



CCA Case No. 21045

**Major Use of Force – Michael Richardson
Investigation Report and Finding**

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COMPLAINT SUMMARY

Date: March 23, 2021

Time: 12:30 PM

Location: 3056 Mathers Street

CCA Receipt: March 25, 2021

On March 23, 2021, at approximately 12:30 PM, in the courtyard of the Setty Kuhn Apartments (3056 Mathers Street), Officers later identified by CCA as Marc Schildmeyer (#P0575, M/W/54) and Taylor Howard (#P0180, M/W/32) were involved in a serious use of force incident.

Kwan Shaw specifically alleged that his brother, Michael Richardson, was tased and was a victim of excessive force after he was stopped without reason. Mr. Shaw additionally alleged that after Mr. Richardson was taken into custody, Officers later identified by CCA to be Joshua Condon (#P0329, M/W/37) and Quentin Bishop (#P0173, M/B/41) searched vehicles in the proximity of the incident that were unrelated to Mr. Richardson.

INVOLVED SUBJECT STATEMENTS

Kwan Shaw

CCA interviewed Mr. Kwan Shaw (M/B/21), on March 24, 2021. He provided the following information:

Mr. Shaw alleged that his brother, Michael Richardson was driving and when he parked, he noticed officers had him at gunpoint and he “took off running.” As he ran, the officers “tased and fought with him.” He alleged that there was a social media video where they put his face up against a brick wall. He further alleged, “More officers came in and started jumping him and kneeing him in his back.” After he was taken into custody, officers began “popping peoples car locks that had nothing to do with the situation.”

Michael Richardson

CCA has been unable to reach Richardson by phone or letter; to Date Mr. Richardson has not provided CCA a statement

INVOLVED OFFICER STATEMENTS

Officer Marc Schildmeyer

Officer Marc Schildmeyer (#P0575, M/W/54), is currently assigned to the Crime Gun Intelligence Unit (CGIU), and he has been a CPD member since 1996. Officer Schildmeyer was uniform and operated a marked cruiser with Officer Howard; his BWC was activated, but his BWC became dislodged during the incident.

CCA interviewed Officer Schildmeyer on 10/5/22 at 11:36 AM. He provided the following information:

Officer Schildmeyer was in the Gang Unit at the time of the incident and supervisor specifically directed them in area of Walnut Hills on the day of the incident. He alleged that “plain clothes” officers performed surveillance in Walnut Hills and observed the driver of an SUV get out of a vehicle and quickly enter and exit a store within 30 seconds. The “plain clothes” officer voiced his observations that what he observed was “consistent with drug trafficking or possession offense.” Officers Schildmeyer and Howard operated a marked cruiser and observed the SUV, later found to be operated by Mr. Richardson.

Officer Schildmeyer observed Mr. Richardson’s vehicle from two blocks away. “The driver reversed improperly across all southbound lanes on Gilbert. “He quickly reversed out of lot into traffic.” Mr. Richardson drove at a high rate of speed and Officer Schildmeyer believed that when Mr. Richardson observed he and Officer Howard, he consequently quickly turned onto Buena Vista and later Walters; he quickly parked and jumped out of his vehicle. Officer Schildmeyer also stated that while behind Mr. Richardson he observed an improper change of course. Officer Schildmeyer articulated that he believed that Mr. Richardson was attempting to evade law enforcement presence by the rapid manner which arrived at the curb, drove fast and took a quick left after observing their cruiser.

As soon as Mr. Richardson exited the cruiser, he began “target glancing” which caused Officer Schildmeyer to “think he was going to do something violent or flee on foot.” Mr. Richardson “bladed” away from Officer Howard and continued to “target glance”; “that’s when I started to think, okay, does he have a gun on him?” Officer Schildmeyer stated that he and Officer Howard gave several verbal commands. Officer Schildmeyer stated that Mr. Richardson touched his waist twice, but Officer Schildmeyer didn’t have a visual of Mr. Richardson’s waistband and it was “hard to determine if he had a weapon.” Officer Schildmeyer did not recall if he withdrew his firearm. After “maybe 20 seconds of looking at us and away he did flee.”

