



CCA Case Nos. 21092 & 21201

Michael Lester and Julie Thayer

Investigation Report and Findings

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Investigator**

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Date: August 26, 2022

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COMPLAINT SUMMARY

Date: Various dates in 2021

Time: Various

Location: [REDACTED]

CCA Receipt: September 29, 2021

Julie Thayer and Michael Lester alleged that Officer Richard Minella drives down their street, on a continuous basis to intimidate and harass them, sometimes staring them down while driving. They further alleged that Officer Minella does not remedy their ongoing neighbor dispute and harasses them due to Mr. Lester's race.

Julie Thayer and Michael Lester also alleged Sergeant Jacob Hicks failed to remedy their ongoing neighbor dispute, refused to let them speak to District 3 Captain David Johnston, and failed to address continuous allegations of harassment against Officer Minella. They alleged discrimination against Sergeant Hicks because of their belief that he failed to provide their request for service due to Mr. Lester's race.

Julie Thayer and Michael Lester alleged lack of service against Captain David Johnston for refusing to return their calls complaining about Sergeant Hicks.

Julie Thayer and Michael Lester alleged that on May 31, 2021 Officer Koffi Agbleke failed to provide a requested service by not allowing them to speak to the Captain Johnston.

Julie Thayer and Michael Lester alleged on May 31, 2021, Officer Ryan Olthaus engaged in "biased policing" after he responded to a call to their neighbors' residence.

Julie Thayer and Michael Lester alleged that on May 26, 2021 Officer Karoline Harris engaged in "biased policing" because she was "as professional and nice as can be" to Ms. Thayer, but "hung up on Michael three times;" Julie Thayer alleged the "We feel the only difference is black and white. It seemed that when Harris saw a white person was involved, she changed her behavior."

INVOLVED SUBJECT STATEMENTS

Julie Thayer and Michael Lester

CCA interviewed Julie Thayer, F/W/38, and Michael Lester, M/B/44, on August 11, 2021, at 10:23 AM. They provided the following information:

Mr. Lester and Ms. Thayer allege that Officer Minella drives past their residence multiple times a week with the intention of "ethnic intimidation." Officer Minella slows down, looks at their residence and "tries to find where we are at and gives a sarcastic smirk." They further allege that the reason for his attempted ethnic intimidation is because they file civilian complaints against him.

They further alleged that when they do speak with Officer Minella and Sergeant Hicks, they don't believe the allegations they make against their neighbor with whom they have an ongoing dispute. "We've had issues with the neighbor for ten years and he's not doing anything but when he does come out, he dismisses us." Regarding Officer Minella they stated, "If you're the neighborhood liaison he's supposed to deal with neighborhood issues." They also stated, "No he has no right to be on my property. He doesn't have our best interest in mind. I don't want him on my property." Mr. Lester stated, "I don't have anything to say to police. When we call for help, they need to do their job or quit harassing us." In addition to CCA complaints, they have attempted to report Sergeant Hicks and Officer Minella to the FBI.

Mr. Lester and Ms. Thayer also provided the following additional information via electronic submissions on various dates:

On May 26, 2021: "Michael called district 3 trying to speak with the Captain. After going back and forth with Officer Harris and her hanging up 3 times Michael had to call 911 in order for Harris to pick up the phone. She refused to take Michael's information to give to the Captain. Michael told her he would be filing a complaint against her and she told him she didn't care. Michael has called several times a day every day in order to be available to speak to the Captain but he is told either the Captain is unavailable or not there. He gives his information each time he calls but no one ever calls back. After her refusing to take Michael's information we drove over to the district. Face to face, Officer Harris was as professional and nice as can be. She took all my information. We feel the only difference is black and white. It seemed that when Harris saw a white person was involved she changed her behavior."

On May 31, 2021: Ms. Thayer called District 3 to ask why the police had been at her residence earlier in the day; Officer Agbleke answered the desk phone. "Agbleke finally answered the phone but denied me access to any information and claimed it was my fault that I didn't stop the officers and ask them then." She further alleged that he did not put her into contact with the captain.

On May 31, 2021: Michael Lester called District 3 at 6:30 and spoke to Officer Gross; "He was calling to speak to the captain." She alleged, "Officer Gross hung up three separate times before finally taking Michael's information. He finally had to have 911 transfer him over in order for her to answer the phone."

On May 31, 2021: "Our neighbors called the police and lied about Michael trespassing. Officer Olthaus and another officer responded. Officer Olthaus talked to their neighbors and before leaving the street said that Michael needed to stay off of their neighbor's fence. "This is the biased policing that continues to happen."

**INVOLVED
OFFICER
STATEMENTS**

Officer Richard Minella

Officer Richard Minella, #P0453, M/W/55, is currently assigned to District 3 Neighborhood Liaison Unit (NLU), and he has been a CPD member since 1996. Officer Minella was on routine patrol, in uniform and operated a marked cruiser. His BWC was not activated for many of the encounters Ms. Thayer and Mr. Lester alleged because he did not engage with them; rather, he was in his cruiser.

