

Date: April 19, 2011

To: Board Members, Citizen Complaint Authority
From: Kenneth E. Glenn, CCIA Director
Subject: CCA Investigative Summaries, Board Meeting / May 2, 2011

1

Complaint #	10311
Complainant(s)	Scottie Williams
Involved Officer(s)	Toni Savard
CCA Investigator	Dena Brown
Director Recommendation	Excessive Force (Physical) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. Scottie Williams filed a citizen complaint with the Cincinnati Police Department on December 5, 2010 the day of the incident. The incident occurred at Kroger’s, 4777 Kenard St., approximately 6:45 pm, D-5.

Mr. Williams alleged D-5 Officer Carol Walker #P203 threatened and assaulted him. The investigation revealed he interacted with D-5 Officer Toni Savard P-463, not Officer Walker.

Summary

Mr. Scottie Williams alleged Officer Toni Savard used excessive force when she pushed him out of Kroger’s. Officers Savard and Walker denied the allegation. Ms. McCray and Mr. McKinney stated Mr. Williams was disorderly and needed to leave the store. Officers Savard and Walker ordered him to leave several times which he did not comply. Officer Savard stated she told Mr. Williams he had three seconds to leave the store. Mr. Williams began to walk toward the exit but stopped several times. Officer Savard stated she placed her hand on his shoulder and escorted him to the exit, at no time did she push him. Mr. McKinney stated the officer nudged Mr. Williams toward the exit. The Investigator could not determine if Mr. Williams was pushed out of the store as alleged.

Findings

Excessive Force-Physical-Officer Toni Savard

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

2

Complaint #	10318
Complainant(s)	Deborah Jones
Involved Officer(s)	Sgt. William Halusek and Brett Thomas
CCA Investigator	Dena Brown
Director Recommendation	Halusek and Thomas: Excessive Force (Physical) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Ms. Deborah Jones filed a citizen complaint with CCIA on December 27, 2010. The incident occurred on December 22, 2010, at 1834 Race St., at approximately 10:30 am, D-1.

Ms. Jones alleged two male white officers stopped her grandson Samuel Griffin and attempted to question him but he fled. Samuel was grabbed by his collar and belt area of his pants and forced to the ground, handcuffed and tased. She alleged that no medical attention was given after the tasing.

Summary

Sergeant Halusek stated Mr. Griffin was observed the day before the incident conducting a controlled sale of narcotics to an informant. He was spotted the next day and stopped for questioning. Mr. Griffin fled instead of complying with the officers. Sergeant Halusek ordered Mr. Griffin to stop and when he did not comply, he was taken to the ground. Mr. Griffin alleged several uniformed officers placed their knee in his back. All the officers denied they kneed Mr. Griffin. Sergeant Halusek and Officer Thomas stated Mr. Griffin was ordered to place his hands behind his back and when he failed to comply, Officer Thomas drive stunned him once in the back area and he submitted to be handcuffed. Ms. Jones and Mr. Griffin alleged no medical attention was given. The CAD indicated that the fire department responded but he refused treatment. He was transported to District One and questioned. The process at the district was lengthy due to a search warrant that was executed on Ms. Wooten’s residence where the controlled drug transaction occurred. The Investigator could not determine if the force used by the officers was excessive or within policy, procedure, or training.

Findings

Excessive Force-Sergeant William Halusek and Officer Brett Thomas

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

3

Complaint #	11006
Complainant(s)	Discharge of Firearm
Involved Officer(s)	Thomas Jones
CCA Investigator	David Moonitz
Director Recommendation	Exonerated
Board Recommendation	Hold until June
City Manager Finding	Pending

Narrative

On January 12, 2011, Chief Investigator Pychewicz was notified by communication section of a discharge of firearm by Officer Thomas Jones assigned to District 4. The incident occurred in the vicinity of Clinton Springs Avenue at approximately 11pm on January 11, 2011.

