



Date: May 25, 2012

To: Board Members, Citizen Complaint Authority
From: Kenneth E. Glenn, CCIA Director
Subject: **CCA Investigative Summaries, Board Meeting / June 4, 2012**

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Complaint #	11138
Complainant(s)	Michael Moore
Involved Officer(s)	Kenneth Kober
CCA Investigator	Dena Brown and Greg Pychewicz
Director Recommendation	Discharge of a Firearm - Exonerated
Board Recommendation	Agree 7 - 0
City Manager Finding	Agree

Narrative

Mr. Michael Moore M/H/19 alleged on June 15, 2011, at approximately 12:45am in the area of 2635 Vine Street, Officer Kenneth Kober, assigned to the canine unit, discharged his firearm once at him as he was running away from him with a gun in his hand.

Summary

Officers Dawson and Scott stopped several people to question them in regarding several dumpster fires that had been started by juveniles. Mr. Mitchell Moore fled the scene because he had a gun on his person. As Mr. Moore fled, he ran in the direction of Officer Kober and turned into a parking lot. Officer Kober began pursuing Mr. Moore on foot and heard Officer Stanton yell that he had a gun in his hand. Officer Kober stated as Mr. Moore was running, he placed the gun over his right shoulder and pointed it in his direction causing him to fear for his life. Officer Kober fired one shot at Mr. Moore which did not take affect. Mr. Moore threw the gun, went to the ground and was arrested without further incident. Mr. Moore denies pointing the gun at the officer. The Investigator concluded Officer Kober did not violate CPD policies, procedures, or training when he discharged his weapon.

Findings

Officer Kenneth Kober-Discharge of a Firearm

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

2

Complaint #	12015
Complainant(s)	Bradley Nelson
Involved Officer(s)	Nicholas Hageman
CCA Investigator	David L. Moonitz
Director Recommendation	Excessive Force (Physical) - Not Sustained
Board Recommendation	Agree 7 - 0
City Manager Finding	Agree

Narrative

Mr. Bradley Nelson alleged on January 28, 2012, while he was being placed in a police vehicle, Officer Nicholas Hageman kicked him in the stomach and groin. The incident occurred at 900 Enright Avenue. The complaint was retrieved from ETS on January 30, 2012.

Summary

Ms. Sarah Schlake flagged down Specialist Davis and told him that Mr. Nelson had stolen money from her. They drove around and located Mr. Nelson in a parking lot and Specialist Davis recovered the money and placed him under arrest. Mr. Nelson was handcuffed and became resistant when he was ordered to enter the rear seat of the police vehicle. Mr. Nelson continued to resist as officers attempted to place him in the vehicle. In order to leverage Mr. Nelson into the vehicle, Officer Hageman attempted to knee strike him on the common peroneal nerve but stated the strike landed in his abdominal area as he continued to resist. Specialist Davis stated Officer Hageman pressed his knee against Mr. Nelson to have him enter the vehicle.

Mr. Nelson and Ms. Schlake stated the officer kicked him with a foot in the abdomen area. Mr. Nelson alleged he was kicked three times and Ms. Schlake stated he was kicked once. According to Officer Hageman, he attempted to use a knee strike that went astray that struck Mr. Nelson in the abdomen as he resisted being placed in the vehicle. There are no witnesses or DVR's to support or refute the allegation. Both officers admitted that force was used, however, the investigation could not determine if Mr. Nelson was kicked multiple times and if the force that Officer Hageman used was excessive and not within CPD policy.

Findings

Officer Nicholas Hageman -Excessive Force-Physical

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

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Complaint #	12018
Complainant(s)	Juan Holley
Involved Officer(s)	Robert Bohl & Tammy Hussel
CCA Investigator	David L. Moonitz
Director Recommendation	Bohl & Hussel: Excessive Force (Physical) - Unfounded
Board Recommendation	Agree 7 - 0
City Manager Finding	Agree

Narrative

Mr. Juan Holley alleged on January 31, 2012, Officer Robert Bohl pulled him out of the rear seat of a police vehicle and he fell to the ground and struck his shoulder. The complaint was retrieved from ETS on February 1, 2012. The incident occurred in the sally port of the Hamilton County Justice Center.

Summary

Upon arrival at the Justice Center, Mr. Holley told Officer Bohl that he couldn't exit the police vehicle because his foot was stuck under the car seat. He alleged the officers pulled him from the vehicle causing him to strike his shoulder and knee on the pavement. The DVR from the Justice Center depicted the officers assisting him from the vehicle and sitting him on the ground. Mr. Holley did not fall to the ground striking his shoulder or knee as alleged in his complaint. The Investigator concluded the officers did not use any force and only assisted Mr. Holley from the vehicle.