CCA interviewed Officer Minella on June 5, 2022, at 9:17 AM. He provided the following information:

Officer Minella is a District 3 NLU officer who is specifically assigned to Westwood. In his role as an NLU officer, he manages neighborhood disputes and tries to mitigate between neighbors to prevent 911 abuse; a lot of the issues complained about aren't police related. He stated that Ms. Thayer and Mr. Lester's neighbor dispute has been active for at least "eight years, maybe ten." Mr. Lester and Ms. Thayer's neighbor also sends him emails "probably two or three times per week about Michael harassing them. He yells and screams vulgarities; he will yell stuff, but it doesn't cross a threshold of being criminal." Recently, the problem has gotten so bad that Mr. Lester and Ms. Thayer have been charged with "911 abuse."

Officer Minella advised he drives down Stanhope Avenue once per week; he doesn't make eye contact with anyone, but emphasized that because there is a cul-de-sac, he must "slow up to make the circle and come back out. I don't see anyone else on their street I think they have a camera and they're just watching for me." When questioned about the accusation of him harassing Mr. Lester and Ms. Thayer, he stated, "I don't know how they always know that I'm on their street" and further explained that due to them and their neighbors both complaining about each other, the NLU responds. Officer Minella stated that it's not just him who Mr. Lester and Ms. Thayer complain, "they complain on any officer who responds;" they have also made complaints against Waterworks and other City departments. The mailman also stated that they have been threatened by Mr. Lester.

Because Officer Minella is assigned to District 3 and more specifically, Westwood, at times he crosses paths with Mr. Lester and Ms. Thayer. In one instance, Officer Minella marked a semi-truck that was improperly parked, he recalled Mr. Lester yelled something out of their vehicle at him, but he did not engage. Ms. Thayer's temperament is usually fine, but Mr. Lester "gets agitated."

Officer Minella denied treating Mr. Lester or Ms. Thayer differently than anyone else in the neighborhood. Officer Minella also denied harassment allegations; further stated, "When I see them it's in the scope of doing my job. They have run into me a couple times at different places. I'm in that neighborhood. When I'm on duty, I'm a community officer for that neighborhood. They call police on their neighbor and it's my job to go out and investigate those complaints. I don't know why they don't like it, but it's my job." Officer Minella stated that he has not harassed or discriminated against Ms. Thayer or Mr. Lester.

Sergeant Jacob Hicks

Sergeant Jacob Hicks, #S0259, M/W/44, is currently assigned to District 3 NLU, and he has been a CPD member since 2003. Sergeant Hicks was on routine patrol, in uniform and operated a marked cruiser; his BWC was not activated as most of their engagement is via electronic communication.

CCA interviewed Sergeant Hicks on June 5, 2022, at 10:00 AM, he provided the following information:

Sergeant Hicks explained that he is the supervisor of District 3's NLU. As part of his assignment, he oversees neighbor complaints. He stated that Mr. Lester and Ms. Thayer complain daily and have been doing so since before Sergeant Hicks was assigned to the unit. "There may be undiagnosed mental illness, I've taken Greater Cincinnati Behavioral Help out there to try to help."

In addition to his officers, he has heard from the Park Board, Water Works, Metropolitan Sewer District, city attorneys, Secret Service and other federal agencies regarding complaints received from Mr. Lester and Ms. Thayer. They were recently charged “about a week ago for calling 911 in an abusive manner.”

Sergeant Hicks stated that he had 22 messages on his phone from over the weekend from Ms. Thayer. Over the years the complaints have ranged from being upset that their neighbor’s sprinkler got water in their yard, or he didn’t like someone who walked by his yard. They also complain about sewage and allegations that the neighbors are putting worms in their yard or nails in their driveway. They complain every time they see Officer Minella, “even if he was there first, they say Officer Minella was harassing them.” Their neighbors send Sergeant Hicks emails every day, too. They allege things like “Michael yelling and screaming- it would be disorderly, but it’s only disorderly to the neighbor, so one person, so we don’t charge him.” Their neighbors “aren’t perfect either. They complain about things like him blocking the sidewalk.”

Mr. Lester and Ms. Thayer sometimes go in person to District 3 to try to speak to the captain. It is not common to allow the public to speak to the captain, so their request is denied, and they’re directed to speak to me. They often call 911 and are transferred to District 3, “They yell and scream and cuss at the officers over the phone.” Segreant Hicks instructed them to be professional, “but if they’re yelling and screaming. They cuss and yell and scream for several minutes.”

Mr. Lester and Ms. Thayer have made hundreds of complaints, but don’t wish for officers to respond to their residence. The behavior they complain about is often not criminal in nature, but each complaint must be “fielded” by Sergeant Hicks or the front desk officer to ensure there is not an urgent threat.

Regarding allegations against himself and Officer Minella. “Minella is not harassing them, he’s doing his job.” They have been denied access to the captain because it is not protocol. He denied harassing them and stated that he has been on Stanhope Avenue, “Maybe three times.” He also denied discriminating against them.

Officer Koffi Agleke

Officer Koffi Agleke, #PO358, M/B/29, is currently assigned to District 3, and he has been a CPD member since 2017. Officer Agleke was on assigned to the District 3 desk and in uniform; his BWC was not activated as the interaction was not in person.

