughter, Shelby Smith to the ground. Mr. Smith was not present and did not witness the incident. The incident occurred on Gregory St, D-1, on March 31, at approximately 2:35 am.

Summary

Shelby Smith alleged Officer Ryan Parks walked away from her brother who was arrested and used excessive force by pushing her to the ground. Officer Parks admitted he pushed Ms. Smith, when she moved into his personal space and was interfering with the arrest of her brother, Brandon Smith. Officer Parks and Mr. Smith stated that Ms. Smith was pushed when she approached the officer. The investigation has concluded that based on Officer Parks and Brandon Smith's statements, Ms. Smith came within the personal space of the officer and the push was not meant to knock her to the ground, but to prevent her from interfering with the arrest of her brother. The Investigator has concluded Officer Parks did not violate CPD policy.

Findings

Officer Ryan Parks-Use of Force-Physical

A preponderance of the evidence shows the alleged conduct did occur, but did not violate CPD policies, procedures, or training. **EXONERATED ■**

5

Complaint #	12080
Complainant(s)	Benjamin Ham
Involved Officer(s)	Baron Osterman
CCA Investigator	Dena Brown
Director Recommendation	Improper Pointing of a Firearm and Improper Procedure - Not Sustained
Board Recommendation	Pending
City Manager Finding	Pending

Narrative

Mr. Benjamin Ham filed a citizen complaint with the Cincinnati Police Department on April 4, 2012. The incident occurred on March 27, 2012, on Lynn Street at approximately 6:00 pm. The case was referred to CCA on April 4, 2012 from CPD

Mr. Ham alleged Officer Baron Osterman pointed his firearm at him without cause and broke his cell phone when he threw it against a concrete wall.

Summary

Mr. Benjamin Ham alleged Officer Baron Osterman improperly pointed his firearm at him and damaged his cell phone when the officer threw it against a brick wall. Officer Osterman stated he drew his firearm and pointed it in the direction of Mr. Ham after he placed his hand in his pocket after being warned not to do so. Officer Osterman denied that he broke Mr. Ham's cell phone. The Investigator could not prove or disprove Mr. Ham's allegations.

Findings

Officer Baron Osterman - Improper Pointing of a Firearm and Improper Procedure

There are insufficient facts to decide whether the alleged misconduct occurred. **NOT SUSTAINED** ■
