

Date: March 22, 2012

To: Board Members, Citizen Complaint Authority
From: Kenneth E. Glenn, CCIA Director
Subject: CCA Investigative Summaries, Board Meeting / April 2, 2012

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Complaint #	11168
	Discharge of a Firearm
Involved Officer(s)	Sergeant Joe Richardson
CCA Investigator	David L. Moonitz
Director Recommendation	Discharge of a Firearm - Exonerated
Board Recommendation	Agree (5 – 0)
City Manager Finding	Agree

Narrative

On July 14, 2011, CCA was notified by Communications Section of a discharge of a firearm by a CPD officer in the area of Race and Green Streets. Sergeant Richardson was working in plainclothes and in an unmarked vehicle responded to a man with a gun communications dispatch to that area of Race and Green. Upon arrival, he observed two black males discharging firearms at each other. Mr. Charles Derkson discharged his weapon in the direction of Sergeant Richardson who returned the gun fire toward Mr. Derkson. No one was struck during the exchange.

Summary

Sergeant Richardson working in plainclothes and in an unmarked vehicle responded to a man with a gun communications dispatch to the area of Race and Green. As he was approaching the location, he heard gun shots and observed Mr. Derkson shooting at a man who was running toward him. As he was firing the weapon, it was pointed in Sergeant Richardson direction and fearing for his life, he returned the fire as Mr. Derkson turned and ran Mr. Derkson continued to flee on foot and was apprehended shortly thereafter by uniformed CPD officers. As he ran, Mr. Derkson threw the weapon over a fence that was later recovered by responding officers.

Mr. Lane, an unbiased witness did not see Mr. Derkson fire any shots at Sergeant Richardson, however, he saw Mr. Derkson turn toward him with the weapon and then heard shots. Sergeant Richardson stated he was in fear of his life when Mr. Derkson pointed and discharged the firearm in his direction. Sergeant Richardson fired seven rounds none of which took effect and they all struck building frontages. Although CCA has concluded Sergeant Richardson's actions were within CPD policy and procedures, we recommend that the Firearms Discharge Review Board review this incident for best practices.

Findings

Sergeant Joe Richardson-Discharge of a Firearm

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

2

Complaint #	11287
Complainant(s)	Daniel Champion
Involved Officer(s)	Kenneth Vanderpool and Oscar Cyranek
CCA Investigator	Dena Brown
Director Recommendation	Vanderpool and Cyranek: Discrimination – Not Sustained
Board Recommendation	Agree (5 – 0)
City Manager Finding	Agree

Narrative

Mr. Daniel Champion filed a citizen complaint with CCA on October 31, 2011. The incident occurred at 534 Bank St/Linn St, at approximately 14:53 hrs.

Mr. Champion alleged Vice Officers Kenneth Vanderpool #P691, and Oscar Cyranek #P397, discriminated against him.

Summary

Mr. Daniel Champion stated he was stopped because of his race. Officers Kenneth Vanderpool, Oscar Cyranek, Corey Bonner, and Joseph Simpson denied the allegation. They stated that Officers Bonner and Simpson were on surveillance and witnessed Mr. Champion conduct a drug transaction. Mr. Champion alleged during the stop the officers asked him if he had heroin and told him that he was in a high drug area. The officers stated they asked Mr. Champion if he had drugs and Officer Cyranek mentioned the canine was going to be called to see if he could get Mr. Champion to admit to anything. The officers indicated that a canine was not available. The Investigator could not determine if Mr. Champion was stopped because of his race or if he was stopped because he was observed doing drug transactions as stated by the officers.

Findings

Discrimination-Officers Kenneth Vanderpool and Oscar Cyranek

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

3

Complaint #	11311
Complainant(s)	Dylan Barlion
Involved Officer(s)	Sergeant Richard Sulfsted
CCA Investigator	David L. Moonitz
Director Recommendation	Excessive Force (Physical) – Not Sustained
Board Recommendation	Agree (5 – 0)
City Manager Finding	Agree

Narrative

On November 20, 2011, at 348 Warner Street, Mr. Justin Burris alleged he observed Sergeant Richard Sulfsted tase Mr. Dylan Barlion and then kick him while he was on the ground. Sergeant Sulfsted indicated when he arrived on scene; Mr. Barlion and Mr. Burris were involved in an physical altercation and Mr. Barlion ran and he tased him when he refused to stop. The complaint was received by CCA from ETS on November 21, 2011.

