

Date: January 3, 2012

**To:** Board Members, Citizen Complaint Authority  
**From:** Kenneth E. Glenn, CCIA Director  
**Subject:** CCA Investigative Summaries, Board Meeting / January 9, 2012

---

## # 1 OLD BUSINESS

|                                |  |
|--------------------------------|--|
| <b>Complaint #</b>             | <b>11169</b>   |
| <b>Complainant(s)</b>          | <b>Michael Stallworth</b>  |
| <b>Involved Officer(s)</b>     | <b>Sgt Eric Schneider</b>  |
| <b>CCA Investigator</b>        | <b>Dena Brown</b>  |
| <b>Director Recommendation</b> | <b>Improper Pointing of a Firearm – Not Sustained<br/>Excessive Force (Physical) – Not Sustained<br/>Excessive Force (Taser) - Not Sustained</b> |
| <b>Board Recommendation</b>    | <b>Agree (5-0)</b>   |
| <b>City Manager Finding</b>    | <b>Agree</b>   |

### Narrative

Mr. Michael Stallworth filed a citizen complaint with CCIA July 15, 2011. The incident occurred on July 13, 2011 at King's Drive Thru, 4364 Reading Road, at approximately 8:54 pm.

Mr. Stallworth alleged D-4, Sergeant Eric Schneider #S241, improperly pointed his firearm, and used excessive force during his arrest.

### Summary

Mr. Michael Stallworth alleged Sergeant Eric Schneider improperly pointed his firearm, and used excessive force by tasing him and intentionally forcing his head against the police cruiser during his arrest. Sergeant Schneider denied pointing his firearm at Mr. Stallworth and stated he drew his firearm but had it in a low ready position because of his initial observation of Mr. Stallworth and he was unsure of what type of situation he had when he was motioned by the owner for his assistance.

Sergeant Schneider stated Mr. Stallworth refused to comply with his commands to place his hands behind his back and continued to pull away and resist while he tried to handcuff him. He stated he drive stunned him for 12 seconds because of his non-compliance and the drive stun mode which does not have the same affect as when the barbs are deployed. Sergeant Schneider stated he did not intentionally push Mr. Stallworth's head against the cruiser but they were struggling and he is not sure if his head struck the cruiser. The Investigator could not determine if Sergeant Schneider's actions were improper.

## Findings

### Improper Pointing of a Firearm, Excessive Force-Physical (forcing head onto cruiser), and Excessive Force-Taser - Sergeant Eric Schneider

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

---

## # 2 OLD BUSINESS

|                                |  |
|--------------------------------|--|
| <b>Complaint #</b>             | <b>11228</b>   |
| <b>Complainant(s)</b>          | <b>Sophia Reed</b>   |
| <b>Involved Officer(s)</b>     | <b>Jeffrey Ruberg &amp; Nicholas Hageman</b>   |
| <b>CCA Investigator</b>        | <b>Greg Pychewicz</b>  |
| <b>Director Recommendation</b> | <b>Ruberg: Use of Force (Physical) - Exonerated<br/>Improper Procedure (Seat Belt) - Sustained</b><br><b>Hageman: Discourtesy - Not Sustained<br/>Improper Procedure (Seat Belt) - Sustained</b> |
| <b>Board Recommendation</b>    | <b>Hold for further review</b>   |
| <b>City Manager Finding</b>    | <b>Pending</b>   |

## Narrative

Ms. Sophia Reed filed a citizen complaint with Cincinnati Police Department on August 19, 2011. The incident occurred on August 13, 2011, at 2203 Queen City Avenue, at approximately 12:50 am. The case was referred to CCIA on September 6, 2011.

Ms. Reed alleged D-3 Officer Jeffrey Ruberg used excessive force by squeezing her arm and pulling it behind her back when she removed her handcuffs and searched her vehicle without permission. She also alleged Officer Nicholas Hageman was discourteous when he commented on her tight pants.

## Summary

Officers Hageman and Ruberg stopped Ms. Reed's vehicle because there was a warrant for her arrest for driving on a suspended license. After she got out of the vehicle and was informed she was under arrest, Officer Hageman asked if she had any sharp objects. The DVR reflected him saying her pants were tight and looked like they had been painted on so he would not subject her to a search. Officer Hageman handcuffed Ms. Reed and placed her in the police cruiser.

Ms. Reed stated after she was placed in the police vehicle, she removed the handcuffs to use her cell phone. Once they arrived at the justice center and as the officers started to remove her from the vehicle, she handed them the handcuffs. The officers stated as they began to place the handcuffs back on her, she pulled away and began using profanity and racial remarks toward them. Ms. Reed stated as Officer Hageman was placing the handcuffs back on her wrist, she reached over to pull her blouse from under the cuff and Officer Ruberg grabbed her arm and twisted it behind her.