Officer Schildmeyer continued to give verbal commands, but “he wasn’t complying.” Officer Schildmeyer deployed his TASER toward Mr. Richardson’s back, but it hit his coat. Officer Howard also deployed his TASER and it appeared that “his barb had a partial effect, but within a second he was getting up.” Officer Howard maintained contact with Mr. Richardson to keep him from fleeing. Both officers went “hands on” to get him into handcuffs, but “he was fighting pretty forcefully. He was very big. His weight and size, he was stronger.” While Mr. Richardson he attempted to get up multiple times, “at some point he was able to strike me with an elbow in the midsection.” He stated that they were on the top of stairs trying to get him into handcuffs but were unable to being because he was “fighting”; he attempted to get up five to six times despite attempts to handcuff.” He added, “He kicked Officer Howard at one point.”

Officer Schildmeyer stated that he considered mace as a force option, but worried that it would transfer to himself or Officer Howard due to close contact with Mr. Richardson and may unintentionally incapacitate himself or Officer Howard. He also stated that he doesn’t carry a baton.

Mr. Richardson was able to stand up with “both of us on him... he launched us down steps... went over a metal rail which separated the rail from the poles it was attached to.” He went onto say that at some point, Officer Schildmeyer strained his ankle “pretty bad.” Officer Schildmeyer had to go to Employee Health Services (EHS) after the incident and was off work for approximately a week before returning to duty.

During the altercation, “Mr. Richardson was trying to steal the TASER from Officer Howard when Officer Howard was attempting to drive stun.” At one point, Officer Howard lost control of his TASER. Mr. Richardson, “struck me twice, went through two TASER deployments and attempted to take the TASER from Officer Howard still was still able to get struggle.”

“I was spent at this point. I put the assistance out but was not able to confirm hat it went through because of all the noise and the struggle. I didn’t know if anyone was coming and was at about fifty percent of strength; I wasn’t able to do a whole lot.” He added, Mr. Richardson “Hadn’t been searched yet and still did not know if he had a gun or what is ultimate intent was for us.” He went on to say, “It did enter my mind to potentially pull my gun, but I wasn’t in any physical condition do it. It was the hardest struggle in all of my years.” It entered Officer Schildmeyer’s mind, “clearly there is something he is fighting hard for, but we didn’t know what.” He continued that after he used his force options, Mr. Richardson’s, “strength wasn’t diminishing much”

Officer Schildmeyer continued, “It was really Officer Howard trying to hold onto him”, but Officer Schildmeyer, “had to try to incapacitate him and try to get him into custody... I decided I was going to do a quick hold,” he stated that Mr. Richardson, “went limp for a second and he let go.” Mr. Richardson continued to struggle and I “struck him trying to get pain compliance in the upper shoulder area.” I was hands off after the other offices got there. It took many officers to get him into handcuffs.

He stated that Mr. Richardson never showed any signs of compliance and Officer Schildmeyer was operating at a “diminished capacity” and didn’t know if “Officer Howard could prevail” he also didn’t know if help was on the way. “Mr. Richardson was assaulting, resisting, and fighting us and his strength wasn’t diminishing.... I believe Officer Howard’s life was in jeopardy with mine. If Officer Howard was overwhelmed, he would have had two guns easily accessible... He was much stronger, much bigger. It was a deadly encounter. He could’ve easily gotten a gun from me.” Officer Schildmeyer continued, “He was probably 6’4, 280lbs. When Officer Howard loss retention of his TASER, it went to the ground and was in immediate proximity of us.”

Officer Taylor Howard

Officer Taylor Howard, Taylor Howard (#P0180, M/W/32), is currently assigned to the CCIU and has been a CPD member since 2015. Officer Howard was uniform and operated a marked cruiser with Officer Schildmeyer, his BWC was activated but became dislodged during the encounter.