On May 31, 2021, Officer Agleke stated that Ms. Thayer called the District 3 desk where he was assigned. She requested to speak to the captain, but he told her that he has no way of putting her into contact with the captain; he stated that he would have a supervisor contact her, but she was upset because he did not put her in touch with the captain. Officer Agleke explained that he was unable to answer the first time they called the desk because he was helping someone else, and he was the only officer working at the front desk. Officer Agleke stated in his interview that he, “met their needs to the best of my ability,” was not discourteous, but he was unable to put them into contact with the captain.

Officer Agleke stated, on the phone Mr. Lester gets upset and irate when “He doesn’t get what he wants and starts yelling and screaming and alleges discourtesy.” Officer Agleke stated, “I can’t take it to heart so I try my best to calm them if the supervisor is not something they want and see if there is anything else I can do to assist.”

Officer Agbleke stated on a sperate incident that Ms. Thayer called the District 3 desk phone to inquire about a 911 call that her neighbors allegedly made. Officer Agbleke stated that he was unaware of the run and asked why Mr. Lester did not speak to the officers when they were on the street. Mr. Lester stated that he did not want to speak to the officers because it was his neighbors who called the police. Officer Agbleke denied the allegation that he failed to provide them a service.

Officer Ryan Olthaus

Officer Ryan Olthaus, #P0961, M/W/41, is currently assigned to District 3, he has been a CPD member since 2008. Officer Olthaus was on routine patrol, in uniform and operated a marked cruiser; his BWC was activated.

On May 31, 2021, Officer Olthaus responded to Stanhope Avenue to address a complaint received from Mr. Lester and Ms. Thayer’s neighbor. The call from the neighbor alleged that Mr. Lester was terrorizing them and yelling from his porch. Officer Olthaus stated that it was an ongoing issue, but on that day the neighbor stated that Mr. Lester had done “something to the neighbor’s fence or something of that nature.” In the past Mr. Lester has yelled and cussed at them and said they’re putting sewage in Mr. Lester’s yard.

As Officer Olthaus walked up toward the 911 caller’s residence, Mr. Lester was on his porch, “combative and yelling.” Officer Olthaus thought Mr. Lester was the complainant, but it was his neighbors. Mr. Lester requested that the officers talk to the neighbor and not enter onto his property. Officer Olthaus talked to the 911 caller, and she talked about the ongoing issues that she’s had with Mr. Lester and emphasized that he had been climbing on her fence. Officer Olthaus attempted to talk to Mr. Lester, but he was “combative.” He advised Mr. Lester that he cannot climb their fence or trespass on their property or “you will be arrested.”

Officer Olthaus has never had contact with Ms. Thayer and does not recall having additional contact with Mr. Lester. He further stated that he has never been discourteous, harassed or treated them differently than anyone else. The way that he handled the incident was a “typical way to handle neighbor disputes.” He further stated that the “neighbor didn’t want anything done, she just wanted him to stay off her property.”

EVIDENCE

Police Documents

CCA reviewed all CPD-related forms, including but not limited to information from CPD’s Records Management System (RMS), EVT, and emailed complaints received by CPD.

CPD Website

Each district has a Neighborhood Liaison Until (NLU) supervised by a sergeant. The NLU is staffed with problem oriented policing officers assigned to each neighborhood in that district. These officers are the best resource when neighbors are dealing with long-term issues.

Emails

CCA reviewed several emails provided by Sergeant Hicks that contain complaints being lodged with CPD against Julie Thayer and Michael Lester by their neighbors.

CCA reviewed several emails between Sergeant Hicks and Julie Thayer/Michel Lester that contain complaints by Julie Thayer/Michel Lester and responses by Sergeant Hicks to those complaints.

Videos and Photographs

A video provided by Julie Thayer depicts she and Mr. Lester in the lobby of D3. Sergeant Hicks walked by and went walks out the door. Sergeant Hicks said "Hello" and Julie Thayer said, "Hi."

Additional videos and images were provided by Ms. Thayer that depict what appears to be a Cincinnati Police Cruiser drive by her residence as captured by camera; the driver of the vehicle is unidentifiable.

Additional videos were provided that were included in complaints received by Sergeant Hicks. The videos are taken from cameras operated by their neighbors and mounted on their residence. The videos depict Mr. Lester and Ms. Thayer walking from their backdoor to their vehicle and speaking conversing with each other. One video depicted aggressive verbiage directed toward Ms. Thayer; Mr. Lester stated, "Shut the fuck up. You're just as big and goofy as they play you, bruh. You're crying about what you're supposed to be doing... You're the biggest goddamn child ever." There are also videos of Mr. Lester alleging their neighbors are pumping sewage into their yard. Lastly, there are videos which depict a vehicle blocking the sidewalk.

