

Date: December 19, 2011

To: Board Members, Citizen Complaint Authority
From: Kenneth E. Glenn, CCIA Director
Subject: CCA Investigative Summaries, Board Meeting / December 5, 2011

#1

Complaint #	10240
	Discharge of a Firearm
Involved Officer(s)	Vice Officers 5, 6, 7, 8, 9, and 10
CCA Investigator	Dena Brown
Director Recommendation	Discharge of a Firearm – Exonerated
Board Recommendation	Agree (5-0)
City Manager Finding	Agree

Narrative

On September 18, 2010, CCA was notified of an officer involved discharge of firearms at JD’s Honky Tonk and Emporium, located in the 2400 block of Spring Grove Ave.

In an exchange of gunshots between Mr. Harry Seavey, a member of the Iron Horseman motorcycle club and several Vice Officers, Mr. Seavey was fatally shot and two officers and another member of the motorcycle club were wounded.

Summary

On September 18, 2010, Vice Officer 4 observed several members of the Iron Horseman motorcycle club wearing their colors in front of the JD’s Honky Tonk bar located in the 2400 block of Spring Grove Ave. A decision was made to conduct a liquor inspection of the bar, to verify the bar complied with state laws, and to see if the gang was trying to take over the bar as their own. A convoy was formed with plain clothes (some in masks) Vice officers in unmarked vehicles and one uniformed officer in a marked cruiser. Upon arrival several IH members were outside in the beer garden area. Mr. Seavey turned toward the bar and grabbed a female patron as a shield. He then pushed her inside the bar, turned, and began to shoot at the officers. In the exchanged of gunfire, Mr. Seavey was fatally shot and VO’s 5 and 10 and Mr. Schneider were wounded. During the exchange of gunfire VO’s 5, 6, 7, 8, 9, and 10, discharged their firearms.

Although CPD’s Firearm Discharge Board and CCA identified tactical mistakes that were made during the incident, several witnesses stated that although the officers were in plainclothes, and some had mask on, they knew that they were police officers and announced it numerous times.

CCA has concluded that the actions of Mr. Seavey being armed and engaging the officers in a gun battle resulted in this unfortunate incident. The Investigator has concluded that the officers acted in self-defense and/or defense of other officers and, therefore, were in compliance with CPD's policies, procedures, and training.

Findings

Discharge of Firearm's – Vice Officers 5, 6, 7, 8, 9, and 10

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

2

Complaint #	11128
Complainant(s)	Daryl Hampton
Involved Officer(s)	Michael Roetting
CCA Investigator	David Moonitz
Director Recommendation	Excessive Force (Physical) - Not Sustained Discourtesy - Unfounded
Board Recommendation	Agree (5-0)
City Manager Finding	Agree

Narrative

On June 3, 2011, Mr. Daryl Hampton filed a citizen complaint with the Cincinnati Police Department. The incident occurred on the same date, at 2607 Mc Micken., at approximately 11:39 pm. The case was received by CCIA on June 6, 2011 from ETS.

Mr. Hampton alleged D-4 Officer Michael Roetting used excessive force when he pushed his head into the door of a cruiser when he was placed under arrest.

Summary

Mr. Hampton stated on June 3, 2011, a University of Cincinnati police officer stopped him for a traffic stop. The officer requested a CPD officer to the scene. Mr. Hampton was arrested by Officer Roetting and he alleged the officer was discourteous by yelling at him, made a derogatory statement and struck his head against the cruiser door when he was placed inside. Officer Roetting and UC Officer Ellison stated Mr. Hampton was placed inside the vehicle without incident. Officer Roetting stated he was not discourteous toward Mr. Hampton outside the vehicle or when he was transported to D-5. The DVR confirmed Officer Roetting was not discourteous nor did he make a derogatory statement toward Mr. Hampton. The DVR did not capture him being placed inside the cruiser.

Findings

Officer Michael Roetting- Excessive Force (Physical)

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

Officer Michael Roetting – Discourtesy

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

3

Complaint #	11139
Complainant(s)	Eugene Cunningham
Involved Officer(s)	Tim Pappas
CCA Investigator	Dena Brown
Director Recommendation	Excessive Force (Canine) - Not Sustained
Board Recommendation	Agree (5-0)
City Manager Finding	Agree

Narrative

Mr. Eugene Cunningham filed a citizen complaint with CCIA on June 15, 2011. The incident occurred on June 10, 2011, at 129 Mary Lane, at approximately 3:46 pm.