Summary

Officer Thomas Jones stated he was taking an auto accident report when he heard gunshots coming from nearby. He notified communication section and walked in the direction from where the shots were believed to have originated. Mr. Phillips came from the rear of some buildings and Officer Jones observed a gun in his hand. He yelled police and for him to get down on the ground. According to Officer Jones, Mr. Phillips ignored his commands and turned the gun toward him. Officer Jones, fearing for his life fired two shots at Mr. Phillips which did not take affect. Mr. Phillips then fled and after a brief foot pursuit lost visual contact with him. Mr. Phillips stated no commands were given and he did not point the gun at the officer until after Officer Jones fired upon him.

Shortly thereafter, and in close proximity, Officer Jones stated a second person, later identified as Mr. Rashand Muhummed was observed with a gun in his hand. Officer Jones stated he ordered him to drop the weapon and to get down on the ground. According to Officer Jones, Mr. Muhummed started to raise the gun toward him and fearing for his life, fired two rounds neither of which took effect. Mr. Muhummed fled and because of the circumstances the officer did not initiate a foot pursuit. Both Mr. Phillips and Muhummed were subsequently arrested by Homicide Unit Investigators. Both Mr. Phillips and Muhummed were armed with guns when approached by Officer Jones who articulated a fear of death or serious bodily harm.

Findings

Officer Thomas Jones-Discharge of Firearm

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

4

Complaint #	11007
Complainant(s)	Billy Capps
Involved Officer(s)	Dwight Pewett and Jerry Hodges
CCA Investigator	Dena Brown
Director Recommendation	Pewett and Hodges: Excessive Force (Taser) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. Billy Capps alleged on November 20, 2010, at approximately 23:00 at West Eighth Street, District 3 Officers Jerry Hodges P-538, and Dwight Pewett P-534 tased him without warning. He stated he did not receive medical attention afterwards. The complaint was received by CCIA as a walk-in on January 13, 2011.

Summary

Mr. Billy Capps alleged Officers Hodges, Zucker, and Pewett entered his apartment and tased him 3 separate times without any warnings. Officer Hodges stated he, Officers Zucker and Pewett, responded to West Eighth Street for an assault with a knife involving an unknown male subject. When they arrived on scene, the subject informed them he had been stabbed in the foot by his neighbor, Billy Capps. The officers responded to Mr.

Capps' apartment and knocked on his door. Mr. Capps opened his door, holding a screwdriver in his right hand.

The officers stated Mr. Capps raised the screwdriver above his head in a combative manner and took a step towards the officers causing Officers Hodges and Officer Pewett to draw their tasers and point them at Mr. Capps. Officer Zucker drew his firearm, with his finger outside of the trigger guard, and also pointed it at Mr. Capps. All three officers yelled for Mr. Capps to drop the screwdriver, but he did not comply. Officers Pewett and Hodges immediately deployed their tasers and were unable to give a warning. The tasers were ineffective and Mr. Capps remained on his feet. He leaned against a wall with his right hand out of view. They ordered Mr. Capps to get on the ground and place his hands behind his back or he would be tased again. Mr. Capps did not comply and Officer Pewett cycled his taser a second time. Mr. Capps complied and put his hands behind his back.

The Investigation could not determine if Officers Pewett and Hodges used excessive force when they tased Mr. Capps.

Findings

Officer Dwight Pewett and Officer Jerry Hodges – Excessive Force (Taser)

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

5

Complaint #	11012
Complainant(s)	Rufus Richards
Involved Officer(s)	Steven Bower
CCA Investigator	David Moonitz
Director Recommendation	Search (Vehicle) - Exonerated Racial Profiling - Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

During a CCRP hearing, Mr. Richards alleged Officer Bower improperly searched his car and racially profiled him on November 10, 2010. The complaint was received by CCIA on January 18, 2011, after it was sent to IIS from District 4.

Summary

Officer Bower stated he stopped Mr. Richards for two traffic violations. Mr. Richards stated Officer Bower racially profiled him. Officer Bower denied that allegation. Officer Bower asked Mr. Richards if he had anything in the car he shouldn't have; Mr. Richards voluntarily surrendered a packet of marijuana. He was ordered to exit his car, searched, handcuffed and placed in the rear of Officer Bower's CPD vehicle. The DVR reflects Officer Bower's account of the incident. Officer Bower searched the car incidental to the arrest and within CPD policy and procedure. The investigation concluded the search of Mr. Richards' car was proper; the allegation of racial profiling could not be verified.