CCA interviewed Officer Howard on 10/5/22 at 12:39 PM. He provided the following information:

Officers Howard and Schildmeyer were notified of Mr. Richardson’s vehicle when a “plain clothes” officer observed him go in and out of a mini mart on Lincoln and Gilbert. “He left the parking lot at a high rate of speed, with no turn signals. When he saw us, he started accelerating.” Mr. Richardson sped down the street fast and tried to park. “It was apparent that we were pulling him over.” Officer Howard continued, “It’s obvious that he was trying to elude us... he was still going at a high rate of speed down Walter... We turned on lights and as he got out of our car gave verbal commands for him to show his hands.” Officer Howard continued; He went down with his right hand twice. I didn’t know if he was armed.

Officer Howard initially drew his firearm and gave verbal commands, but once he had sight of Mr. Richardson’s hands, he transitioned to his TASER. “He kept glancing like he was going to run or do something” he continued, “I decided to cuff him up and attempted to place him into handcuffs and he ran.” Officers Schildmeyer and Howard both deployed their TASERS. “Mr.

Richardson rolled, and the Barbs came out... I tried to drive stun if the barb was still in; that's when he started to fight us." Once we were on the ground he was "flailing his arms—he grabbed for my TASER and at one point, both TASERs were on the ground in reach of Mr. Richardson." Officer Howard continued, at the top of the stairs Mr. Richardson "threw elbows and kicks" which struck Officer Howard in the face and made his "nose bloody." Officer Howard attempted to call for "help trying to place him into custody."

Mr. Richardson and Officers Schildmeyer and Howard fell down concrete stairs. "At the bottom of the stairs we were exhausted and have used our TASERs... He was a bigger guy; he was over six feet tall and probably twice as much as me as far as weight; he was strong and in pretty good shape to be able to have cops on him and keep continuing to fight." Officer Howard continued, "I workout a lot, but there as a point where you think, "I may lose this. There is a point where you fear for your life." He continued, he thought, "I may black out" as Mr. Richardson continued to "fight and actively resist." Officer Howard stated, "this is to the point where we are both exhausted, I'm done physically and mentally too. He was still winning. He was a big guy. Nothing seemed to affect him. Officer Howard stated, "in those situations he can tase me and incapacitate me and has the potential of him grabbing my firearm."

Officer Howard preformed a takedown maneuver and delivered strikes to Mr. Richardson to get him to comply and wait on backup; he continued to attempt to stand. Once back up arrived, Officer Howard continued to assist placing Mr. Richardson into custody. Officer Howard had a bloody nose at the end of encounter.

Officer Cian McGrath

Officer Cian McGrath Cian McGrath (#P0072, M/W/39), is currently assigned to fugitive apprehension squad, and he has been a CPD member since 2014. Officer McGrath was conducting surveillance in plain clothes. He did not have on a BWC as he was in a plain clothes unit conducting surveillance with no police insignia.

CCA interviewed Officer McGrath on 10/12/22 at 10:07. He provided the following information:

Officer McGrath saw what appeared to be a hand-to-hand drug transaction. The plain clothes unite radioed for a uniformed vehicle to make a traffic stop. The person, later identified as Mr. Richardson, "excited the vehicle and quickly fled from the officers." Officer McGrath stated, "Once we got to the area, we saw they were in a struggle." Mr. Richardson was on his back, and he had one hand near Officer Howards collar. "It was apparent he wasn't being compliant." Office McGrath "gave knee strikes to the thigh and it had the desired effect." Mr. Richardson continued to resist by, "clinging and grabbing cuffs and would not submit to being cuffed." The officers had one hand cuffed, but they were struggling to get the other hand cuffed.

Officer Joshua Condon

Officer Joshua Condon (#P0329, M//W/37), is currently assigned to the CGIU, and he has been a CPD member since 2016. Officer Condon in uniform and operated a marked cruiser; his BWC was activated

CCA interviewed Officer Condon on 10/11/22 at 2:10 PM. He provided the following information:

"Plain clothes officers came on tactical channel to let the us know they were fighting with a suspect" he continued, "we responded and made our way through traffic and were able to locate officers down a set of stairs and a wall. The fight had gone from the street all the way back there."