Both officers stated Ms. Reed pulled away from having the handcuffs placed on her. Officers Ruberg and Hageman stated the only force used was to grab her arm and place it behind her back to handcuff her. Officer Ruberg stated he held her arm tight to control her as she pulled away. Ms. Reed's stated she moved her arm around to pull her sleeve up from the other arm that had been handcuffed. The actions of the officers in using

minimal force to re-handcuff Ms. Reed falls within CPD policy as she admitted that she was moving her arms around.

Officers Ruberg and Hageman did not recall if they placed a seat belt or restraint on Ms. Reed during the transport to the Justice Center. The DVR did not capture Ms. Reed as she was placed in the vehicle. However, during the transport to the Justice Center, the DVR captured Ms. Reed moving around in the rear seat which would indicate a seat belt was not used. The fact that Ms. Reed was able to remove the handcuffs, resulted in the interaction at the Justice Center where she alleged the use of excessive force during the re-handcuffing process. The officers gave no indication why it was not practical to place Ms. Reed in a seat belt which potentially helped her to remove the handcuffs.

## **Findings**

### **Use of Force- Physical -Officer Jeffrey Ruberg**

A preponderance of the evidence shows that the alleged conduct did occur but did not violate CPD policy. **EXONERATED**

### **Discourtesy- Officer Nicholas Hageman**

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

### **Improper Procedure (Seat Belt) Officers Nicholas Hageman and Jeffrey Ruberg**

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

---

---

#3

|                                |                               |   |
|--------------------------------|-------------------------------|---|
| <b>Complaint #</b>             | <b>11119</b>                  |   |
|                                | <b>Discharge of a Firearm</b> |   |
| <b>Involved Officer(s)</b>     | <b>Phillip Threatt</b>        |   |
| <b>CCA Investigator</b>        | <b>David Moonitz</b>          |   |
| <b>Director Recommendation</b> | <b>Threatt:</b>               | <b>Excessive Force (Discharge of Firearm) - Sustained</b>   |
|                                | <b>Threatt and Watson:</b>    | <b>Improper Procedure (Failure to Obtain a Form 601, Consent to Search Without a Warrant) - Sustained</b> |
| <b>Board Recommendation</b>    | <b>Agree (5-0)</b>            |   |
| <b>City Manager Finding</b>    | <b>Agree</b>                  |   |

## **Narrative**

On May 30, 2011, Officer Phillip Threatt discharged his firearm at Mr. Phillip Williams, striking him in the left wrist. Officers Threatt and Watson were attempting to arrest Mr. Williams for an out-of-state felony warrant. The incident occurred at 4216 Romaine Drive. CCIA was notified by Emergency Communications Section.

## Summary

Mr. Phillip Williams stated he was hiding in his mother's bedroom closet. An officer slid open one of the doors and immediately fired a shot at him, striking him in the left wrist. Although Officer Threatt stated he did not see a weapon, he fired the shot because he initially observed Mr. Williams' hands in the area of the waistband of his pants, moving them upward and believed he was reaching for a weapon. Officer Threatt stated he was in fear for his life. Officer Watson stated when the closet door opened he saw Mr. Williams but was focused on his knee area and Officer Threatt immediately fired his weapon. After the shot was fired he observed Mr. Williams' hands at shoulder level with nothing in his hands. Although hiding in the closet, according to Officer Watson and Mr. Williams, as soon as the closet door opened, Officer Threatt fired his weapon without observing anything in Mr. Williams's hands that would have posed a threat to the officers.

The Investigator concluded, based upon the officers' and Mr. Williams' statements, the use of force by discharging a firearm at Mr. Williams who was unarmed, causing injury, was excessive and not within CPD policy, procedure or training. Although given verbal permission to enter the apartment, neither officer obtained the required consent to search form 601.

## Findings

### Officer Phillip Threatt- Excessive Force/Discharge of Firearm

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

### Officer Phillip Threatt and Timothy Watson-Improper Procedure-Failure to Obtain a Form 601, Consent to Search Without a Warrant

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

---

---

# 4

|                                |  |
|--------------------------------|--|
| <b>Complaint #</b>             | <b>11197</b>   |
| <b>Complainant(s)</b>          | <b>Arlandance Mathis</b>   |
| <b>Involved Officer(s)</b>     | <b>Carlos Sherman</b>  |
| <b>CCA Investigator</b>        | <b>Dena Brown</b>  |
| <b>Director Recommendation</b> | <b>Excessive Force (Physical) – Not Sustained<br/>Improper Procedure (Taser Warning) – Not Sustained</b> |
| <b>Board Recommendation</b>    | <b>Agree (5-0)</b>   |
| <b>City Manager Finding</b>    | <b>Agree</b>   |

## Narrative

Mr. Arlandance Mathis filed a citizen complaint with Cincinnati Police Department on August 7, 2011. The incident occurred on August 7, 2011, at 6018 Belmont, at approximately 6:38 pm. CCIA received the investigation from ETS on August 10, 2011.