Body Worn Camera (BWC)

Officer Ryan Olthaus

The events recorded by Officer Olthaus' BWC occurred on May 31, 2021, starting at 12:23:35, according to the BWC's timestamp. A review of that recording reveals the following:

Officer Olthaus walked toward Mr. Lester's neighbor who called 911. As Officers Olthaus and Eric Weyda approached the residence, Mr. Lester can be seen on the porch. Officer Weyda said, "I think Mike Lester lives here," Mr. Lester replied, "Mike Lester lives right here." Officer Weyda departed the sidewalk onto Mr. Lester's property and said, "How are you doing, Mr. Lester?" Mr. Lester responded, "I'm great I don't have anything to say please don't come over here. I didn't call you. That's why I call internal affairs and tell them everything y'all say."

As Officers Olthaus and Weyda walked toward the 911 caller's residence, Mr. Lester asked, "Did Broxterman get fired?" Officer Olthaus replied that he did not get fired and Mr. Lester replied, "I'm going to call internal affairs if you violate my rights." Officer Olthaus knocked on the door of Mr. Lester's neighbor and Officer Weyda remained in her front yard. The woman stated that there has been an ongoing issue with Mr. Lester. She alleged that Mr. Lester called her husband a pedophile and yells at them from his front yard. She stated that he yells so loudly, screams obscenities that she can hear him from inside her residence. She also stated that he had been climbing on her fence. She asked Officer Olthaus to ask them to stay off her property. Officer Olthaus explained that because he's on his property he can say what he wants, "but when he starts breaking your property that crosses a line." She explained that Mr. Lester has a delusion that they are putting sewage in his yard, but she explained that he does not have a septic tank, so it's impossible.

Officer Olthaus departed her porch and returned to the sidewalk. He said to Mr. Lester, "If you break their fence you're going to jail." Mr. Lester replied, "I'm not on their fence." Officer Olthaus replied, "I'm advising you as a police officer that if you climb on their fence or break their property, you've been advised, and you'll be arrested for trespassing." Mr. Lester stated that the neighbor's trespass on his property. Officer Olthaus asked if he documented it and told Mr. Lester to document it and call back if there's an issue. Mr. Lester replied, "I've called the FBI on them." Officer Olthaus stated, "You have a great day, Sir." Mr. Lester asked his name and Officer Olthaus provided his name. Mr. Lester said, "I'm not on his fence." Officer Olthaus replied, "I'm not saying you are. It's what she said. I'm advising you not to go on their fence." Mr. Lester said, "This is retaliation." Officer Olthaus replied, "It is not retaliation. I'm just advising you. I do this with everyone. Well, hey we all win because everyone has been advised. Have a good day, Sir."

District 3 Desk Audio

1) District 3 Desk Phone on an unknown date and time:

Immediately as an unknown District 3 officer answered, Mr. Lester asked, "Can I speak to your supervisor. Is Hicks your supervisor?" The officer replied that she would have her supervisor reach out. Mr. Lester asked, "Who is your supervisor?" The officer replied, "Sergeant Brim." Mr. Lester said, "Is he there today?" The Officer replied, "Yes Sir, I'll have him contact you." Mr. Lester replied, "Okay I can hold, go get him." The officer replied, "No Sir, I will take your name and number and take it to the supervisor." "Mr. Lester replied, "I don't think that's what I'm asking you to do. You keep hanging up on me and I'm not done. You can't keep hanging up on me, I'm going to keep calling back. I've already talked to internal affairs, and we've seen it on TV and you're not doing your job." The officer replied, "Okay." Mr. Lester said in a forceful tone, "Go get your supervisor. You hang up and I'm calling internal affairs." The officer stated, "Sir, we don't ever. My supervisor will get a message for him to call you." Mr. Lester said in a forceful tone, "Okay I want to speak to someone other than you then. You the only mothafucka in there?" The officer replied, "Yes, Sir." Mr. Lester stated, "No I don't believe that." The officer replied, "That's fine." Mr. Lester stated, "Okay do what you're going to do then." The officer asked, "Is there anything else I can help you with, Sir?" Mr. Lester stated, "I'm not hanging up. I told you what you can do for me. The Officer said, "Sir." Mr. Lester stated, "I'm not hanging up. Ain't nothing else to talk about, complete denial of service. I told you that I needed to speak to someone other than you, now. The officer replied, "It's not a denial of service. There is no one else for you to talk to. Mr. Lester said, "You can take your ass on. When you hang up the call is complete." The officer stated, "Okay Sir. Have a good day"

2) District 3 Desk Phone on May 31, 2021 at an unknown time:

Officer Agbleke stated, "District 3, How can I help you?" Mr. Lester can be heard in the background, "Tell them you want to know what 911 told them." Ms. Thayer said, "I guess our neighbors called and they gave them our address, I was just kind of curious what they responded to? I'm at [REDACTED]" Officer Agbleke asked, "[REDACTED]? Are the police there right now?" Ms. Thayer stated that they left an hour ago. Officer Agbleke asked, "Why didn't you speak to the officers when they were there?" Ms. Thayer stated, "I just got home from work, but they didn't seem interested in talking to my husband. We think neighbors called but we think they lied. We just want to know what they told police to get them to respond." Officer Agbleke stated "Ma'am I would not know."

