



Date: February 24, 2011

To: Board Members, Citizen Complaint Authority
From: Kenneth E. Glenn, CCA Director
Subject: **CCA Investigative Summaries, Board Meeting / March 7, 2011**

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Complaint #	10219 (Old Business)
Complainant(s)	Jerome Sye
Involved Officer(s)	Scott Beasley
CCA Investigator	Dena Brown
Director Recommendation	Excessive Force (Physical) – Not Sustained Discourtesy – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. Jerome Sye filed a citizen complaint with the Cincinnati Police Department on August 15, 2010. The incident occurred on the same date at 2936 W. McMicken St., D-5, approximately 8:56 am. The case was referred to CCIA on August 31, 2010.

Mr. Sye alleged Officer Scott Beasley, #P656, D-5, used excessive force when he lifted Mr. Sye off the ground by the handcuffs and made a discourteous comment to him.

Summary

Mr. Sye alleged he was placed in the rear of the cruiser and the handcuffs were uncomfortable. He moved them to the bend of his knees. Officer Beasley ordered him out of the vehicle and to place the handcuffs back behind his back but he could not. Officer Beasley forcefully assisted him in placing the handcuffs in their correct position. He was not lifted off the ground but had to stand on the tips of his toes when assisted. Mr. Sye stated Officer Beasley used a discourteous remark toward him. Officer Beasley denied the allegation and stated Mr. Sye while sitting in the rear of the cruiser, brought the handcuffs from his rear to the front of his body. Officer Beasley stated he only assisted Mr. Sye in placing the handcuffs back to their original position toward the rear of his body and did not make any discourteous remarks toward him. The Investigator could not determine if the force used to place the handcuffs in their original position was excessive or if the officer was discourteous.

Findings

Excessive Force-Physical and Discourtesy –Officer Scott Beasley

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

2

Complaint #	10272 (Old Business)
Complainant(s)	Anthony Landingham
Involved Officer(s)	Anthony Peters
CCA Investigator	David Moonitz
Director Recommendation	Excessive Force (Physical) - Unfounded
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. Anthony Landingham stated on October 22, 2010, at 2300 St. James while he was being handcuffed, District 4 Officer Anthony Peters, badge # P-572, jammed his arm behind him. He alleged use of excessive force while being handcuffed. The complaint was received by CCIA telephonically on October 24, 2010.

Summary

Mr. Landingham stated he was outside of his car when he was approached by Officer Bower on foot and asked his name. Officer Bower stated Mr. Landingham stated, "You are not looking for me." Officer Bower informed him of the outstanding warrants and ordered him to place his hands behind his back. Officer Bower displayed his Taser. Mr. Landingham stated the Taser was pressed against his chest. Mr. Landingham stated Officer Peters, approached him from the rear, grabbed his arms, jerked them behind him and handcuffed him. He further alleged Officer Peters turned the DVR off when they were driving to the Justice Center and said "another black man going to jail." Officer Peters stated he did not jerk or use force in securing his arms and handcuffing him. A review of the DVR from Officer Peters' cruiser indicated the officer did not turn the DVR off from the time Mr. Landingham was placed in the vehicle until they were in courtyard of the Justice Center. The camera and audio was operating during that entire transport to the Justice Center. Mr. Pickett, a witness, stated he did not see Mr. Landingham jerked around at any time but saw the Taser against his chest. The investigation determined, corroborated by Mr. Pickett, that Officer Peters did not use excessive force by jerking Mr. Landingham's arms behind his back during the handcuffing process.

Findings

Officer Anthony Peters- Excessive Force(Physical)

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

3

Complaint #	10263
Complainant(s)	Leatha Howard
Involved Officer(s)	Paul Byers, Travis Brown
CCA Investigator	Dena Brown
Director Recommendation	Byers: Excessive Force – Not Sustained Brown: Discourtesy – Unfounded Improper Procedure (MVR) - Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mrs. Leatha Howard filed a citizen complaint with CCIA on October 19, 2010. The incident occurred on October 18, 2010. The incident occurred at 4th and Main St., at approximately 4:50 pm, in District 1.

