

Date: August 29, 2023
To: Board Members, Citizen Complaint Authority
From: Makiedah Messam, Interim Director
Subject: Investigation Summary Memo – September 06, 2023 Board Meeting

INVESTIGATION SUMMARIES

OLD BUSINESS

1

Complaint #	20119
Complainant	Kaleb Moore (Discharge of Firearm)
Incident Date	June 27, 2020
CCA Investigator	Dena Brown
Allegations	Improper Pointing of a Firearm Excessive Force Improper Discharge of a Firearm <u>Collateral Allegation</u> Improper Procedure

COMPLAINT SUMMARY

Date: June 27, 2020
 Time: 4:13 PM
 Location: 2145 Freeman Ave
 CCA Receipt: June 27, 2020
 Complainant: Kaleb Moore

On June 27, 2020, the Emergency Communication Center (ECC) received a phone call from a woman stating her son, Witness A, had gone to visit her other son Kaleb, because she had been concerned about him threatening suicide. Witness A advised ECC that Mr. Moore (or Kaleb) had been diagnosed with bipolar disorder and Schizophrenia.

Officer Haley Caruso responded to Mr. Moore’s apartment to conduct a welfare check on him. After a brief conversation with Mr. Moore and Witness A, Officer Caruso wanted to transport Mr. Moore to the University of Cincinnati Psychiatric Emergency Services (UCPES) for treatment and evaluation. Mr. Moore did not want to go to PES. Officer Caruso requested assistance. Several officers responded. Specialist Shawn Smith and Officer Caruso attempted to take Mr. Moore into custody. Mr. Moore removed a knife from his waistband, refused to drop the knife

after being ordered to do so and refused to be taken into custody.

When Mr. Moore refused to comply with the officers' orders to drop the knife, Officer Caruso drew her firearm, Specialist Smith drew/deployed his TASER twice, Officer Christopher Lauderman drew/deployed his TASER twice. Sergeant Daniel Carder drew/deployed his TASER twice, used the Chemical Irritant once, deployed 4 bean bag rounds and one inadvertently placed live round. Sergeant Kara Graves also deployed five pepper ball rounds. When none of these actions made Mr. Moore drop the knife and be placed into custody, Special Weapons and Tactics (SWAT) was called out to respond.

When SWAT arrived Mr. Moore continued to refuse to be taken into custody for several hours. Mr. Moore was eventually taken into custody five hours later after Officer Michael Winslow drew/deployed his TASER twice, Officer Quentin Bishop drew/deployed his TASER twice, and Officer Barry Rogers used the 40 mm foam round once. Mr. Moore was taken into custody, checked by the SWAT doctor then transported to PES for treatment and evaluation.

FINDINGS

Officer Haley Caruso
Officer Christopher Lauderman
Specialist Shawn Smith
Sergeant Daniel Carder

Improper Pointing of a Firearm – The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**

Officer Christopher Lauderman
Sergeant Daniel Carder
Sergeant Kara Graves

Excessive Force – The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**

Sergeant Daniel Carder

Improper Discharge of a Firearm – The allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper. **SUSTAINED**

Officer Barry Rogers
Officer Michael Winslow
Officer Quentin Bishop

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

Collateral Allegations

Officer Christopher Lauderman
Sergeant Daniel Carder
Officer Barry Rogers

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

Officer Greg Gehring

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

INVESTIGATION SUMMARIES

NEW BUSINESS

1

Complaint #	21236
Complainant	Demetrius Baker (Discharge of a Firearm)
Incident Date	November 25, 2021
CCA Investigator	Morgan Givens
Allegations	Improper Discharge of a Firearm Excessive Force