Mr. Arlandance Mathis alleged D-4 Officer Carlos Sherman P-761, used excessive force by tackling, and kicked him in his head. He was also not warned of impending Taser use.

## Summary

Mr. Arlandance Mathis alleged Officer Carlos Sherman, used excessive force by tackling, and kicking him in his head. He was also not warned before being tased. Officers Sherman and Harris denied the allegations. Officers Sherman and Harris stated Mr. Mathis fled from Officer Sherman as soon as he noticed the officer. Officer Sherman stated he warned Mr. Mathis he would be tased if he did not stop. Mr. Mathis continued to flee and was tased. The barbs became dislodged when Mr. Mathis fell to the ground. He got up and continued to flee and was tased a second time which had the desired affect. The officers stated Mr. Mathis was arrested without further incident. The Investigator could not determine if Mr. Mathis was tackled or kicked in the mouth or if he was warned of impending taser use.

## Findings

### Excessive Force (physical) and Improper Procedure (taser warning) – Officer Carlos Sherman

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

---

---

# 5

|                                |   |
|--------------------------------|---|
| <b>Complaint #</b>             | <b>11204</b>                                    |
| <b>Complainant(s)</b>          | <b>Seante Jones</b>                             |
| <b>Involved Officer(s)</b>     | <b>Mark McChristian</b>                         |
| <b>CCA Investigator</b>        | <b>Dena Brown</b>                               |
| <b>Director Recommendation</b> | <b>Excessive Force (Canine) - Not Sustained</b> |
| <b>Board Recommendation</b>    | <b>Agree (5-0)</b>                              |
| <b>City Manager Finding</b>    | <b>Agree</b>                                    |

## Narrative

Seante Jones filed a citizen complaint with the Cincinnati Police Department on June 6, 2011. The incident occurred on the same date, at 1134 Draper Ave, at approximately 8:58 am. The case was referred to CCIA on August 11, 2011.

Seante Jones alleged Canine Officer Mark McChristian, #P570, used excessive force when he allowed his canine to bite him after he surrendered.

## Summary

Seante Jones alleged Officer McChristian allowed his canine to bite him after he surrendered. Seante was unable to be interviewed and his statement was given to CPD. Officers McChristian and Kober denied the allegation. Officer McChristian stated his canine engaged Seante for several seconds because the officer could not see his hands and he was fighting with the dog. Once he complied, the canine was ordered to disengage. Officer McChristian stated Seante was only bitten once, which occurred before the officer came around the corner of the building. The Investigator could not determine if the force used was excessive or if the officer ordered the dog to engage Seante after he complied as alleged.

## Findings

### Excessive Force - Canine - Officer Mark McChristian

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

# 6

|                                |  |
|--------------------------------|--|
| <b>Complaint #</b>             | <b>11255</b>   |
| <b>Complainant(s)</b>          | <b>Le'Don Spurling</b>   |
| <b>Involved Officer(s)</b>     | <b>Specialist Michael Harper &amp; Dewayne McMenama</b>  |
| <b>CCA Investigator</b>        | <b>David Moonitz</b>   |
| <b>Director Recommendation</b> | <b>Harper-Improper Search (Vehicle) - Unfounded</b><br><b>McMenama – Search (Vehicle) - Exonerated</b> |
| <b>Board Recommendation</b>    | <b>Agree (5-0)</b>   |
| <b>City Manager Finding</b>    | <b>Agree</b>   |

### Narrative

Mr. Le'Don Spurling alleged Specialist Michael Harper and Officer Dewayne McMenama stopped him while operating his mother's car. He was asked to exit the car, handcuffed and placed in the rear of their CPD vehicle. He heard an officer state he smelled marijuana in the car and conducted a search but found nothing. He was informed the reason for being stopped was a warrant was attached to the car. Upon determination he was not the person for whom the warrant was issued he was released. He alleged improper search of the car. The incident occurred on Reading Road south of William Howard Taft Road, September 27, 2011, approximately 4:30 A.M. Mr. Spurling filed the complaint in person at CCA on the same date.