Ms. Thayer inquired as to if it showed up in their system as a "domestic dispute" and Mr. Lester can be heard in the background telling her to ask the names of the officers present. Ms. Thayer said, "Can we know the names of the officers?" Officer Agbleke replied, "Ma'am I have no idea

who responded to your residence. Was your husband home?” Mr. Lester can be heard in the background, “I was here.” Officer Agbleke asked, “So why didn’t you speak to them when they were there?” Mr. Lester told Ms. Thayer, “Just ask him for his name and that’s it.” Officer Agbleke asked, “What is the nature of this call?” Mr. Lester said, “Sergeant Brim just gave me his name. We have their names already. We’re explaining how they lie.” Officer Agbleke asked, “Sir you already have the names of the officers that responded. Again, I’m trying to figure out the nature of the call.”

Mr. Lester can be heard in the background, “That’s his name, that’s the motherfucka that’s not supposed to be here. That’s a sergeant or something. What’s the other n_____ [racial invective] name?” Ms. Thayer said, “There were two officers, they only gave us the one officers name.” Mr. Lester can be heard in the background “She gave us both, but I couldn’t hear.” Ms. Thayer stated, “I wanted to make sure I spelled them right and everything like that.” Officer Agbleke stated, “Ma’am I hear you and I understand what you’re saying. If your husband already called here and spoke with someone then he has all of the information.” Ms. Thayer stated, “Don’t worry about what they told him. I’m asking you what their names are. Why can’t you tell me what I’m asking you? They came to my house, and I wasn’t here; somebody lied and y’all showed up. Why can’t you tell me what I’m asking you?” Officer Agbleke started, “What I’m trying to explain is...” Ms. Thayer interrupted, “You don’t seem like you want to do your job. Is there a supervisor I can speak to?” Officer Agbleke responded, “If you want to speak to a supervisor, I can have one contact you.” Ms. Thayer asked, “You don’t have one there now that you can go get?” Officer Agbleke stated, “I’ll have one contact you.” Ms. Thayer asked his name and he responded, “Koffi Agbleke.” Mr. Lester can be heard in the background, you ‘don told him before. He was nice to me before; he had the supervisor call me back.”

SIGNIFICANT DISCREPANCIES AND CLARIFICATIONS

Officer Karoline Harris

In her emailed complaint to CCA alleging discrimination occurring on May 26, 2021, Julie Thayer identified “Officer Harris” as a female officer who Ms. Thayer believed discriminated against Mr. Lester by treating him with less professionalism over the phone than what Officer Harris treated Ms. Thayer when Officer Harris encountered when Ms. Thayer at District 3 later that day. Ms. Thayer’s asserted that Officer Harris’s difference in professionalism was due to the fact that Mr. Lester is Black and Ms. Thayer is white.

CCA’s investigation determined that the only “Officer Harris” who worked at District 3 during the shift referenced by Ms. Thayer was Officer Karoline Harris, who was off sick on May 26, 2021 when the discrimination is alleged to have occurred. CCA has been unable to identify any other “Officer Harris” referenced in the initial complaint.

CPD’s production of records to CCA in response to CCA’s records request for this case yielded no records proving that Ms. Thayer or Mr. Lester had ever spoken with an “Officer Harris” or Officer Karoline Harris, during any of the time periods at issue in this case.

While CPD did provide an undated audio recording of an officer who spoke with Mr. Lester on the phone, and who audibly resembled a female officer, that recording contradicts Ms. Thayer’s account in many ways. First, it does not capture any conversation about District 3’s Captain.

Second, the female officer proposes to take down Mr. Lester's name and information for a supervisor, contrary Ms. Thayer's claim that during the May 26th call the officer refused to take down Mr. Lester's information. Third, the female officer never stated that "she didn't care," nor did she state anything like it in response to a threat by Mr. Lester to file a complaint against her. If this undated recording of a phone call is the call with "Officer Harris" referenced in Ms. Thayer's complaint, it rebuts several of Ms. Thayer's assertions about that interaction.

AUTHORITIES

I. CPD Procedure Manual (in part)

§ 12.400 Incident and Miscellaneous Reporting

Policy:

Officers will conduct a preliminary investigation when called to the scene of an offense. They will fairly and impartially record all facts and actions. They will provide the required police service and complete an accurate and thorough report. Submitting reports for serious offenses immediately. All other offense reports will be submitted before the completion of the reporting officer's shift.

II. Manual of Rules and Regulations (in part)

CODE OF ETHICS

0.5 Police officers' lives are ones of self-sacrificing service to a high ideal, based upon their recognition of the responsibilities entrusted to them and the belief that law enforcement is an honorable vocation. They fully accept their responsibilities to protect the weak, aid the distressed, and apply the law without prejudice. They perform the functions of their office without fear, favor, or prejudice and do not engage in unlawful or improper practices.

They are respectful and courteous to all citizens. They serve their city with zeal, courage, dedication, and fidelity. They are faithful and loyal to their organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies in matters of mutual interest and obligation. There must be a moral philosophy, or strong appreciation of the need for obligatory service associated with any profession. Unwavering adherence to such a moral philosophy will earn police officers the respect and support of the public. Each member of the Cincinnati Police Department is required to conform to a high standard of personal conduct. Members shall:

Be honest in all matters.