COMPLAINT SUMMARY

Date: November 25, 2021

Time: 1:00 PM

Location: 2680 Lafeuille Circle Apartment #7

CCA Receipt: November 25, 2021

On November 25, 2021, at approximately 1:00 PM, at 2680 Lafeuille Circle Apartment #7, Witness C called 911 to report a stabbing in progress involving family members. Several officers responded, including Officer Maiya Malone who discharged her firearm once striking Mr. Demetrius Baker in the leg and Sergeant Donald Elsaesser who deployed his TASER, striking Mr. Baker in the right leg. Mr. Baker was transported to the University of Cincinnati Medical Center (UCMC) then to the Hamilton County Justice Center (HCJC). CCA reviewed both uses of force.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Discharge of a Firearm	Maiya Malone	Demetrius Baker	Exonerated
2	Excessive Force	Donald Elsaesser	Demetrius Baker	Exonerated

■

2

Complaint #	21237
Complainant	Sarah Shackelford
Incident Date	November 26, 2021
CCA Investigator	Makiedah Messam
Allegations	Discrimination and Lack of Service

COMPLAINT SUMMARY

Ms. Shackelford alleged that on November 25th or 26th, 2021, between 12 and 4 p.m., she traveled to District 5 to file a new complaint as her previous complaint made to Sergeant Howell (District 2) was closed due to lack of evidence. She made a report to District 5, but the new report was forwarded to District 2 for investigation. Ms. Shackelford relayed that she attached her evidence to the new report she filed, and when she attempted to follow up with District 2, she was unable to contact Lieutenant Christopher Seta or Sergeant Howell. Ms. Shackelford is concerned that CPD continually refuses to provide service and assistance because “she does not fit a stereotype and does not provide evidence of her disability.”

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Lack of Service	Jeffrey Howell	Sarah Shackelford	Unfounded
2	Discrimination	Jeffrey Howell	Sarah Shackelford	Unfounded

3

Complaint #	22020
Complainant	Jamil Faulkner
Incident Date	January 28, 2022
CCA Investigator	Morgan Givens
Allegations	Improper Stop, Improper Seizure, and Discourtesy

COMPLAINT SUMMARY

Mr. Faulkner alleged that on Friday, January 28, 2022 at approximately 1:00 AM, he was improperly stopped by Officer Eve who was discourteous and unnecessarily seized his vehicle.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Stop	Brent Eve	Jamil Faulkner	Exonerated
2	Improper Seizure	Brent Eve	Jamil Faulkner	Exonerated
3	Discourtesy	Brent Eve	Jamil Faulkner	Unfounded

■

4

Complaint #	22023
Complainant	Samanya Ferguson-Taylor
Incident Date	February 4, 2022
CCA Investigator	Jessalyn Goodman
Allegations	Improper Seizure, Lack of Service, and Discourtesy

COMPLAINT SUMMARY

Date: February 4, 2022

Time: 10:27pm

Location: 2030 Central Parkway

On this date, Ms. Samanya Ferguson-Taylor and her one-year-old son were involved in a vehicle accident. Officer Ross McNicol recommended they stay in his cruiser for warmth. Later, Ms. Ferguson-Taylor wanted to obtain documents from her vehicle and used her cell phone's flashlight to signal to the officers she wanted to leave the cruiser; Officer McNicol observed her, but he shook his head, and she was not released from the cruiser for approximately four minutes.

When Ms. Ferguson-Taylor exited the cruiser, Officer Michell Zumaita told her she could only collect the car seat because his cruiser could not fit the rest. She explained relatives were picking her up, so she could take what she needed and place it on a bench. Officers McNicol and Zumaita were "very rude" and "unprofessional" to Ms. Ferguson-Taylor. She believed they were "aggravated" with her because she was emotional about the accident.