It took multiple officers to get him into custody and we weren't compliant with verbal commands. Officer Condon applied his TASER four times and Mr. Richardson was not compliance at any point." He stated that Mr. Richardson resisted arrest by "bracing and trying to pull his arms away from officers and flailed his legs. The TASER deployments weren't achieving neuromuscular incapacitation during each TASER deployment – he was still actively resisting it didn't achieve desired effect." After he was placed into handcuffs, "Mr. Richardson was stood up and his boxers were placed around his waist."

Officer Condon participated in two vehicle searches after Mr. Richardson was taken into custody. Officer Condon explained that the area was known for drug trafficking and "drug crime and violence. It's an area well known to us." He noticed a vehicle parked improperly in front of a no parking sign. Officer Condon viewed marijuana in plain view and the vehicle was searched. A gun was recovered in addition to a criminal amount of marijuana.

Sergeant James Davis

Sergeant James Davis (#S0300, M/W/47), is currently assigned to the CGIU, and he has been a CPD member since 1998. Sergeant Davis was in plain clothes and operated an unmarked vehicle. At the time of the incident, it wasn't required that he wear a BWC.

CCA interviewed Sergeant Davis on 10/6/22 at 1230PM. He provided the following information:

Officer Davis was working in plain clothes, and he heard two officers were involved at traffic stop. Soon after an officer needs assistance call came out over the radio, the entire Gang Unit and all D4 started to respond. Eight officers were there and struggling with him on the ground. Mr. Richardson was struggling and pulling away and trying to get up off the ground. "Officer McGrath delivered a couple of knee strikes." Mr. Richardson's arms were underneath him at several points. When someone has their hands underneath them, "they could be reaching for a weapon... did not know if he was trying to reach for something." Sergeant Davis held onto his legs while other attempted to place him into handcuffs. "He was placed under arrest and both Mr. Richardson and the officers had minor scrapes and scratches." Sergeant Davis began to do the use of force report but stopped after he realized that "internal had been called out because it had been reported as a "deadly encounter."

Officer Thomas Chiappone

Thomas Chiappone (#P0331, M/W/36), is currently assigned to CGIU and he has been a CPD member since 2019. Officer Chiappone was in uniform and operated a marked cruiser; his BWC was activated.

CCA interviewed Officer Chiappone on 10/17/2022 at 11:35 AM. He provided the following information:

Officer Chiappone "heard scuffling on the radio... it was hard to make out what happened. If they can't get out words, someone is in trouble." When Officer Chiappone arrived, he saw Officer Schildmeyer and Howard's vehicle but were still trying to find the officers. Officer Chiappone found "them downstairs off a landing and saw them struggling with Mr. Richardson." Mr. Richardson was "fighting by clenching up and not giving his arms. He was flailing." Officers Howard and Schildmeyer were "pretty gassed." Mr. Richardson, "got tased twice and had some knee strikes on the side of the leg to get him handcuffed. Officers had to pry his arm out to be handcuffed."

Once Mr. Richardson was handcuffed, Officer Chiappone saw blood on Officer Howards face and Officer Schildmeyer's ankle was extremely swollen. "They were probably five more seconds away from throwing up from pure exhaustion." Officer Chiappone continued, "He was a big dude. I would have been sad had he been combative with me, and I've been in the Army for eight years."

Officer Chiappone participated in vehicle searches of two vehicles after officer Joshua Condon observed marijuana in plain view in a vehicle. Officer Chiappone assisted in the vehicle search and saw a large bag of marijuana and a loaded stolen firearm. The area is a "very high drug area – lots of violence in the area."

The second vehicle had a scale and marijuana in plain view, "The owner came out and told him about contraband in plain sight – he very polite and cooperative gave him a marijuana warning and he went back to what he was doing."

Officer Cole Dunahay

Cole Dunahay (#P0263, M/W/28), is currently assigned to District 4, and he has been a CPD member since 2017. Officer Dunahay was on routine patrol, in uniform and operated a marked cruiser; his BWC was activated.