Findings

Officer Steven Bower - Search-Vehicle

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

Officer Steven Bower - Racial Profiling

There were insufficient facts to decide whether or not the alleged misconduct occurred. **NOT SUSTAINED ■**

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Complaint #	11013
Complainant(s)	David Lackey
Involved Officer(s)	Randy Phillips, Tyrone Hall, Karen Parker, Kandice Roper-Issa, and Jason Lindle
CCA Investigator	David Moonitz
Director Recommendation	Phillips, Hall, Parker, Roper-Issa, and Lindle: Excessive Force/ Discourtesy- Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. David Lackey alleged he was choked by an unknown male/black officer, tased in the groin by an unknown female officer, punched in the face, kicked and called a derogatory name by other unknown officers when he was arrested on January 17, 2011. The complaint was retrieved by CCA from ETS on January 19, 2011.

Summary

Officers Phillips and Parker were dispatched by communication section to Ms. Bailey's apartment to check on her well being. Her mother, Ms. Greer, met the officers outside the apartment building and directed them to her apartment. Ms. Bailey opened the door and allowed the officers to enter her apartment. Once inside, Officers Phillips and Parker confronted Mr. Lackey, asked him for identification and found that he had several felony warrants for his arrest. Ms. Bailey and Greer exited the apartment as Officer Parker called for additional officers. Officers Roper-Issa, Lindle and Hall responded. Officer Phillips told Mr. Lackey he had to be handcuffed and he lowered an arm and placed it behind his back. As Officer Phillips took his arm and started to handcuff him, according to the officer, Mr. Lackey pulled away and shoved him. Officer Phillips stated he took him to the floor using body displacement, and a struggle ensued. The other officers joined Officer Phillips in an attempt to gain control of Mr. Lackey and handcuff him.

Mr. Lackey stated during the struggle he was punched in the face and tased in the groin area... Officer Roper-Issa stated Mr. Lackey grabbed her leg and was pulling her down and she punched him in the face with a closed fist four or five times to avoid being pulled to the floor. Officer Parker stated she drive stunned him four or five times as after each cycle, he continued to resist. She denies tasing him in the groin area. Mr. Lackey alleged he was kicked and called a derogatory name by an unknown officer and choked by a male/black officer with a mustache. Officers Phillips and Hall both fit the description but denied choking him. All the officers present denied kicking or calling Mr. Lackey a derogatory name or hearing the other officers kicking or calling him a derogatory name. CFD Engine Company 32 responded and evaluated Mr. Lackey prior to his transport to the Hamilton County Justice Center. The Investigator could not determine if the officers kicked or called Mr. Lackey a derogatory name, or if the force used by the officers was excessive.

Findings

Officers Randy Phillips, Tyrone Hall, Karen Parker, Kandice Roper-Issa, and Jason Lindle- Excessive Force/ Discourtesy

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

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Complaint #	11021
Complainant(s)	Brenda Varner
Involved Officer(s)	Steven Rogers
CCA Investigator	Dena Brown
Director Recommendation	Use of Force (Physical) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Ms Brenda Varner filed a citizen complaint with the Cincinnati Police Department on January 28, 2011. The incident occurred at 1928 Westwood Northern Blvd, at approximately 2:48 am. CCIA received the complaint on the same date.

Ms Brenda Varner alleged D-3, Officer Steven Rogers, #P333, twisted her arm before placing her under arrest.

Summary

Ms. Brenda Varner alleged Officer Steven Rogers twisted her arm during her arrest. Officer Rogers, Johnson, and Locke denied the allegation. The DVR did not capture the incident but the audio was on when Ms. Varner was being placed under arrest. Ms. Varner stated to Officer Rogers “you know what that is when you touch me.” Officer Rogers transported her to the Justice Center and notified his supervisor when Ms. Varner alleged he twisted her arm. The Investigator could not determine if Officer Rogers twisted Ms. Varner’s arm as she alleged.