The officers did not issue any citations and stated the cause of the accident would be determined by their insurance companies. Ms. Ferguson-Taylor did not understand why the other driver was not arrested or receive any citations, as he had admitted he had a suspended driver's license, no tags on his vehicle, and no insurance. In the days following the accident, Ms. Ferguson-Taylor attempted to reach Officer Zumaita to fix inaccuracies in the report, but he was unresponsive. She spoke to additional officers, including Sergeant Eric Kohler, who were also unhelpful in attempting to address her concerns.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Seizure	Ross McNicol	Samanya Ferguson-Taylor	Unfounded
2	Lack of Service	Michell Zumaita	Samanya Ferguson-Taylor	Unfounded
3	Discourtesy	Ross McNicol	Samanya Ferguson-Taylor	Unfounded
4	Lack of Service	Eric Kohler	Samanya Ferguson-Taylor	Unfounded
5	Lack of Service	Michelle Zumaita	Samanya Ferguson-Taylor	Unfounded

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
6	Discourtesy	Ross McNicol	Unknown	Sustained
7	Improper Procedure (BWC)	Ross McNicol	Samanya Ferguson-Taylor	Sustained

#5

Complaint #	22034
Complainant	Pamela Dyle
Incident Date	February 6, 2022
CCA Investigator	Morgan Givens
Allegations	Discourtesy & Discrimination

COMPLAINT SUMMARY

Ms. Dyle alleged that on Sunday, February 6, 2022 near the intersection of Ezzard Charles Drive and Central Parkway, Officer Norman was discourteous and discriminatory during the course of her investigation of a traffic accident. Ms. Dyle specifically stated, “Although I was a victim in this accident, Officer Norman displayed a preference, protective demeanor towards the driver that hit my vehicle (a white female) and displayed a defensive, biased demeanor with me. Officer Norman demonstrated advocacy on behalf of the driver and defensiveness toward me in an interaction in which I was seeking insurance information from the driver that hit my vehicle so that I could file an insurance claim. I didn't feel at any point in the interaction that Officer Norman was an advocate or there to protect and serve my interests equitably. Or the contrary, the respect and empathy she conveyed towards the other driver, a white female, was void in her interaction with me. The entire interaction exposed biases, I'm confident I experienced because I'm an African American female.”

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Discourtesy	Shayna Norman	Pamela Dyle	Unfounded
2	Discrimination	Shayna Norman	Pamela Dyle	Unfounded

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
3	Improper Procedure	Shayna Norman	Collateral	Sustained

6

Complaint #	22036
Complainant	Derrick Henderson
Incident Date	February 19, 2022
CCA Investigator	Morgan Givens
Allegations	Lack of Service, Misconduct, and Discrimination

COMPLAINT SUMMARY

Mr. Henderson alleged that on Saturday, February 19, 2022 at 1801 Logan Street, Officers Brown, and Lind failed to provide service and engaged in unethical and discriminatory behavior. Mr. Henderson provided the following statement via CPD:

Discrimination of a disabled citizen. Dereliction of duty, unethical behavior/conduct. Protocol + noncompliance for the safety of complainant. Officer refused to take report and issued false statements. Initially refused to take report. I was in a state of duress misunderstood and officers delayed and hindered medical treatment maliciously. Attempted to leave the scene despite gang presence/involvement. Dismissed and ignored suspect that was identified by Officer Lind. Delayed and convoluted medical engagement. Poor morale I visually witnessed theft and was strong armed by Tyrell. Officers stated that superiors wouldn't care, they were too busy. I need CCA Rep Asst. please. I was left at the scene of the crime alone until I repeatedly pleaded for medical + superior response. Wasn't allowed to extract information.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Lack of Service	Adarius Brown	Derrick Henderson	Unfounded
2	Lack of Service	Christopher Lind	Derrick Henderson	Unfounded
3	Misconduct	Adarius Brown	Derrick Henderson	Unfounded
4	Misconduct	Christopher Lind	Derrick Henderson	Unfounded
5	Discrimination	Adarius Brown	Derrick Henderson	Unfounded
6	Discrimination	Christopher Lind	Derrick Henderson	Unfounded



7

Complaint #	22055
Complainant	Thomas Gaines
Incident Date	February 2, 2022
CCA Investigator	Dena Brown
Allegations	Excessive Force, Discourtesy, and Abuse of Authority