CCA interviewed Officer Dunahay on 10/7/22 at 12:32. He provided the following information:

Officer Dunahay was in the Walnut Hills area and "heard screaming over the radio... I couldn't tell who it was or what was going on, but it was just screaming – previously heard that they were just on a traffic stop." Officer Dunahay arrived on scene and rushed to behind Walter. He stated, "initially I couldn't even see what was going on it was just screaming – very chaotic." Many officers had "just got him into custody when I arrived." He continued, "I may have had a hand on him, but I don't recall having physical contact with his body or if it was a real restraining hold." He recalled that it was "shoulder to shoulder" as the Officers attempted to place him into handcuffs. Officer Dunahay heard verbal commands yelling for Mr. Richardson to stop resisting and that is when he realized Mr. Richardson had yet to be handcuffed. He added, Mr. Richardson, is a "very large person."

Officer Casey Carver

Casey Carver Casey Carver (#P0233, F/W/27), is currently assigned to the CGIU and he has been a CPD member since 2017. Officer Carver was on routine patrol, in uniform and operated a marked cruiser; Her BWC was on at the time of the incident.

CCA interviewed Officer Carver on 10/6/2022 at 11:26 AM. She provided the following information:

Officer Carver ran up and saw the struggle, "He was a big guy. I held his legs while they tried to get him into custody." She continued, "four other officers were attempting to get his hand behind his back." She continued, "Officers Schildmeyer and Howard were both tired... He was a big guy, probably over six feet tall and between 250 and 300 lbs.

Officer Quentin Bishop

Quentin Bishop (#P0173, M/B/41) is currently assigned to a federal task force, and he has been a CPD member since 2014. Officer Bishop was in plain clothes, in an unmarked cruiser. He did not wear a BWC as it was not required at the time of the incident.

CCA interviewed Officer Bishop on 10/12/22 at 12:00 PM. He provided the following information:

Officer Bishop heard over the radio that came across radio that officers were chasing someone through the apartments. Officer Bishop was in plain clothes and in an unmarked vehicle. When he arrived at the scene, they already “had him in custody so I stood around for crowd control... He was fighting but there were already six or seven people on him, so I was there for crowd control. He was still tussling and squirming around.” Officer Bishop had no physical contact with Mr. Richardson.

Officer Bishop assisted in a vehicle search where Officer Condon observed marijuana in plain view and a spent casing in a vehicle. “We just had a homicide there a find guns there all the time. It’s one of our hot spots.” They recovered a pound of marijuana and a stolen gun.

WITNESS STATEMENTS

Witness A (Attempt)

F/W/Unknown was unable to be interviewed. CCA does not know of the identity of the witness, but she can be seen and heard on the BWC and Facebook live footage of many officers.

EVIDENCE

Police Documents

CCA reviewed all CPD-related forms, including but not limited to arrest forms, the IIS Report, and information from CPD’s Records Management System (RMS).

Body Worn Camera (BWC)

Officer Marc Schildmeyer

The events recorded by Officer Schildmeyer’s BWC occurred on 3/23/2021 at 12:45 PM, according to the BWC’s timestamp. A review of that recording reveals the following:

Officer Schildmeyer is seen behind the wheel driving at what appears to be a high rate of speed. As Officer Schildmeyer parked his cruiser parallelly next to Mr. Richardson’s vehicle. Officer Schildmeyer quickly exited his cruiser and Mr. Richardson exited his vehicle. Mr. Richardson’s hands were at his side upon exiting; Mr. Richardson is dressed in black jeans, a black graphic t-shirt, and a black puffer coat. Officer Howard is approximately one yard from Mr. Richardson when Officer Howard held up both of his hands, without weapons, and stated, “hands up.” Mr. Richardson’s hand remained at his sides. Officer Howard withdrew his TASER and stated, “Put your hands up or I will Tase you.” Officer Schildmeyer stated, “Don’t jump out of the car like that” he also stated, “Hands up.” Mr. Richardson sated, “What is y’all doing?” Simultaneously as Officer Schildmeyer stated, “I’m telling you right now, Sir.” Officer Howard holstered his TASER and grabbed Mr. Richardson’s right wrist. Almost immediately Mr. Richardson fled from the officers on foot. Officer Schildmeyer and Howard pursued Mr. Richardson on and simultaneously

deployed their TASERs at Mr. Richardson's back. Officer Schildmeyer's barbs did not appear to strike Mr. Richardson.