### Summary

Mr. Spurling stated both officers searched his car. Specialist Harper and Officer McMenama stated they stopped the vehicle Mr. Spurling was driving upon determining there was an outstanding warrant issued against the license plate. During the stop, Officer McMenama smelled marijuana on the passenger side of the car. Specialist Harper determined Mr. Spurling was not the person designated in the warrant but because of the smell of marijuana decided to search the car.

Mr. Spurling and his passenger were ordered to exit the car, informed of the smell and informed the officers were going to search the car. Mr. Spurling was handcuffed and placed in the rear of the police vehicle. Mr. Spurling and Young were frisked. Officer McMenama searched the car but found no contraband. Mr. Spurling was informed of why he was stopped and why the car was searched and released along with his passenger. The DVR shows Officer McMenama conducted the search. The Investigator concluded Specialist Harper did not search the vehicle. Officer McMenama searched the vehicle but was within CPD policy and training. The smell of marijuana in a vehicle is one of the court exceptions to search without a warrant or permission. Therefore, the search of the vehicle by Officer McMenama was within CPD policies, procedures and training.

### Findings

#### Specialist Michael Harper-Improper Search, Vehicle

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

## Officer Dewayne McMenama- Search, Vehicle

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

---

---

# 7

|                                |  |
|--------------------------------|--|
| <b>Complaint #</b>             | <b>11256</b>                               |
| <b>Complainant(s)</b>          | <b>Danielle Hill</b>                       |
| <b>Involved Officer(s)</b>     | <b>Barnabas Blank</b>                      |
| <b>CCA Investigator</b>        | <b>David Moonitz</b>                       |
| <b>Director Recommendation</b> | <b>Blank - Improper Search - Sustained</b> |
| <b>Board Recommendation</b>    | <b>Agree (5-0)</b>                         |
| <b>City Manager Finding</b>    | <b>Agree</b>                               |

### Narrative

On September 28, 2011, Ms. Danielle Hill responded to the CCA office and filed a complaint against Officer Barnabas Blank. She alleged on August 16, 2011, Officer Blank handcuffed her and improperly searched her purse. The incident occurred outside of the Kroger Store, University Heights.

### Summary

Officer Blank stated as he was working an authorized off-duty detail at the University Plaza Kroger store, his attention was drawn to Ms. Hill. Her actions as a shopper seemed suspicious to him because she was repeatedly reaching in and out of her purse. At one point he was able to identify an item as a coupon book. She was later observed placing a black and white item into her purse which he was unable to identify. As she was leaving the store, he informed her he needed to talk with her. Officer Blank informed her he believed she had put something in her purse and that he wanted to look inside but she refused his request. He asked several more times but she continued to refuse his request and refused to give him her identification. Officer Blank handcuffed her and searched the purse. He located her identification but found no merchandise. Officer Blank removed the handcuffs and told her she was free to go. Ms. Hill requested to see a supervisor and Sergeant Richter responded. After their conversation, she left the scene. The investigator concluded Officer Blank had the right to question and briefly detain Ms. Hill however; he did not have probable cause to search her purse.

### Findings

#### Officer Barnabas Blank-Improper Search

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

---

---

|                                |  |
|--------------------------------|--|
| <b>Complaint #</b>             | <b>11281</b>   |
| <b>Complainant(s)</b>          | <b>Damarkus Henderson</b>  |
| <b>Involved Officer(s)</b>     | <b>Specialist Michael Harper &amp; Dewayne McMenama</b>  |
| <b>CCA Investigator</b>        | <b>Dena Brown</b>  |
| <b>Director Recommendation</b> | <b>Harper &amp; McMenama: Improper Search (Building) – Not Sustained<br/>Discourtesy – Not Sustained</b> |
| <b>Board Recommendation</b>    | <b>Agree (5-0)</b>   |
| <b>City Manager Finding</b>    | <b>Agree</b>   |

### Narrative

Mr. Damarkus Henderson filed a citizen complaint with the Cincinnati Police Department on October 6, 2011. The incident occurred on the same date, at 774-776 East McMillan, at approximately 1:00 am. The case was referred to CCIA on October 18, 2011.

Mr. Henderson alleged D-4 Specialist Michael Harper #P597, and Officer Dewayne McMenama #P892, improperly searched his building and was discourteous when they made racial comments.

### Summary

Mr. Damarkus Henderson and Karl King Jr. alleged Specialist Michael Harper and Officer Dewayne McMenama improperly searched their store and was discourteous when they made racial comments. Specialist Harper and Officer McMenama denied the allegation, stating they did not search the store or make any racial comments. The store in question has been shut down and boarded up when the Investigator visited. The Investigator was unable to get in contact with the complainants and therefore, cannot determine if the misconduct occurred.

### Findings

#### Improper Search (building) and Discourtesy – Specialist Michael Harper and Officer Dewayne McMenama

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

---