

Date: November 21, 2022

To: Gabriel Davis, CCA Director

From: Kerrie Kimpel, CCA Investigator

Subject: **CCA Case No. 22171**
Review of Abuse of Authority by Maxime Tiomagwou Tchinda

CCA completed an investigation of CCA Complaint No. 22171 by Maxime Tiomagwou Tchinda, M/B/26, alleging Abuse of Authority against Officer Brent Eve, #P0647, M/W/40. This memorandum is intended to convey the conclusions resulting from that investigation and the basis for those conclusions. This memorandum does not purport to summarize all evidence uncovered during the course of the investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Mr. Tchinda alleged that on Tuesday, April 12, 2022 Officer Eve refiled charges against Mr. Tchinda that had previously been dismissed by Judge Bernie Bouchard, as an act of retaliation for Mr. Tchinda filing a CCA complaint against Officer Eve.

If Mr. Tchinda's allegations are true, such retaliation would violate Article 28 of Cincinnati's Administrative Code, which prohibits interference in CCA's investigations. It would also violate CPD Procedure Manual § 15.100, which prohibits an officer from discouraging any person from making a citizen complaint and Manual of Rules and Regulations § 1.16, which prohibits interference in government investigations.

CCA interviewed Mr. Tchinda, Prosecuting Attorney Rebecca Barnett, and Officer Brent Eve. CCA also reviewed relevant police records and records from the Hamilton County Clerk of Courts.

According to transcripts obtained from the Clerk of Courts, Mr. Tchinda appeared before Judge Bouchard on October 18, 2021, and entered a guilty plea to the pedestrian violation. Prosecuting Attorney (P.A.), Josh Loya, stated the state could not go forward on the failure to disclose and resisting arrest charges, and those charges were dismissed. According to police records, Officer Eve had turned in a Court Date Change form on October 7, 2021, stating he would be out of town and requested a new court date. On April 4, 2021, Officer Eve received his notice to appear at CCA for an interview regarding CCA Case number 21217. After seeing Mr. Tchinda's name, Officer Eve realized he had never received a second court date for Mr. Tchinda's charges. Officer Eve then looked up the court case and learned the charges had been dropped. Officer Eve said he was not happy that the charges had been dropped because Resisting Arrest is a charge that could create a safety issue in the future, and he does not think it should just be dismissed. Officer Eve had court that day for an unrelated case and asked Prosecuting Attorney Rebecca Barnett to look into why the charges were dropped. Officer Eve was later told by Ms. Barnett to refile the charges and the case would move forward, so he did.

P. A. Barnett stated to CCA that she could not recall the conversation with Officer Eve at the Courthouse, but she could say with confidence that he did not mention Mr. Tchinda filed a

complaint against him, otherwise she would not have told him to refile the charges, because it would be “inappropriate.”

Credible evidence, specifically, a corroborated statement provided by the subject officer, proves that Officer Brent Eve did seek the prosecution of Mr. Tchinda for Resisting Arrest, and Failure to Disclose Personal Information after those charges had initially been dismissed, and he did refile those charges on April 12, 2022. However, despite the action taken, Officer Eve had a motive for seeking the prosecution of those charges that predated his discovery of the existence of Mr. Tchinda’s CCA complaint. The documentary evidence establishes that Officer Eve never desired for those charges to have been dismissed on October 18, 2021, that he properly notified a supervisor that he would not be able to attend the original court date, and that he requested a new court date for the case when he was unable to appear on October 18. Officer Eve regarded the dismissal as an error caused by his inability to attend court—an error that he later sought to correct.

Moreover, the decision to refile the charges was ultimately not made by Officer Eve, but by a prosecuting attorney. While P.A. Barnett could not recall much of her conversation about the case with Officer Eve, she was sure Mr. Tchinda’s CCA complaint was not discussed.

Therefore, for all the above reasons, the actions of the subject officer were consistent with CPD policy, procedure, and training. The refiling of the charges was not a malicious act on the part of Officer Eve.

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	Abuse of Authority	Brent Eve	Maxime Tiomagwou Tchinda	Unfounded

Collateral Allegations

There were none.



Kerrie Kimpel, Investigator



Gabriel Davis, Director