Face their problems with determination and persistence.

Avoid the use of obscene, profane, or violent language.

Maintain a level of general health and fitness which allows them to properly execute their duties.

Be loyal to the law enforcement service and to their associates, and neither divulge nor tolerate gossip detrimental to any member of the Department.

Encourage their associates to fully discharge the obligation of their office and assist associates promptly and energetically.

Foster in all personnel sensitivity to misconduct and have the courage to strive against it. Take their oath of office without reservation or evasion.

Section One – Failure of Good Behavior

1.23

- C. Members of the Department shall not express, verbally or in writing, any prejudice or offensive comments concerning age, gender, sexual orientation, gender expression and identity, marital status, disability, religion, race, color, ethnicity, national origin, Appalachian regional ancestry, veteran status, military status, genetic history, HIV status, or similar personal characteristics.

ANALYSIS

Allegation: Lack of Service

Julie Thayer and Michael Lester alleged Lack of Service against multiple members of CPD.

With respect to quality of police service, CPD Procedure 12.400 Incident and Miscellaneous Reporting states, Officers will conduct a preliminary investigation when called to the scene of an offense. They will fairly and impartially record all facts and actions. They will provide the required police service”

Consistent with their obligations under the Manual of Rules and Regulations, when responding to requests for assistance from citizens, officers are required to provide quality service, which obligates them to “protect the weak, aid the distressed, and apply the law without prejudice.”

These are the standards for police conduct upon which Julie Thayer and Michael Lester’s allegations must be considered.

A. Claims Regarding Lack of Enforcement Action Taken Against Neighbors

Michael Lester and Julie Thayer alleged that Officer Minella and Sergeant Hicks failed to remedy an ongoing neighbor dispute that Mr. Lester and Ms. Thayer have complained about on many occasions.

Officer Minella is assigned to District 3’s NLU; he is specifically assigned to Westwood which includes Ms. Thayer and Mr. Lester’s residence. In his interview with CCA, Officer Minella stated that his unit typically attempts to “mitigate neighbor disputes” to prevent them from calling 911 for non-police issues. In his interview to CCA, Officer Minella acknowledged an ongoing dispute between Ms. Thayer, Mr. Lester, and their neighbor. Officer Minella stated that both parties often contact CPD regarding alleged trespassing, nails being thrown in the driveway, and yelling in an antagonizing manner. Per statements provided by Officer Minella and Sergeant Hicks, the dispute between the neighbors has been ongoing for at least 8 years. Officer Minella further stated there are complaints from both parties that are taken, but Mr. Lester’s actions don’t reach the threshold of criminal behavior, “he knows where the line is and tries not to cross it.”

Sergeant Hicks stated that he has approximately 2,000 emails in his inbox from Julie Thayer with allegations that range from neighbor complaints to complaints on Officer Minella. Sergeant Hicks stated that he reads the complaint and dispatches an officer if the allegation is criminal in nature. Recently he attempted to contact Ms. Thayer, but alleged no response, but she continues to email complaints.

The evidence establishes that at all time periods covered by the complaints at issue in this matter, Officer Minella and Sergeant Hicks have been aware of and have investigated Mr. Lester's and Ms. Thayer's allegations against their neighbors on an ongoing basis. After investigating those allegations, Officer Minella and Sergeant Hicks have determined that no criminal behavior was done by Mr. Lester and Ms. Thayer or their neighbors. Officer Minella and Sergeant Hicks have determined that the enforcement action sought by Mr. Lester and Ms. Thayer is inappropriate and inconsistent with law, given the lack of probable cause to establish criminal violations by Mr. Lester's and Ms. Thayer's neighbors. CCA found that neither Sergeant Hicks nor Officer Minella failed to provide a service; therefore, they did not violate CPD policy procedures and training.

B. Claims Regarding Sgt. Hicks' Handling of Complaints Against PO Minella

Mr. Lester and Ms. Thayer further alleged that Sergeant Hicks failed to address their complaint of ongoing harassment against Officer Minella. In his interview with CCA, Sergeant Hicks stated that he reviewed Mr. Lester's and Ms. Thayer's complaints against Officer Minella, that Officer Minella is assigned to Westwood, and that Sgt. Hicks found no evidence that Officer Minella harassed Julie Thayer or Michael Lester. Sergeant Hicks stated that Officer Minella merely driving down Stanhope does not constitute harassment as there are constant complaints from both parties involved in the neighbor dispute. As indicated below, evidence gathered and reviewed during CCA's investigation supports Sergeant Hicks' conclusion that Officer Minella did not harass Julie Thayer or Michael Lester. CCA found that Sergeant Hicks did not violate CPD policy, procedures, or training.

C. Claims Regarding Lack of Access to District 3 Captain

Also, regarding the allegation of Lack of Service, Mr. Lester and Ms. Thayer alleged that Sergeant Hicks, Officer Gross and Officer Agbleke failed to allow them to speak to the Captain David Johnston of District 3. In his CCA interview Officer Agbleke stated that he "cannot summon the captain" but offered to have a supervisor contact them. Sergeant Hicks confirmed that they have been unable to meet with the District 3 Captain, and that such meetings are inconsistent with CPD protocol. Sergeant Hicks is the supervisor of the NLU, and as such had the authority to manage the complainant's grievances on behalf of District 3.