Mrs. Howard alleged D-1 Officer Paul Byers, #P644, forced her daughter Rodneisha into a bush. Rodneisha was charged with a pedestrian violation (J-walking) and obstruction of official business. She was transported to the Hamilton County Juvenile Facility. Mrs. Howard stated D-1 Officer Travis Brown #P318, was discourteous toward her at the juvenile facility.

Summary

Rodneisha alleged Officer Paul Byers forced her head into a bush during her arrest. Officer Byers denied the allegation. The officer stated Rodneisha was resisting and would not comply with his order to surrender her arm to be handcuffed. He stood behind her while she was leaning over the planter box and reached over her in an attempt to gain control of her arm. Federal Reserve Officer Brian Lee had to assist him in handcuffing Rodneisha. Mr. McDowell, an independent witness did not observe the handcuffing process. The Investigator could not determine if the officer used excessive force by intentionally pushing Rodneisha into the bush.

Officer Brown stated he was not discourteous toward Ms. Howard and only made a factual statement that Rodneisha had a prior charge. Ms. Howard discourtesy allegation was based upon that statement. Officer Brown responded to Ms. Howards comment that her daughter had never been in trouble by stating she had a prior record. There was no allegation that the officer used profanity or was condescending in his remarks. The Investigator concluded that the officer made a true statement and was not discourteous. Additionally, Officer Brown did not follow CPD's policies and procedures when Officer Brown failed to turn on the microphone during the transport.

Findings

Excessive Force-Officer Paul Byers

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

Discourtesy-Officer Travis Brown

There are no facts to support the incident complained of actually occurred. **UNFOUNDED**

Improper Procedure (MVR)-Officer Travis Brown

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

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Complaint #	10281
Complainant(s)	Andrea Burke
Involved Officer(s)	Phillip Threatt
CCA Investigator	Dena Brown
Director Recommendation	Excessive Force (Physical) - Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Ms. Andrea Burke filed a citizen complaint with CCIA on November 4, 2010. The incident occurred on September 25, 2010, approximately 11:30 pm at 2851 Cypressway St. Indiana/Ohio Rail Yard, D-2.

Ms. Burke alleged Officer Phillip Threatt #P903, used excessive force when he pulled her shoulder out of place during her arrest.

Summary

Ms. Andrea Burke alleged Officer Phillip Threatt used excessive force when he raised her arm, and re-injured her shoulder during her arrest. Officer Threatt denied the allegation and stated he used several sets of flex cuffs and his metal handcuffs to accommodate Ms. Burke. The DVR did not reflect Ms. Burke alleging Officer Threatt used excessive force only that she wanted the handcuffs to be placed in the front, due to a prior dislocated shoulder. The Investigator could not determine if the officer forced her arm behind her back reinjuring her shoulder.

Findings

Excessive Force-Officer Phillip Threatt

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

5

Complaint #	10300
Complainant(s)	Dirik Jones
Involved Officer(s)	Jason Rice
CCA Investigator	David Moonitz
Director Recommendation	Excessive Force (Physical) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. Dirik Jones, male/black, 17 years of age, alleged District 2 Violent Crimes Unit Officer Jason Rice kicked him in his right side prior to handcuffing him while he was on the ground. The incident occurred on November 17, 2010 and was retrieved from ETS on November 23, 2010.

Summary

Officers Butler, Rice and Staidler, stated they were in plain clothes and working in an unmarked CPD vehicle when they observed a car wanted for investigation of a robbery and drug trafficking. A uniformed CPD vehicle initiated a stop of the car. Mr. Jones, riding in the front passenger's seat of the car immediately exited the car and ran. Officers Rice and Staidler initiated a foot pursuit; Mr. Jones stated during the pursuit he fell. The officers caught him while he was on the ground. Before handcuffing him, Mr. Jones stated Officer Rice kicked him in his right side. Officers Rice stated he did not kick Mr. Jones and Officer Staidler stated she did not see Officer Rice kick him. The investigation was unable to refute or confirm if Mr. Jones was kicked by Officer Rice.