COMPLAINT SUMMARY

Per CPD: *Officers Adarius Brown and Ross McNicol responded to 1807 Race Street to assist Sergeant Linda Sellers, who was working the streetcar detail, with a disorderly person on the streetcar. Officer Brown responded first and helped Sergeant Sellers escort Mr. Gaines off the streetcar. Mr. Gaines was clearly intoxicated. Officer McNicol then responded as cover for Officer Brown. Officer Brown attempted to get Mr. Gaines' personal information so that he could be banned from the streetcar. Mr. Gaines was uncooperative and said repeatedly that he wanted to go to jail. Officers McNicol and Brown reported that Mr. Gaines kept approaching Officer Brown and had to be pushed away several times. Mr. Gaines finally fell after he was pushed in the chest by Officer Brown. Sergeant Hollis Hudepohl responded and completed an administrative investigation for the use of hard hands. During the investigation Mr. Gaines alleged the officers hit him in the face.*

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Excessive Force	Adarius Brown	Thomas Gaines	Sustained

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
2	Abuse of Authority	Ross McNicol	Thomas Gaines	Sustained
3	Discourtesy	Ross McNicol	Thomas Gaines	Sustained

8

Complaint #	22193
Complainant	Jene Collins
Incident Date	August 23, 2022
CCA Investigator	Robert Stephens
Allegations	Improper Search, Discourtesy, and Improper Procedure

COMPLAINT SUMMARY

Ms. Collins alleged that on Tuesday, August 23, 2022 at 10:00AM at [REDACTED] police officers, later identified by CCA to be Sergeant Asbury, Officers Trauffer, Knapp, and Peters, came to the residence of Ms. Collins looking for her son, Keandre Early (M/B/18), and her boyfriend, Christopher Early (M/B/38) for Felonious Assault. Kendre Early was arrested and then the officers entered the residence to search for Christopher Early.

Ms. Collins also alleged that she was not allowed to re-enter her residence and had to wait outside in her nightgown, not allowed to get her shoes, with three officers for two hours for a District 2 officer to return with a search warrant. Ms. Collins also stated that the officers were rude to her once she called her attorney. Three additional officers returned with a search warrant and officers then searched her residence. During the search of her residence, some items were broken during the search.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Search	Nathan Asbury	Jene Collins	Exonerated
2	Improper Search	Charles Knapp	Jene Collins	Exonerated
3	Improper Search	Anthony Peters	Jene Collins	Exonerated
4	Improper Search	Michael Harper	Jene Collins	Exonerated
5	Discourtesy	Nathan Asbury	Jene Collins	Unfounded
6	Discourtesy	Charles Knapp	Jene Collins	Unfounded
7	Discourtesy	Scott Trauffer	Jene Collins	Unfounded
8	Discourtesy	Anthony Peters	Jene Collins	Unfounded
9	Improper Procedure	Jeffrey Howell	Jene Collins	Not Sustained
10	Improper Procedure	Michael Barge	Jene Collins	Not Sustained
11	Improper Procedure	Charles Zopfi	Jene Collins	Not Sustained
12	Improper Procedure	Genesis Steele	Jene Collins	Not Sustained

No.	Allegation	Subject Officer	Involved Citizen	Finding
13	Improper Procedure	Anthony Peters	Jene Collins	Not Sustained
14	Improper Procedure	Thomas Back	Jene Collins	Not Sustained
15	Improper Procedure	Thomas Weigand	Jene Collins	Not Sustained

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
16	Improper Procedure	Jeffrey Howell	Jene Collins	Sustained
17	Improper Procedure	Michael Barge	Jene Collins	Sustained
18	Improper Procedure	Charles Zopfi	Jene Collins	Sustained
19	Improper Procedure	Thomas Back	Jene Collins	Sustained
20	Improper Procedure	Thomas Weigand	Jene Collins	Sustained

RECOMMENDATION

R2325: Body Worn Camera Policy/Procedure

CCA recommends that the Cincinnati Police Department update its Procedure Manual to include the execution of search warrants as a “self-initiated activity” and to clarify the language of CPD Procedure Manual §12.540 Body Worn Camera System to require that officers shall activate their body-worn cameras during the execution of search warrants, ensuring that the entire search warrant execution process is captured. The recording shall start as officers approach the target location and continue until the completion of the search.

