



Date: April 24, 2012

To: Board Members, Citizen Complaint Authority
 From: Kenneth E. Glenn, CCIA Director
 Subject: **CCA Investigative Summaries, Board Meeting / May 7, 2012**

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Complaint #	11320
Complainant(s)	Amanda Clements
Involved Officer(s)	Lakisha Gross
CCA Investigator	Dena Brown
Director Recommendation	Use of Force (Physical) - Exonerated
Board Recommendation	Agree (4-0)
City Manager Finding	Pending

Narrative

Ms. Amanda Clements filed a citizen complaint with the Cincinnati Police Department on November 16, 2011. The incident occurred at 3540 Irving Ave, at approximately 7:00 pm. The case was referred to CCA on December 5, 2011.

Ms. Clements alleged D-4 Officer Lakisha Gross, #P434, used excessive force during her arrest.

Summary

Ms. Clements alleged Officer LaKisha Gross used excessive force when she handcuffed her in the rear during her arrest after advising her that she had an injured arm. The DVR revealed that Ms. Clements only mentioned her arm having a pin in it when she was in the rear of the cruiser already handcuffed. She did not complain of any injuries or that the officer caused any injury. The Investigator concluded the officers actions in the handcuffing process were in compliance with CPD policies, procedures, and training.

Findings

Officer Lakisha Gross -Use of Force - Physical

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

2

Complaint #	12040
Complainant(s)	Thomas Rachel
Involved Officer(s)	Christopher Seta and Matthew Waters
CCA Investigator	Dena Brown
Director Recommendation	Seta: Excessive Force (Physical) - Not Sustained Seta and Waters: Improper Procedure (Contact Card) - Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Pending

Narrative

Mr. Thomas Rachel filed a citizen complaint with the police department on February 19, 2012. The incident occurred on the same date at approximately 9pm on Oak Street. The case was referred to CCA on February 21, 2012.

Mr. Thomas Rachel alleged D-4 Officer Christopher Seta, used excessive force when he forced him to the ground during his arrest.

Summary

Mr. Rachel alleged during his arrest, Officer Christopher Seta used excessive force when he forced him to the ground and placed a knee in his back. A juvenile that Mr. Rachel knows that was involved in the original investigation confirmed Mr. Rachel's version of the incident. Officer Seta stated he attempted to stop Mr. Rachel from interfering in an investigation and when he refused to comply, he was placed under arrest. During the search, Mr. Rachel reached for Officer Seta's magazine pouch, the officer shifted his hips, and Mr. Rachel, who was intoxicated, fell backwards with the officer assisting him to the ground. Officers Seta and Waters denied that Mr. Rachel was forced to the ground or a knee placed in his back. The Investigator could not determine if the officer's action were excessive. The Investigator determined the officers were not in compliance with CPD's policies when they did not complete a contact card for the juvenile.

Findings

Excessive Force-Physical - Officer Christopher Seta

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

Improper Procedure (Contact Card) – Officers Christopher Seta and Matthew Waters

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

3

Complaint #	12041
Complainant(s)	Lamyla Williams
Involved Officer(s)	Zachary Sterbling, Douglas Utecht and James Broomes
CCA Investigator	Dena Brown
Director Recommendation	Sterbling: Use of Force (Physical) – Exonerated Utecht: Use of Force (Taser) – Exonerated Sterbling, Utecht and Broomes: Discourtesy - Not Sustained
Board Recommendation	Agree (3-0)
City Manager Finding	Pending

Narrative

Ms. Lamyla Williams filed a citizen complaint on behalf of her daughter Raven Williams with the Cincinnati Police Department on February 18, 2012. The incident occurred on the same date, at 3022 Queen City Ave, at approximately 1:30 pm. The case was referred to CCA on February 21, 2012.

Ms. Williams alleged D-3 Officers Zachary Sterbling, #P934, Douglas Utecht, #P939, and James Broomes, #P876, used excessive force against her daughter Raven Williams and refused to allow her medical treatment. Ms. Williams also alleged the officers were discourteous and rude.

Summary

Ms. Lamyla and Raven Williams alleged Officers Sterbling, Utecht and Broomes used excessive force and were discourteous during Raven's arrest. Raven Williams stated Officer Sterbling twisted her wrist, struck her several times in the head, and she was tased by Officer Utecht. The officers stated Raven resisted arrest and during the struggle bite Officer Sterbling on the hand and grabbed for his weapon. Ms. Carter recorded part of the struggle on her cell phone which depicted a violent struggle between Raven and the officers. The officers denied being discourteous during the incident.

Findings

Officer Zachary Sterbling -Use of Force-Physical

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

Officer Douglas Utecht - Use of Force-Physical (tasing)

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

Discourtesy - Officers Zachary Sterbling, Douglas Utecht and James Broomes

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

4

Complaint #	12050
Complainant(s)	La-Ray Berry
Involved Officer(s)	Jeffrey Ruberg
CCA Investigator	Dena Brown
Director Recommendation	Excessive Force (Physical) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Pending

Narrative

Mr. La-Ray Berry filed a citizen complaint with Cincinnati Police Department on February 25, 2012. The incident occurred on February 24, 2012, at 718 Derrick Turnbow at approximately 9:30 pm. CCA retrieved the complaint from ETS on March 6, 2012.

Mr. Berry alleged District 1 Officer Jeffrey Ruberg used excessive force by forcing him to the ground causing a knee injury.

Summary

Officers Ruberg and Pohlman were working an off duty detail and investigating a compliant when they observed Mr. Berry who they stopped to investigate for trespassing. Mr. Berry alleged that the officers placed him against the police cruiser and forced him to the ground causing a knee injury. Officers Ruberg and Pohlman deny he was forced to the ground and stated Mr. Berry tried to walk away and a brief scuffle ensued and he was controlled without any strikes. The officers stated Mr. Berry went to the ground on his own accord. The DVR did not capture the incident and there are no witnesses.

Findings

Excessive Force-Physical- Officers Jeffrey Ruberg

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

5

Complaint #	12070
Complainant(s)	Javonte Whitehead
Involved Officer(s)	Adrian Miller
CCA Investigator	Dena Brown
Director Recommendation	Excessive Force (Physical) – Not Sustained
Board Recommendation	Agree (4-0)
City Manager Finding	Pending

Narrative

Mr. Javonte Whitehead filed a citizen complaint with Cincinnati Police Department on March 22, 2012. The incident occurred on March 21, 2012, on Hammel Avenue at approximately 8:00pm. The case was retrieved from ETS on March 22, 2012.

Mr. Whitehead alleged District 4 Officer Adrian Miller used excessive force when he placed an elbow in his back after he surrendered, knocking him to the ground and dislocating his shoulder.

Summary

Mr. Whitehead stated Officer Miller struck him in the back after he surrendered causing him to fall and dislocate his shoulder. Officers Miller and Sherman stated Mr. Whitehead ran from them and threw a gun that was recovered by Officer Sherman who followed the foot pursuit in his vehicle. During the foot pursuit by Officer Miller, the officers stated Mr. Whitehead fell several times and stopped when they yelled he would be tased. Officer Miller denies using force. There are no witnesses or other evidence to prove or disprove Mr. Whitehead's allegation.

Findings

Officer Adrian Miller -Excessive Force- Physical

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