Findings

Use of Force -Physical -Officer Steven Rogers

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

8

Complaint #	11022
Complainant(s)	Loraine Gentry
Involved Officer(s)	Charles Zopfi
CCA Investigator	David Moonitz
Director Recommendation	Discourtesy/Racial Profiling – Not Sustained Lack of Service - Unfounded
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Ms. Loraine Gentry alleged on January 26, 2011, in the Hamilton County Court House, Room 280, Officer Charles Zopfi gestured toward her with his middle finger, and told her she was a sick person. She contends the statement was racially motivated because she is black and he is white. She further alleged Officer Zopfi failed to investigate an assault complaint made by Mr. Leman Tilman. The complaint was received through ETS on January 31, 2011.

Summary

Ms. Gentry alleged while in Hamilton County Municipal Court, Officer Zopfi told her he was going to get her and she was going to jail. He also told her she was stupid, ignorant and a child. and flipped his middle finger at her and the gesture was racially motivated. Ms. Gentry could not explain why she felt it was racially motivated. She further alleged he failed to investigate an assault incident involving a friend of hers. Officer Zopfi denied all the allegations, stating she made hissing noises at him several times and blew kisses at him in the court room. He stated Ms. Tilman did not file an assault report and the Investigator verified through the District 2 Collator that there was no report filed.

Findings

Officer Charles Zopfi-Discourtesy/Racial Profiling

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

Officer Charles Zopfi-Lack of Service

The investigation determined there were no facts to support that the incident complained of actually occurred. **UNFOUNDED ■**

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Complaint #	11035
Complainant(s)	Randall Oliver
Involved Officer(s)	Timothy Pappas
CCA Investigator	David Moonitz
Director Recommendation	Improper Procedure (Deployment of Canine) – Unfounded Excessive Force (Use of Chemical Irritant) – Not Sustained Excessive Force (PepperBall) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. Randall Oliver alleged on January 16, 2011, he was struck approximately 200 times by pepperball deployed by Officer Pappas. Mr. Oliver alleged Officer Pappas did not announce deployment of a CPD canine, or the use of the PepperBall gun. CCIA received the complaint from CPD IIS on February 14, 2011, who received it on the February 11, 2011 from Mr. Moore.

Summary

Officers were dispatched by PCS to the location of this incident where two subjects were seen entering a vacant building. Sergeant Murray stated while en route he requested a canine unit and Officer Pappas responded. Upon viewing the point of entry, Sergeant Murray authorized the use of the canine. Officer Pappas stated he issued numerous warnings before placing the canine inside and Mr. Leach an unbiased witness heard the warnings of the deployment. While on the second floor the canine alerted toward the ceiling and a trap door entry to an attic was found. Officer Pappas requested Sergeant Murray to respond inside with two officers. He hoisted himself to where he could see in the attic and observed Mr. Moore and Mr. Oliver in a prone position.

Officer Pappas issued several warnings for them to come out of the attic or chemical irritant would be deployed. There was no response, prompting the officers to deploy chemical irritant into the attic. Mr. Moore stated he and Mr. Oliver had passed out from heroin use. He stated that he did not hear anything until he woke up from the effect of the chemical irritant and hearing voices below him. Officer Pappas stated he ordered Mr. Moore to come out and warned of the use of PepperBall if he did not comply. Mr. Moore he ignored the order prompting the officer to discharge the PepperBall. The deployment did not take effect, so Officer Pappas fired a round into the rafters above Mr. Moore. Mr. Moore stated he was surrendering when one PepperBall struck him in the head and knocked him out. Officer Pappas stated he then fired a PepperBall round at Mr. Oliver who was still prone and unresponsive. Mr. Moore and Mr. Oliver came out after several additional minutes. Mr. Oliver stated there was no warning of the canine or PepperBall deployment. Mr. Moore and Mr. Oliver were checked by CFD and decontaminated from the chemical irritant and transported to the Hamilton County Justice Center. The investigation concluded the deployment of the canine was within CPD policy. The Investigator could not conclude; if a warning of the release of chemical irritant was given, or if Mr. Moore surrendered before the deployment of the PepperBall.

Findings

Officer Timothy Pappas-Improper Procedure-Deployment of Canine

The investigation determined there were no facts to support that the incident complained of actually occurred.
UNFOUNDED

Officer Timothy Pappas-Excessive Force-Use of Chemical Irritant, PepperBall

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