The recording should capture the following elements:

- a. The whole warrant execution process, including, but not limited to, the announcement of the search warrant, entry, and subsequent search activities;
- b. interactions with occupants of the premises, including their responses, if any;
- c. actions taken by officers, such as the opening of containers, the seizing of evidence, and any relevant observations made during the search; and
- d. any significant events, statements, or circumstances encountered during the execution that may have a bearing on the search or subsequent legal proceedings.

CPD Procedure Manual §12.540 Body Worn Camera System, is clear that the purpose of the BWC system is to “promote accountability and transparency for law enforcement by providing a video record of police activity.” Requiring that such incidents be recorded via BWC is likely to either confirm or refute complaints. In addition, it would better reflect the stated purpose of the BWC policy of promoting accountability and transparency.

This policy recommendation seeks to establish consistent procedures for recording search warrant executions, promoting transparency, accountability, and accuracy in documenting these operations, and reducing the likelihood of complaints during such operations. Adherence to this policy is crucial for maintaining public trust, ensuring compliance with legal requirements, and safeguarding the integrity of search warrant operations conducted by the Cincinnati Police Department. ■

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Complaint #	22219
Complainant	Greg Tanzer
Incident Date	August 8, 2022
CCA Investigator	Robert Stephens
Allegations	Improper Procedure, Improper Seizure, Discourtesy

COMPLAINT SUMMARY

Per CPD: Complainant Tanzer saw a YouTube video in which Sergeant Kinney improperly ordered a citizen to stop recording with the dropped cell phone of the arrested. Link to video below.

<https://youtu.be/mcsY1tuWrQw>

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Procedure	William Kinney	Witness B	Sustained

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
2	Improper Seizure	William Kinney	Witness B	Sustained
3	Discoutesy	William Kinney	Witness B	Sustained

#10

Complaint #	22247
Complainant	Veronica Johnson and Jovan Jett
Incident Date	October 31, 2022
CCA Investigator	Joseph Vesper
Allegations	Improper Search, Discourtesy, Improper Procedure, Improper Stop

COMPLAINT SUMMARY

Ms. Johnson alleged that on October 30, 2022, Detective Aubrey Pitts acted unprofessionally when he obtained a search warrant to access her home surveillance footage in the investigation of a murder that occurred on Ms. Johnson's street. She further alleged that officers returned to her residence with a search warrant on the morning of

October 31, 2022, and vandalized her property. That same day, shortly after the search was conducted, her son Jovan Jett (Mr. Jett) was improperly stopped, and his vehicle was improperly searched by a canine unit.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Search	Aubrey Pitts	Veronica Johnson	Exonerated
2	Discourtesy	Aubrey Pitts	Veronica Johnson	Unfounded
3	Improper Procedure	Charles Knapp	Veronica Johnson	Sustained
4	Improper Stop	Christopher Wermuth	Jovan Jett	Exonerated
5	Improper Search	Christopher Wermuth	Jovan Jett	Exonerated
6	Improper Search	Brett Thomas	Jovan Jett	Exonerated

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
7	Improper Procedure (Use of Force)	Nathan Asbury	Jovan Jett	Sustained
8	Improper Procedure (Contact Card)	Nathan Asbury	Jovan Jett	Sustained

11

Complaint #	22258
Complainant	Conner Stonecash
Incident Date	November 21, 2022
CCA Investigator	Joseph Vesper
Allegations	Discrimination, Discourtesy, and Lack of Service

COMPLAINT SUMMARY

Mr. Stonecash alleged that on Monday, November 21, 2022 at 12:20 PM, 2590 High Forest Ln, Mr. Stonecash and Witness A, F/W/Age Unknown, heard crying in their apartment hallway and called the police. Upon exiting the apartment, they found an alleged victim (Witness B, F/B/Age Unknown) on the ground in a state of elevated emotion and distress. It took the police 25 minutes to respond. The responding officers, Specialist Newman, and Officer Smith told Witness B to "cover up" when her shirt had been ripped during the altercation, the comment was "sexist and unnecessary". Mr. Stonecash further alleged that the Officers conducted themselves "in a manner that he would expect from an immature novice manning a cash register, getting aggressive with customers, and not accepting any valid criticism of their aggressive actions."