Findings

Officers Robert Bohl & Tammy Hussel - Excessive Force-Physical

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

4

Complaint #	12056
Complainant(s)	Joshua Inman
Involved Officer(s)	Jacob Mapel
CCA Investigator	Dena Brown
Director Recommendation	Excessive Force (Physical) – Not Sustained
Board Recommendation	Agree 5 - 2
City Manager Finding	Agree

Narrative

Mr. Joshua Inman filed a citizen complaint with the Cincinnati Police Department on February 29, 2012 from an incident that occurred on November 22, 2011. The incident occurred on East Liberty St. D-1, at approximately 3:30am. The case was referred to CCA on March 6, 2012.

Mr. Inman alleged D-1 Officer Jacob Mapel, used excessive force when he removed his cell phone from his pocket.

Summary

Mr. Joshua Inman alleged Officer Jacob Mapel used excessive force when he removed his cell phone from his pocket while he was seated in the rear of the cruiser, causing the handcuffs to cause injury to his wrists. Officer Mapel denied the allegation and stated he did not use any force and only grabbed the phone from Mr. Inman's hand. The DVR did not capture the incident. The Investigator could not determine if force was used or if the officer removed the phone from his pocket as alleged or from his hand as the officers alleged.

Findings

Officer Jacob Mapel- Excessive Force- Physical

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

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Complaint #	12072
Complainant(s)	Trammell Metz
Involved Officer(s)	Donald Hamlet, Steve Peponis, Shermel Davis
CCA Investigator	David Moonitz
Director Recommendation	Hamlet: Excessive Force (Taser) - Not Sustained Hamlet, Peponis, Davis: Excessive Force (Physical) - Not Sustained
Board Recommendation	Agree 5 - 2
City Manager Finding	Agree

Narrative

Mr. Trammell Metz alleged District 4 Officers Donald Hamlet, Steve Peponis, and Shermel Davis used excessive force during his arrest by punching, kneeling, and tasing him which resulted in an injury to his right arm. Ms. Latrice Barber alleged she was struck in the jaw by an officer during the incident. The incident occurred on March 21, 2012, at 3501 Burnet Avenue. The complaint was received by CCA from ETS on March 22, 2012.

Summary

Officers Peponis and Davis stated they observed Mr. Metz conduct a hand-to-hand drug transaction. When the officers attempted to stop him, Mr. Metz ran into a building and got on the elevator. Officers Peponis and Davis entered the building and got on the elevator and attempted to arrest Mr. Metz and a struggle ensued. Officer Hamlet entered the elevator after the confrontation began. During the struggle, Officer Peponis delivered several knee strikes to Mr. Metz abdominal in an attempt to gain compliance. Mr. Metz stated he had a gun and reached for his waistband. Officer Hamlet stated he warned Mr. Metz that he would be tased and when he continued reaching toward his waistband, he deployed his taser. The taser did not take effect, and Officer Hamlet drive stunned Mr. Metz twice. Mr. Metz became compliant and was handcuffed and escorted out of the building. Mr. Metz stated he surrendered when the officers entered the elevator but he was still tased, punched, and kneed. There are no independent witnesses or other evidence to substantiate or refute Mr. Metz's allegations.

Findings

Officer Donald Hamlet-Excessive Force - Taser

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

Officers Donald Hamlet, Steve Peponis, Shermel Davis-Excessive Force - Physical

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

Complaint #	12092
Complainant(s)	Billy Johnson
Involved Officer(s)	Unknown Officer
CCA Investigator	Greg Pychewicz
Director Recommendation	Excessive Force (Physical) - Unfounded
Board Recommendation	Agree 7 - 0
City Manager Finding	Agree

Narrative

Mr. Billy Johnson filed a citizen complaint with the Cincinnati Police Department on April 19, 2012. The incident occurred on the same date, at District 3, at approximately 1:30 am. CCA obtained the case from ETS on the same date.

Mr. Johnson alleged an unknown District 3 officer used excessive force by pushing him out of a chair while handcuffed at the district causing a cut over his left eye.

Summary

Mr. Billy Johnson stated in his complaint while sitting in a chair at D-3, an unknown officer purposely pushed him from the chair causing him to hit his head on the floor. When interviewed by the Investigator, he recanted his statement and stated he was intoxicated and fell from the chair and was not aware he filed a complaint. The officers stated he purposely fell from the chair.

Findings

Unknown Officer- Excessive Force-Physical

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