

Citizen Complaint Authority
Board Meeting Minutes
Monday, June 2, 2025

Attendees Present

CCA Board Members

Samuel Burbanks, IV, Chair
John Williams, Vice Chair
Bill Burwinkel, Member
Clarice Warner, Member

Attendees Absent

Rosa Cama, Member

Staff

Cathy Bailey, Assistant City Manager
Andrew Alanis, Investigator
Jessalyn Goodman, Investigator
Ronald Pugh, Investigator
Arnie Slaughter, Investigator
Robert Stephens, Investigator
Kaitlyn Streicher, Investigator
Joseph Vesper, Investigator
Brandon Upchurch, Sr. Administrative Specialist
Mark Burns, Internal Investigation Section Captain, CPD
Brent McCurley, Internal Investigation Section Lieutenant, CPD
Ashton Tucker, Assistant City Solicitor, Law Department
Steve Sobel, CitiCable General Manager
Tom Potter, CitiCable Production Manager
Darius Jones, CitiCable Programming Manager

Dena Brown, Interim Director
David Sturkey, Assistant City Solicitor,
Law Department

Chair Burbanks, IV called the meeting to order at 5:07 p.m.

Minutes from Previous Meeting

Member Williams moved and Member Warner seconded a motion to accept minutes from the May 2025 meeting. (Agree 3 - Oppose 0 - Abstain - 1). **Motion passed**

Introduction of New Interns

Investigator Vesper introduced two new CCA interns from the University of Cincinnati College of Law: Sam Cohen and Kitty McMaster.

CPD Responses to CCA Recommendations

Recommendation 2503 - The Citizen Complaint Authority (CCA) recommends a revision and clarification to Cincinnati Police Department Procedure § 12.600, specifically addressing the legal and procedural implications of an individual declining medical treatment while in custody.

In the incident under review Mr. Waller became physically ill while in the back seat of the police cruiser and began to vomit. Officer Holland appropriately offered medical treatment, which Mr. Waller declined. Officer Holland, along with Officer Goebel, then proceeded to transport Mr. Waller directly to the Hamilton County Justice Center without further medical evaluation. This scenario raises a critical procedural question: does a subject's refusal of medical treatment absolve officers of their duty to seek "immediate medical attention" under CPD policy? CPD's current policy does not address this distinction nor consider the implications of a waiver or the limits of implied consent in custodial settings.

Under the doctrine of implied consent, particularly relevant in custodial or semi-custodial environments, an individual's consent to medical care may be presumed when; the individual is incapacitated or otherwise unable to give informed consent; there is a reasonable belief that delay in treatment could cause serious harm or death; or the individual is in custody and potentially unable to make voluntary informed decisions. However, when a conscious, alert, and coherent individual declines care, declination can function as a waiver of medical treatment, provided it is informed and voluntary. Yet, law enforcement officers still have a duty of care to ensure that the individual's medical condition does not require intervention regardless of stated preferences, particularly if the individual is visibly ill, confused, or impaired. Courts have routinely held that law enforcement has a constitutional duty under the Fourteenth Amendment to provide adequate medical care to individuals in custody. This duty is not always extinguished simply because an arrestee declines treatment, especially when symptoms suggest a possible medical emergency. CCA recommends that CPD Procedure § 12.600 be revised to include guidance and clarification of Officer Duty on the matter. Moreover, clearly articulate whether the obligation to "immediately seek medical attention" continues when a detainee declines care, especially when observable symptoms suggest a potentially serious condition and encouragement that officers err on the side of caution and seek medical evaluation when there is any uncertainty as to the individual's capacity to make informed medical decisions. Incorporating this guidance into Procedure § 12.600 will help align CPD practice with constitutional standards and reduce liability exposure while ensuring the safety and dignity of individuals in custody." It is recommended that Officer Whittaker undergo customer service training to address the inappropriate use of profanity and unprofessionalism during interactions with the public. His profane and unprofessional comments undermine the department's commitment to respectful and courteous communication. Such training will enhance Officer Whittaker's ability to engage with the community in a manner that reflects the values and standards of the Cincinnati Police Department, fostering positive relationships and promoting public trust.

CPD Response – Opinion likely to be to maintain the CPD Duty to Care Procedure language as is and still depend on officer judgment/discretion in those instances. Update will be provided once response is finalized/approved by the police chief.

Public Comment

Cincinnati Black United Front (CBUF) member and consultant to the City Manager Iris Roley commented about policy clarification regarding cases scheduled to be presented to the CCA Board.

Investigator Stephens commented on the timeline of presenting Romero Tyler's and Daquan Brown's cases to the CCA Board.

Friends of Bones/CBUF member Matthew Korte commented on the role of the CCA and the CCA Board.

New Business

1. **CCA Case Number 24246:** Member Williams moved and Member Warner seconded a motion to accept CCA's findings and recommendations, if any. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

2. **CCA Case Number 24229:** Member Williams moved and Member Burwinkel seconded a motion to accept CCA's findings and recommendations, if any. (Agree 4 - Oppose 0 - Abstain 1). **Motion passed.**

3. **CCA Case Number 24227:** Member Williams moved and Member Warner seconded a motion to accept CCA's findings and recommendations. Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

4. **CCA Case Number 24249:** Member Williams moved and Member Burwinkel seconded a motion to accept CCA's findings and recommendations, if any. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

5. **CCA Case Number 25012:** Member Williams moved and Member Burwinkel seconded a motion to accept CCA's findings and recommendations, if any. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

6. **CCA Case Number 25016:** Member Williams moved and Member Warner seconded a motion to accept CCA's findings and recommendations, if any. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

7. **CCA Case Number 25064:** Member Williams moved and Member Burwinkel seconded a motion to accept CCA's findings and recommendations, if any. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

8. **CCA Case Number 25037:** Member Williams moved and Member Warner seconded a motion to accept CCA's findings and recommendations, if any. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

All CCA reports will be forwarded to the City Manager for review and final disposition.

Announcements

Member Williams moved and Member Warner seconded a motion to direct CCA to review CPD's policy on requesting a supervisor. (Agree 3 - Oppose 1 - Abstain 0). **Motion passed.**

Member Burwinkel commented with expletives and a racial slur on the practice of verbal stunning and the role of CCA. Member Williams moved and Member Warner seconded a motion to direct CCA to review verbal stunning policies of other police departments. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

Closing

Member Williams moved and Member Warner seconded a motion to adjourn the Board meeting. The meeting ended at 7:24 p.m. (Agree 4 - Oppose 0 - Abstain 0). **Motion passed.**

The next meeting will be held on **Monday, July 7, 2025 at 5:00 p.m.**

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