The evidence gathered during this investigation does not establish that the District 3 Captain has an obligation under CPD policy or procedure to meet or conference with Julie Thayer or Michael Lester, nor is CCA aware of any such policy or procedure that requires such a meeting or conference. Nor is CCA aware of any CPD policy or procedure that requires officers to attempt to arrange such a conference or a meeting between a complainant and the captain of a district. CCA found that neither Sergeant Hicks, nor Captain David Johnston violated CPD policy, procedures, or training.

Allegation: Harassment

Mr. Lester and Ms. Thayer alleged that Officer Minella harasses them on an ongoing basis by driving down their street and sometimes staring them down. Also, regarding harassment, they specifically alleged they observed Officer Minella near Mr. Lester's place of employment.

While CPD does not currently define “harassment,” CCA has defined it to include “behavior that threatens or torments someone, especially persistently.” At a minimum, there must be proof of a pattern of wrongful conduct in order to Sustain a Harassment allegation.

In his interview Officer Minella stated that he receives two to three complaints each week from Julie Thayer and Michael Lester’s neighbors which includes videos and photos. In addition to the complaints from their neighbor, Ms. Thayer and Mr. Lester additionally complain about their neighbor. Since Officer Minella is in the NLU and assigned specifically to Westwood, he drives down Stanhope Avenue once per week. Ms. Thayer and Mr. Lester allege that he attempted to intimidate them by driving on their street and slowly when he passes their residence. Officer Minella countered that because the street is a dead-end street, he must slow down as to as he rounds the cul-de-sac; Mr. Lester and Ms. Thayer live near the end of the cul-de-sac. Officer Minella denied contacting them, making eye contact with them, or attempting to intimidate them as he drives down their street.

Officer Minella’s explanation for his regular presence on Stanhope Avenue and his presence in the vicinity of Ms. Thayer’s and Mr. Lester’s residence is consistent with other evidence CCA investigators have reviewed pertaining to the volume of complaints and requests for service arising from citizens living on that street. Indeed, statements provided to CCA by the complainants in this case corroborate Officer Minella’s assertion that complainants have filed voluminous complaints with CPD. As a NLU officer, it is not unreasonable that Officer Minella would monitor a street with neighbors who frequently feud with each other and who are a frequent source of neighbor-complaints. Accordingly, CCA investigators determined Officer Minella’s explanation of his regular presence in the vicinity of complaints’ home to be credible.

Michael Lester and Julie Thayer specifically mentioned an incident where they saw Officer Minella in a shopping center near their place of employment. Regarding the specific allegation, Julie Thayer was told by Sergeant Hicks that he was in the vicinity to complete a liquor inspection. In his interview, Officer Minella stated that he did the liquor inspections for all of Westwood. Sergeant Hicks confirmed that as a NLU officer assigned to Westwood, Officer Minella is responsible for all liquor inspections in that area. Regardless of the liquor store inspections, CCA found that Officer Minella is permitted to perform the inspections and not restricted by Julie Thayer and Michael Lester’s location. In addition to addressing the liquor store inspection, Officer Minella stated that the shopping center referenced is very busy and near where he goes for coffee every morning. He refutes that he harassed or has attempted to make contact with Ms. Thayer and Mr. Lester outside of his official duties. Again, CCA investigators have determined Officer Minella’s explanation as to these specific allegations to be credible. There is no credible proof that Officer Minella’s was present in the vicinity of Ms. Thayer’s job for any purpose related to Ms. Thayer or Mr. Lester, nor is there any credible proof that Officer Minella’s presence fits any larger pattern of wrongful conduct.

Lastly, CCA has reviewed video evidence provided to CCA investigators by Ms. Thayer that she asserted supported claims by Ms. Thayer and Mr. Lester that Officer Minella repeatedly harassed them. Upon review, those videos do not show improper conduct by Officer Minella, nor do they establish that any officer has engaged in pattern or wrongdoing toward the complainants.

Allegation: Discrimination

Mr. Lester and Ms. Thayer alleged that Officer Minella, Officer Olthaus, Officer Harris, and Sergeant Hicks discriminated against them and participated in “biased policing,” based on Mr. Lester’s race. Mr. Lester is Black.

CPD's Manual of Rules and Regulations § 1.23 C. provides that members "shall not express, verbally or in writing, any prejudice or offensive comments concerning... race, color, and ethnicity ... or similar personal characteristics." Furthermore, City of Cincinnati Administrative Regulation No. 25 prohibits discriminatory harassment based on race.

In their CCA Interviews, Officer Minella and Sergeant Hicks refuted Mr. Lester's Discrimination allegation. They emphasized that that they have never treated Mr. Lester or Ms. Thayer differently because of their race and only engage with them because of the weekly complaints from them and their neighbor. Because Officer Minella's and Sergeant Hicks's explanations are consistent with each other, consistent with other evidence documenting the volume of neighbor-complaints made by residents of complainant's residential street, and logical, CCA investigators find them to be credible.

