

Date: January 31, 2023

Case: #21118

Investigator: Morgan Givens

Complaint Received: July 2, 2022

Complainant: Jayden Swango on
Behalf of Nashawn Swango

CCA completed an investigation of CCA Complaint No. 21118 by Jayden Swango (M/B/19) on behalf of his brother Mr. Nashawn Swango (M/B/22). This report is intended to convey the conclusions reached as a consequence of the investigation, and the basis for those conclusions. This report 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.

Complaint Summary:

Date: July 7, 2021

Time: 1:00 AM

Location: 2611 Short Vine

Mr. Jayden Swango stated that he and his brother, Nashawn Swango, patronized a bar on Short Vine in Clifton. Due to capacity issues, they stepped outside with a drink in their hands. The brothers were approached by Sergeant Richard Sulfsted who made them empty their alcoholic beverages onto the ground. Mr. Nashawn Swango had an altercation with another bar patron who he alleged called him a racial slur; Mr. Nashawn Swango then struck the person in the face. Mr. Jayden Swango alleged that Sergeant Sulfsted then "threw" and then "choked" his brother, Nashawn Swango. Mr. Jayden Swango further alleged that Officer's Braeden Knapp and Aiden Tudor refused to give their names or badge numbers when asked.

Allegations:

Excessive Force
Discourtesy
Improper Procedure

Persons Involved:

Sergeant Richard Sulfsted, #S0699, M/B/2022 (CPD, Subject Officer)
Officer Braeden Knapp, #P0426, M/W/24 (CPD, Witness)
Officer Aiden Tudor, #P0483, M/B/28, (CPD, Witness)
Jayden Swango, M/B/19, (Citizen, Complainant)
Nashawn Swango, M/B/22, (Citizen, Involved)

Evidence Reviewed:

Hamilton County Clerk of Courts
CPD Records Management System (RMS)
CPD Criminal Investigation Section (CIS) documents
CPD Internal Investigation Section (IIS) Report
CPD Computer Aided Dispatch (CAD)
Body-Worn Camera for Officers Knapp and Tudor and Sergeant Sulfsted
Statements by officers, complainant, and relevant witnesses

Authorities:

CPD Procedure § 12.545 Use of Force
CPD Manual of Rules and Regulations §1.06
CPD Manual of Rules and Regulations §2.02

Analysis:

Allegation 1: Excessive Force

Mr. Jayden Swango alleged Sergeant Sulfsted used a chokehold on Mr. Nashawn Swango. Per Officers Knapp and Tudor's BWC, Mr. Nashawn Swango struck a man in the face on the patio of a bar on Short Vine. Sergeant Sulfsted "shaded" or pushed Mr. Nashawn Swango forcefully and he fell to the ground. At this time, Officers Knapp, and Tudor's BWC's were obstructed because they turned toward the crowd to maintain control; it appeared onlookers grew animated. Mr. Jayden Swango can be heard yelling for Sergeant Sulfsted to stop choking his brother. When Officers Knapp and Tudor turned back towards Sergeant Sulfsted and Mr. Nashawn Swango, Sergeant Sulfsted had Mr. Nashawn Swango in custody and walked him towards the cruiser. There is no evidence to establish what happened at the time Mr. Jayden Swango alleged that Mr. Nashawn Swango was choked by Sergeant Sulfsted.

Sergeant Sulfsted was unable to be interviewed by CCA because he has since retired from CPD. Per a statement provided to IIS by Sergeant Sulfsted, he denied choking or placing his hands around Mr. Swango's throat. Per BWC, CCA found that Officer Sulfsted did forcefully push Mr. Swango in the upper chest, near the neck region, after BWC captured Mr. Swango punch a bar patron in the face. Sergeant Sulfsted did not appear to grab or hold onto Mr. Nashawn Swango; rather, it appeared to be a quick and forceful push to be upper chest and neck region.

Despite the facts uncovered during the course of this investigation, neither BWC footage nor any other credible evidence clarifies material facts necessary to prove or disprove Mr. Swango's allegation by a preponderance of the evidence. Specifically, notwithstanding our efforts to obtain such evidence, CCA does not have in its possession BWC or witness statements to substantiate an allegation that Sergeant Sulfsted effectuated a chokehold prior to initiating his BWC. Therefore, there are insufficient facts to make a determination if Sergeant Sulfsted used Excessive Force.

Allegation 2: Discourtesy

Mr. Jayden Swango alleged that Sergeant Sulfsted was Discourteous. Per BWC, Sergeant Sulfsted made many discourteous statements. Sergeant Sulfsted stated to Mr. Jayden Swango,

“I will fuck you up with tickets.” When a member of the crowd stated that his wife was likely at home having an affair, Sergeant Sulfsted replied, “Like your mom.”

CPD Manual of Rules and Regulations §1.06 requires that officers shall always be civil, orderly, and courteous in dealing with the public, subordinates, superiors, and associates. The statements and language used by Sergeant Sulfsted discourteous in nature. For the foregoing reasons Sergeant Sulfsted violated CPD policies, procedures, and training.

Allegation 3: Improper Procedure

Mr. Jayden Swango alleged that Officers Knapp and Tudor failed to provide their identifying information. Per BWC, neither Officers Knapp nor Tudor attempted to restrict their identifying information. Both Officers wore external vests which read, “Cincinnati Police Department” and boldly displayed their last name and badge number. CPD Manual of Rules and Regulations §2.02 states, “Members of the Department shall provide necessary advice and/or assistance to citizens in a prompt and courteous manner, whether the request is made by telephone or in person” CCA found that Officers Tudor and Knapp did not violate CPD policies, procedures, or training.

Collateral Allegation: Improper Procedure BWC

Sergeant Sulfsted’s BWC was activated during the latter part of the incident, but CCA was provided no BWC for Sergeant Sulfsted for the initial interaction with the Swango brothers. CPD policy § 12.50 states, “Equipment is the responsibly of the officer assigned” and that officers are required to activate their BWC system during all law enforcement related encounters. CCA found that Sergeant Sulfsted violated CPD policy procedure of training when he failed to activate his BWC for the entirety of the interaction with Mr. Swango; therefore, Sergeant Sulfsted violated CPD policies, procedures, and training.

Findings:

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Excessive Force	Richard Sulfsted	Nashawn Swango	Not Sustained
2	Discourtesy	Richard Sulfsted	Nashawn Swango	Sustained
3	Improper Procedure	Braeden Knapp	Jayden Swango	Unfounded
4	Improper Procedure	Aiden Tudor	Jayden Swango	Unfounded

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
5	Improper Procedure (BWC)	Richard Sulfsted	Nashawn Swango	Sustained



Morgan Givens, Investigator



Gabriel Davis, Director

Previous Contacts and Commendations for Officers with Sustained Findings:

Sergeant Richard Sulfsted

Previous Contacts with CCA

Sergeant Sulfsted had no previous contact with CCA in the past three years.

Previous Contacts for CCA Referrals

Sergeant Sulfsted had no allegations that CCA referred to CPD for investigation in the past three years.

Previous Contacts with IIS

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

Commendations

Sergeant Sulfsted received no commendation/s in the past three years.