FINDINGS

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Lack of Service	Kevin Newman	Connor Stonecash	Unfounded
2	Lack of Service	Michael B. Smith	Connor Stonecash	Unfounded
3	Discrimination	Kevin Newman	Connor Stonecash	Unfounded
4	Discourtesy	Kevin Newman	Connor Stonecash	Sustained
5	Discourtesy	Michael B. Smith	Connor Stonecash	Sustained

#12

Complaint #	22278
Complainant	Devon Newton
Incident Date	December 15, 2022
CCA Investigator	Joseph Vesper
Allegations	Excessive Force

COMPLAINT SUMMARY

Mr. Newton alleged that on Thursday, December 15, 2022, at 8:05 PM, at [REDACTED], Officers Uruci, Dilbert, and Sundberg, entered Mr. Newton's residence without a warrant or probable cause. The Officers wrongfully arrested Mr. Newton on "fake charges." The arresting Officers then used "aggressive force and bruised" Mr. Newton's arm and wrist when they put him in handcuffs.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Excessive Force	Amir Uruci	Devin Newton	Unfounded
2	Excessive Force	Ian Sundberg	Devin Newton	Unfounded
3	Improper Entry	Ian Sundberg	Devin Newton	Exonerated
4	Improper Entry	Miguel Dilbert	Devin Newton	Exonerated
5	Improper Seizure	Ian Sundberg	Devin Newton	Exonerated
6	Improper Seizure	Amir Uruci	Devin Newton	Exonerated

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
7	Excessive Force	Miguel Dilbert	Witness A	Sustained

No.	Allegation	Subject Officer	Involved Citizen	Finding
8	Improper Procedure (Reporting Use of Force)	Miguel Dilbert	Witness A	Sustained
9	Improper Procedure (Reporting Use of Force)	Ian Sundberg	Witness A	Sustained

#13

Complaint #	22279
Complainant	Ponnick Darden
Incident Date	December 15, 022
CCA Investigator	Jospeh Vesper
Allegations	Discrimination, Harassment, Improper Seizure, Excessive Force

COMPLAINT SUMMARY

Mr. Darden alleged that around Thursday, December 15, 2022 11:30 PM - 12:00 AM, at 2745 Harrison Ave., Officer Mullis stopped Mr. Darden because his front headlight was out. This is not the first time Mr. Darden alleges Officer Mullis stopped him to harass him. Mr. Darden alleges Officer Mullins is racist in that regard. Furthermore, Mr. Darden alleged that Officer Williamson and Mullis were too forceful in the application of handcuffs. Mr. Darden also wishes to get his firearm back.

FINDINGS

Based on my investigation and review of the evidence uncovered, I recommend the following findings for your endorsement (findings are defined in the attachment to this memorandum):

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Discrimination	Cameron Mullis	Ponnick Darden	Unfounded
2	Harassment	Cameron Mullis	Ponnick Darden	Unfounded
3	Improper Seizure	Cameron Mullis	Ponnick Darden	Exonerated
4	Excessive Force	Cameron Mullis	Ponnick Darden	Exonerated
5	Excessive Force	Benjamin Williamson	Ponnick Darden	Exonerated

RECOMMENDATION

R2322: Harassment

CCA recommends CPD create a specific definition and policy for “harassment” in order to clarify the line between persistent contact initiated by police that is permissible (such as necessary contact that might occur during an

ongoing investigation focused on a person of interest), and impermissible patterns of contact that either have no legitimate purpose, are not tailored to a legitimate purpose, or that otherwise violate policy. ■