Mr. Cunningham alleged Officer Tim Pappas #P514 –Canine Officer, used excessive force when he had his canine bite him several times during his arrest.

Summary

Mr. Eugene Cunningham alleged Officer Tim Pappas ordered his canine to bite him approximately six times when he would not give the officer the correct answer to his questions. Officer Pappas denied the allegation and stated his canine engaged Mr. Cunningham twice. Mr. Cunningham was seen at University Hospital and the medical report refuted his ascertain that Officer Pappas canine bite him six or seven times. Although the medical report refuted Mr. Cunningham’s claims of the amount of bites he received, the Investigator could not determine if the officer’s use of the canine was excessive.

Findings

Excessive Force (Canine) – Officer Tim Pappas

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

4

Complaint #	11147
Complainant(s)	Randy Colson
Involved Officer(s)	Donald Meece
CCA Investigator	David Moonitz
Director Recommendation	Excessive Force (Canine) - Not Sustained
Board Recommendation	Agree (5-0)
City Manager Finding	Agree

Narrative

Mr. Randy Colson alleged on April 1, 2011, at approximately 1:00 A.M., in the vicinity of 818 S. Shuttlesworth Dr., a CPD canine, handled by Canine Officer Donald Meece bit him while he was surrendering to officers. He alleged Officer Meece allowed the canine to bite him for an excessive amount of time and inflict more than one bite during the incident. The complaint was received from CPD on June 20, 2011.

Summary

Several CPD units responded to Martin Luther King Park regarding a Communications broadcast of persons in the park discharging firearms. Canine Officer Meece met with District 4 Sergeants King and Igel who authorized deployment of the canine. Officer Meece began a track with his canine partner with Officer Ader acting as cover officer. Mr. Colson stated when he heard and saw the canine he stepped out from behind a tree where he was attempting to hide and raised his hands.

According to Mr. Colson, the canine grasped his right leg in his mouth. Officer Meece shined a flashlight in his face, cursed at him and told him that's what he get from running from the police. Officer Meece stated due to the heavy underbrush, he did not see Mr. Colson until after the canine engaged him as he was on the ground kicking and trying to pull his leg away with the canine holding his right leg. He did not recall the canine until he could see Mr. Colson's hands. Officer Meece denied shining his flashlight in his face; cursing at him and telling him that's what he get from running from the police. Officer Ader arrived, handcuffed Mr. Colson, helped him to his feet and assisted him to walk out of the area. Mr. Colson was treated by CFD and transported to University Hospital where he was treated and then taken to the Hamilton County Justice Center. The Investigator was unable to determine if the canine bite was excessive.

Findings

Officer Donald Meece-Excessive Force-Canine

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

5

Complaint #	11169
Complainant(s)	Michael Stallworth
Involved Officer(s)	Sgt Eric Schneider
CCA Investigator	Dena Brown
Director Recommendation	Improper Pointing of a Firearm - Not Sustained Excessive Force (Physical) - Not Sustained Excessive Force (Taser) - Not Sustained
Board Recommendation	Hold for further review
City Manager Finding	Pending

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 his Taser was in 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 ■**

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Complaint #	11182
Complainant(s)	Lisa Huff
Involved Officer(s)	Alicia Bruewer
CCA Investigator	Dena Brown
Director Recommendation	Improper Pointing of a Firearm – Not Sustained
Board Recommendation	Agree (5-0)
City Manager Finding	Agree

Narrative

Ms. Lisa Huff filed a citizen complaint with CCIA on July 21, 2011. The incident occurred on July 3, 2011, at West Third St. and the Clay Wade Bailey Bridge, at approximately 0048 hrs.

Ms. Huff alleged D-1 Officer Alicia Bruewer, #P374, improperly pointed her firearm at her during a traffic stop.

Summary

Ms. Huff alleged Officer Bruewer improperly pointed her firearm at her during a traffic stop. Officers Bruewer and Chilton stated Ms. Huff was making furtive movements inside her vehicle and was not complying with their commands to stop. Once she complied the weapons were holstered. Officer Bruewer also stated her weapon was drawn and she maintained it in a low ready and did not point it at Ms. Huff. The CCIA Investigator could not determine if Officer Bruewer's weapon was pointed at Ms. Huff as alleged or if it was in the low ready position as the officer stated.

Findings

Improper Pointing of a Firearm – Officer Alicia Bruewer

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

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

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 ■**