Moreover, there is no evidence that persons or neighbors who have a different race than Mr. Lester, but who are otherwise similarly situated to Mr. Lester, have been treated any differently by the subject officers in this matter.

The allegation of "biased policing" is not supported by evidence; rather, Mr. Lester and Ms. Thayer call 911 and District 3 for service, but at the same time, do not want Officer Minella, Sergeant Hicks or Officer Olthaus on their property or street. The evidence obtained shows that Officers Minella and Olthaus, and Sergeant Hicks attempted to hear both sides of the neighbor dispute, but per Mr. Lester's own statement's, Mr. Lester does not want the officers to respond to his residence. CCA found no evidence of Officer Minella, Sergeant Hicks, or Officer Olthaus discriminating against Mr. Lester or Ms. Thayer.

Similarly, CCA found no evidence that Officer Karoline Harris discriminated against Mr. Lester by treating him less professionally than Ms. Thayer. The evidence establishes that Officer Harris was not working on May 26, 2021, the day she is alleged to have discriminated against Mr. Lester, and it is not clear that Officer Harris has ever spoken with Mr. Lester. CCA has reviewed no recordings of conversations between officers and Mr. Lester that corroborate Ms. Thayer's claim that Mr. Lester was treated unprofessionally or that the officers' conduct fell below standards.

Moreover, as we have stated, officers are not required to arrange meetings between complainants and police captains, nor are officers required by policy to record a citizen's contact information for the purpose of arranging such meetings or conferences. There is no evidence to support that Officer Harris failed to provide a required service to Mr. Lester, or that she was discourteous to him, let alone that she treated him differently than Ms. Thayer because Mr. Lester was Black.

FINDINGS

Original Allegations

Officer Richard Minella
Officer Ryan Olthaus
Officer Koffi Agbleke
Officer Lakisha Gross
Sergeant Jacob Hicks
Captain David W. Johnston

Lack of Service – There are no facts to support the incident complained of actually occurred.
UNFOUNDED

Officer Richard Minella
Officer Ryan Olthaus
Officer Karoline Harris
Sergeant Jacob Hicks

Discrimination – There are no facts to support the incident complained of actually occurred.
UNFOUNDED

Officer Richard Minella


Harassment – There are no facts to support the incident complained of actually occurred.
UNFOUNDED

RECOMMENDATION

R2210: Citizen Complaint Handling

As an alternative dispute resolution process for resolving complaints like those at issue in this investigation, and consistent with mediation objectives set forth under Article 28 of Cincinnati's Administrative Code, CCA recommends the creation of a mediation program for low-level police complaints with key restorative justice features, including face-to-face dialogue between complainants and subject police officers, conducted in a confidential manner, in a neutral setting, guided by a neutral third-party who is trained to conduct mediation and who is neither a police officer, nor a representative of the involved complainant.

To CCA's understanding, complaints filed by Mr. Lester and Ms. Thayer against CPD pertaining to quality of service have been a point of contention for several years. Sergeant Hicks expressed openness to mediation. CCA is open to coordinating mediation services or facilitating a discussion between Mr. Lester, Ms. Thayer, and the involved officers with the overall goal of creating understanding between all parties involved. CCA also seeks to work with CPD to create and implement such a program, in furtherance of its complaint prevention mandate and responsibilities under Article 28.



Morgan Givens, Investigator



Gabriel Davis, Director

**PREVIOUS
CONTACTS AND
COMMENDATIONS**

Officer Richard Minella

Previous Contacts with CCA

Officer Minella had one previous contact with CCA in the past three years.

Case Number	Allegation	Finding
20038	Improper Seizure	Exonerated
20038	Improper Procedure	Sustained

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Officer Minella with IIS.

Commendations

Officer Minella received no commendations in the past three years.

Sergeant Jacob Hicks

Previous Contacts with CCA

Sergeant Hicks had two previous with CCA in the past three years.

Case Number	Allegation	Finding
19266	Improper PFA	Not Sustained
19266	Excessive Force	Not Sustained
20206	Improper Procedure	Pending
20206	Improper Search	Pending
20206	Harassment	Pending

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Sergeant Hicks with IIS.

Commendations

Sergeant Hicks received no commendations in the past three years.

Officer Koffi Agbleke

Previous Contacts with CCA

Officer Agbleke had no previous contact with CCA in the past three years.

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Officer Agbleke with IIS.

Commendations

Officer Agbleke received one commendation in the past three years.

Date	Source
05/25/2021	CPD

Officer Ryan Olthaus

Previous Contacts with CCA

Officer Olthaus had four previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
18211	Improper Search	Exonerated
18211	Improper PFA	Exonerated
18241	Harassment	Not Sustained
18241	Improper Search	Exonerated
19002	Harassment	Unfounded
19002	Discrimination	Unfounded
19002	Improper Search	Exonerated
20115	Discrimination	Pending

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Officer Olthaus with IIS.

Commendations

Officer Olthaus received one commendation in the past three years.

Date	Source
06/14/2018	Judge