#14

Complaint #	23004
Complainant	Marion Allman-Roseberry
Incident Date	December 30, 2022
CCA Investigator	Makiedah Messam
Allegations	Improper Stop and Discourtesy

COMPLAINT SUMMARY

Date: December 30, 2022

Time: 7:07 PM

Location: 4200 Erie Avenue, Cincinnati, OH 45208

Ms. Allman-Roseberry alleged that on Friday, December 30, 2022, at approximately 7:07PM, Officer Michael Webb improperly stopped her son, Mr. Richard O’Neal Allman, for speeding near 4200 Erie Avenue, Cincinnati, OH 45208. Ms. Allman-Roseberry’s fifteen-year-old grandson, K.A., was a passenger in the vehicle and was on the phone with her at the time of the stop.

Through the phone call with K.A., Ms. Allman-Roseberry became aware that officers were arresting Mr. Allman and were asking K.A. to get out of the vehicle. She drove to the scene. When she arrived, Ms. Allman-Roseberry saw officers leading a handcuffed K.A. to a cruiser. Sergeant Grant Hunter approached her and tried to explain what happened. Ms. Allman-Roseberry alleged that officers improperly stopped Mr. Allman and that Sergeant Hunter and officers were discourteous to her, stating she “did not like or agree with the way they spoke to [her].”

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Stop	Michael Webb	Richard Allman	Exonerated
2	Discourtesy	Grant Hunter	Marion Allman-Roseberry	Unfounded

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
3	Improper Search	Merlin Murrell	KA (minor)	Sustained
4	Improper Search	Edward Bedinghaus	KA (minor)	Sustained
5	Improper Procedure	Merlin Murrell	KA (minor)	Sustained

RECOMMENDATION

R2321 – Juvenile Engagement and Enforcement

CPD should update Procedure § 12.900 to better align with IACP’s Model Policy and clarify for officers that juvenile incarceration should be the last resort when attempting to hold juveniles accountable for illegal behavior.

Studies suggest that juvenile involvement in the criminal justice system can have significant long-term effects—including greater involvement with the system as an adult.¹ Diverting juveniles from formal processing in the juvenile justice system would help to reduce recidivism rates while ensuring that juvenile offenders are still held accountable for their actions.²

IACP’s Model Policy on Juvenile Diversion and Custody recommends that “taking juveniles into custody should be avoided whenever possible.”³ It also provides officers with other options that could be taken, including: (1) release; (2) informal counseling; (3) release to a parent or guardian; (4) notification of parent or guardian; (5) use of diversion or extrajudicial measures; and (6) issuance of a written warning or citation.

Involving juveniles in the criminal justice system should not be done lightly. As put forward by CCA Recommendations R2316 and R2317, CPD should revise Procedure § 12.900 to ensure that juveniles are kept out of the criminal justice system whenever possible.

■

#15

Complaint #	23010
Complainant	David Rouzier
Incident Date	November 18, 2022
CCA Investigator	Jessalyn Goodman
Allegations	Excessive Force, Improper Search, Improper Procedure

COMPLAINT SUMMARY

Mr. David Rouzier and Witness A were in a stopped vehicle on a dead-end street when there was a complaint of “suspicious activity.” Officer Emily Steedman approached their vehicle and asked for his name; she left and returned to her cruiser multiple times. Eventually, Officer Steedman returned and asked Mr. Rouzier to step out.

¹ William E. Copeland, et al., *Adult criminal outcomes of juvenile justice involvement*, available at https://www.cambridge.org/core/journals/psychological-medicine/article/abs/adult-criminal-outcomes-of-juvenile-justice-involvement/A5DD76522B6FE63C869419B21E07ABCD?utm_campaign=shareaholic&utm_medium=copy_link&utm_source=bookmark.

² National Institute of Justice, *Juvenile Diversion Programs* (Feb. 23, 2015), available at <https://crimesolutions.ojp.gov/ratedpractices/37#practicecost>.