Summary

Sergeant Sulfsted observed Mr. Barlion and Mr. Burris fighting with each other. As he approached on foot, they began to flee and Mr. Barlion ran into a dead-end alley. Sergeant Sulfsted went to the entryway and Mr. Barlion ran toward him. Mr. Barlion was ordered to halt several times and warned he would be tased. He continued toward Sergeant Sulfsted and he deployed his TASER and he went to the ground. Sergeant Sulfsted applied a knee to Mr. Barlion’s lower back and held his shoulder down with a hand. He was handcuffed and transported to the Hamilton County Justice Center. Mr. Barlion sustained a laceration on his forehead as a result of the fall. He was treated at the scene by CFD. The investigation could not determine if Mr. Barlion was kicked by Sergeant Sulfsted.

Findings

Sergeant Richard Sulfsted-Excessive Force-Physical

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

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Complaint #	11312
Complainant(s)	Vernett Smith
Involved Officer(s)	Barry Beasley
CCA Investigator	David L. Moonitz
Director Recommendation	Excessive Force (Physical) and Discourtesy – Not Sustained
Board Recommendation	Agree (5 – 0)
City Manager Finding	Agree

Narrative

Mr. Vernett Smith alleged on October 30, 2011, Officer Barry Beasley pulled him from his car and threw him to the pavement and made a discourteous remark during their confrontation. He alleged that his vehicle was improperly searched. Mr. Smith filed the complaint in person at the CCA office on November 22, 2011.

Summary

Mr. Smith entered the UDF store with a lit cigarette and it led to the cashier, Ms. Casagrande, arguing with him when she told him to extinguish it. Officer Beasley was in the store and told him he had to leave the premises. Once outside, Mr. Smith continued to yell and Officer Beasley attempted to place him under arrest. Mr. Smith entered his vehicle and refused to exit upon the officer's request. He grasped the steering wheel with both hands and refused to exit the vehicle. Officer Beasley called for backup and officers from CPD and several other departments arrived and he continued to refuse to exit his vehicle. After numerous warnings, a Hamilton County Sheriff, drive stunned him on the leg area and the officers pulled him from the vehicle. He was handcuffed and transported to the Hamilton County Justice Center.

Ms. Casagrande who witnessed the incident from inside the store stated when the officers pulled him from the vehicle; it was a controlled descent when they took him to the ground. Because she was inside the store, she could not hear the conversation and Officer Beasley denied making a discourteous remark. Although force was used, the Investigator could not determine if it was excessive or if Officer Beasley used a discourteous remark as alleged by Mr. Smith.

Findings

Officer Barry Beasley-Excessive Force-Physical and Discourtesy

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

5

Complaint #	11319
Complainant(s)	Robert Chisholm
Involved Officer(s)	Jason Ader
CCA Investigator	David L. Moonitz
Director Recommendation	Excessive Force (Canine) and Discourtesy – Not Sustained
Board Recommendation	Agree (5 – 0)
City Manager Finding	Agree

Narrative

Mr. Robert Chisholm alleged on December 3, 2011, Officer Jason Ader allowed his canine to bite him after he attempted to surrender. While being engaged by the canine, he was told to shut up by the officer. The complaint was received by CCA from ETS on December 5, 2011.

Summary

Mr. Chisholm ran into a wooded area after receiving a broken foot while jumping out of a window. He heard officers coming through the woods and yelled for help when Officer Ader's canine engaged him by his right arm. The canine bit him several times and he alleged Officer Ader told him to shut up when he tried to surrender. Officer Ader denied the allegation and stated he called the canine off as soon as Mr. Chisholm showed his hands. Although force was used, there are no witnesses to the incident, therefore, the investigation could not determine if the force was excessive or outside police policy.

Findings

Officer Jason Ader-Excessive Force-Canine and Discourtesy

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

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Complaint #	11321
Complainant(s)	Angela Schaffner
Involved Officer(s)	Karen Taylor
CCA Investigator	Dena Brown
Director Recommendation	Improper Search (Person) – Not Sustained
Board Recommendation	Agree (5 – 0)
City Manager Finding	Agree

Narrative

Ms. Angela Schaffner filed a citizen complaint with the Cincinnati Police Department on November 29, 2011. The incident occurred at 1741 Iliff Ave, at approximately 11:35 pm. The case was referred to CCA on December 6, 2011.

Ms. Schaffner alleged D-3 Officer Karen Taylor #P902 improperly searched her.

Summary

Ms. Angela Schaffner alleged Officer Karen Taylor searched her pocket. Officer Taylor denied the allegation. The officer stated she advised Ms. Schaffner she was conducting a pat down before she was placed in the cruiser, and asked if she had anything on her that could hurt her. As she began the pat down Ms. Schaffner began yelling that you can't search me. Officer Taylor stated she ended the pat down and told Ms. Schaffner she would have to walk. The Investigator could not determine if Ms. Schaffner was searched or patted down as alleged.

Findings

Improper Search-person- Officer Karen Taylor

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