Findings

Officer Jason Rice-Use of Excessive Force-Physical

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

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Complaint #	10310
Complainant(s)	David Mirick
Involved Officer(s)	Donald Meece
CCA Investigator	David Moonitz
Director Recommendation	Excessive Force (Canine) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Mr. David Mirick alleged on November 29, 2010, after he complied with Officer Meece's orders to place his hands on his head, the canine was permitted to bite his leg. Officer Meece did not immediately recall the canine. The allegation was retrieved from ETS on December 6, 2010.

Summary

Officers Vyancik stated he and Officer Shaw were taking a robbery report on the porch of the victim's residence. The victim, Sarah Young, stated to the officers the perpetrator was walking on Elbron Avenue and pointed to David Mirick. The officers drove to his location and ordered him to stop. He fled on foot into a wooded area. Sergeant Beavers requested a canine unit to be sent to the scene. Canine Officers Meece and Ader responded. Canine Officer Ader acted as the cover officer for Officer Meece and his canine. Officer Meece issued multiple warnings that a canine unit was going to be deployed if Mr. Mirick did not come out of hiding. He began the track. Mr. Mirick stated no warning was given. He was on the ground, near an outbuilding when he heard Officer Meece and his canine nearing him.

Officer Meece stated Mr. Mirick was initially not visible to him when his canine partner rounded the corner of the outbuilding. He first became aware of Mr. Mirick's presence when he heard him screaming. When he was positioned to see Mr. Mirick the canine had a bite hold on his right calf. He ordered him to show his hands and roll onto his stomach. He did not immediately comply and was kicking at the canine with his left leg. As soon as Mr. Mirick showed his hands he recalled the canine and Officer Ader handcuffed him. Mr. Mirick stated he immediately complied with the order to show his hands and as he was rolling onto his stomach the canine attacked him; Officer Meece did not immediately recall the canine. He was rendered medical attention at the scene by CFD personnel and transported to University Hospital for further treatment. The Investigation could not determine whether or not Officer Meece allowed the canine to attack Mr. Mirick after he complied with his orders.

Findings

Officer Donald Meece-Use of Excessive Force-Canine

There were insufficient facts to determine whether the alleged misconduct did or did not occur.
NOT SUSTAINED ■

Complaint #	11001
Complainant(s)	Courtney Brown
Involved Officer(s)	Lt. Joseph Williams
CCA Investigator	David Moonitz
Director Recommendation	Excessive Force (Physical) - Not Sustained Discourtesy - Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Agree

Narrative

Ms. Courtney Brown alleged on January 1, 2011, at approximately 6:10am she was driven to her mother's residence by Lieutenant Williams after she called 911 for assistance after she was raped. The mother was not home. Lieutenant Williams pulled her out of the CPD vehicle by jerking her arm, tearing her jacket and pushing her against the trunk of the CPD vehicle. Her head struck the trunk. After driving her to another relative's residence and nobody being there, he made her exit the car and told her to find her own way home. She also alleged he was rude to her. The complaint was retrieved from ETS on January 3, 2011.

Summary

Lieutenant Joseph Williams stated he responded to a PCS dispatch regarding a female crying hysterically. Upon arrival he observed Courtney standing on the corner and appeared to be crying. As a result of their conversation he drove her to her residence which was a secured apartment building and they could not gain entry. He attempted to telephone her mother but had to leave a voice mail. Courtney attempted to walk away; he stopped her and she got back in the vehicle. She became profane and said she didn't want or need his help. He drove her to a PNC bank next to a UDF store. He told her to go inside the UDF and wait there until she could contact her mother. She refused to exit the car. Courtney stated he jerked her out of the car by her arm which resulted in her jacket being torn. She alleged he pushed her against the trunk causing her to hit her head. He denied that and stated he offered to take her to District 2 and wait in the lobby until her mother could be contacted but she refused. He left the location at that time. Courtney alleged he was rude to her. He stated he was not. The investigation was unable to determine the validity of Ms. Brown's allegations.

Findings

Lieutenant Joseph Williams-Excessive Force-Physical; Discourtesy

There was insufficient evidence to conclude whether the alleged misconduct of either allegation occurred.
NOT SUSTAINED ■