³ IACP, *Model Policy on Juvenile Diversion and Custody* (May 2019), available at <https://www.theiacp.org/sites/default/files/2019-05/Juvenile%20Diversion%20and%20Custody%20Policy%20-%202019.pdf>.

Once outside the vehicle, Officer Steedman hit Mr. Rouzier across his forehead with an unidentified object. Mr. Rouzier was handcuffed because he had an alleged warrant for a probation violation and was transported to University of Cincinnati Hospital and received stitches.

Mr. Rouzier is concerned that Officer Steedman struck him, but she was not arrested for assault. He believed Officer Steedman received preferential treatment.

FINDINGS

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Excessive Force	Emily Steedman	David Rouzier	Unfounded

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
2	Improper Search	Terrell Watson	David Rouzier	Sustained
3	Improper Procedure (Contact Card)	Emily Steedman	David Rouzier	Sustained
4	Improper Procedure	Jennifer Dawson	David Rouzier	Sustained



RECOMMENDATION SUMMARIES

#1

Topic	Harassment
Recommendation #	R2322
CCA Case #	22279

R2322: Harassment

CCA recommends CPD create a specific definition and policy for “harassment” in order to clarify the line between persistent contact initiated by police that is permissible (such as necessary contact that might occur during an ongoing investigation focused on a person of interest), and impermissible patterns of contact that either have no legitimate purpose, are not tailored to a legitimate purpose, or that otherwise violate policy.

■

#2

Topic	Juvenile Engagement and Enforcement
Recommendation #	R2321
CCA Case #	23004

R2321: Juvenile Engagement and Enforcement

CPD should update Procedure § 12.900 to better align with IACP’s Model Policy and clarify for officers that juvenile incarceration should be the last resort when attempting to hold juveniles accountable for illegal behavior.

Studies suggest that juvenile involvement in the criminal justice system can have significant long-term effects—including greater involvement with the system as an adult.⁴ Diverting juveniles from formal processing in the juvenile justice system would help to reduce recidivism rates while ensuring that juvenile offenders are still held accountable for their actions.⁵

IACP’s Model Policy on Juvenile Diversion and Custody recommends that “taking juveniles into custody should be avoided whenever possible.”⁶ It also provides officers with other options that could be taken, including: (1) release; (2) informal counseling; (3) release to a parent or guardian; (4) notification of parent or guardian; (5) use of diversion or extrajudicial measures; and (6) issuance of a written warning or citation.

Involving juveniles in the criminal justice system should not be done lightly. As put forward by CCA Recommendations R2316 and R2317, CPD should revise Procedure § 12.900 to ensure that juveniles are kept out

⁴ William E. Copeland, et al., *Adult criminal outcomes of juvenile justice involvement*, available at https://www.cambridge.org/core/journals/psychological-medicine/article/abs/adult-criminal-outcomes-of-juvenile-justice-involvement/A5DD76522B6FE63C869419B21E07ABCD?utm_campaign=shareaholic&utm_medium=copy_link&utm_source=bookmark.

⁵ National Institute of Justice, *Juvenile Diversion Programs* (Feb. 23, 2015), available at <https://crimesolutions.ojp.gov/ratedpractices/37#practicecost>.

⁶ IACP, *Model Policy on Juvenile Diversion and Custody* (May 2019), available at <https://www.theiacp.org/sites/default/files/2019-05/Juvenile%20Diversion%20and%20Custody%20Policy%20-%202019.pdf>.

of the criminal justice system whenever possible.

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#3

Topic	Body Worn Camera Policy/Procedure
Recommendation #	R2325
CCA Case #	22193

R2335: BWC Policy/Procedure

CCA recommends that the Cincinnati Police Department update its Procedure Manual to include the execution of search warrants as a “self-initiated activity” and to clarify the language of CPD Procedure Manual §12.540 Body Worn Camera System to require that officers shall activate their body-worn cameras during the execution of search warrants, ensuring that the entire search warrant execution process is captured.

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