Mr. Richardson appeared to trip on the sidewalk and Officer Schildmeyer says into his radio, "We got a tasing, we got a tasing." Officer Howard goes hands on with Mr. Richardson who is on the ground. Officer Howard has his left hand on Mr. Richardson and has control of his TASER in his right hand. Officer Howard demanded, "put your hands behind your back." Officer Howard attempted to drive stun Mr. Richardson while he was on the ground, but it did not appear to have an effect. Officer Howard had his left hand on Mr. Richardson and his right hand on the TASER as Mr. Richardson rolled from his stomach onto his back.

Mr. Richardson was on his back and Officer Howard mounted him as both officers attempt to Tase Mr. Richardson. Officer Schildmeyer stood approximately one foot away as Officer Howard attempted to gain control of Mr. Richardson's hands. Officer Howard still mounted Mr. Richardson who was on his back. Officer Howard appeared to have control of Mr. Richardson's left right wrist, But while on his back. Mr. Richardson was able to grab onto Officer Howard's right wrist, which controlled his TASER. Officer Howard again attempted to Drive stun Mr. Richardson, to no avail.

Although Officer Howard assumed a mounted position and Mr. Richardson lay on his back, Mr. Richardson was able to buck Officer Howard off his person onto the ground. Officer Howard held onto Mr. Richardson as Mr. Richardson flailed his arms toward Officer Schildmeyer while continuing to push away from Officer Howard. As Mr. Richardson pushed away from Officer Howard, he grabbed Officer Schildmeyer's TASER, which Officer Schildmeyer controlled in his right hand. Officer Schildmeyer pulled the TASER away, but Mr. Richardson continued to flail his arms and at one point, struck Officer Schildmeyer's BWC.

Mr. Richardson stood up and Officer Schildmeyer attempted to grab him from behind and yelled "stop." Amid the scuffle, Officer Schildmeyer radioed, "Assistance! Assistance!" Officer Howard also radioed "Walter and Mathers." Officer Schildmeyer's BWC became dislodged, but camera faced upward at an angle toward a tree and the banister of a staircase.

Audio continued to be captured:

An unknown female, Witness A, can be heard saying, "Stop fighting them." Officer Schildmeyer can be heard saying, "I'm going to shoot him" just before Officer Schildmeyer, Officer Howard and Mr. Richardson enter the frame and fall down a series of steps. The unknown female can be heard saying, "Just let them put the handcuffs on you don't get hurt man." Officer Howard, Mr. Richardson and Officer Schildmeyer came back into frame as Officer Schildmeyer places his left forearm across Mr. Richardson's neck and all three involved go out of the frame.

The unknown female witness can be seen at the top of the stairs, "Just stop fighting them please, bro. I don't know you but stop fighting them. She cried, "Dude, stop fighting them." She put her hands to her head as she looked towards the scuffle. Sirens can be heard in the area. She continued to plea, "just stop fighting them, let them put the handcuffs on you so you can survive this dog." Another onlooker asked, "why can't they put him in handcuffs?" Witness A replied, "He's fighting them. Like he just needs to..."

Footsteps can be heard approaching as Officer Condon demands, "Get out of the fucking way, get out of the way" the footage captures many officers come down the staircase. Officer Condon yelled, "give me your fucking hands." Roll on your stomach. Roll on your stomach. Get on your fucking stomach." Witness A pleaded, "Please just don't shoot him y'all. Please just don't shoot him. It's enough of y'all to not shoot. It's enough of y'all to not shoot." Officer Condon continued to yell, "Get on your fucking stomach. Do not fucking resist." Witness A said, "Just tase, don't

shoot. Oh my gosh.” Officer Condon yelled, “Give us your hand or I will tase you again. Put your arms out of I will tase you again.”

Many Officers are on scene and residents from the apartment complex begin to yell at the officers. An unknown female officer says, “Taylor’s nose is bleeding. I don’t know if you want to ... (inaudible).”

Officer Schildmeyer picked up his BWC and refastens it to its carrier. Officer Schildmeyer can be heard breathing heavily. Officer Schildmeyer walked up to Officer Howard, placed his hands on his shoulders and stated, “Hell of a job, dude.” Officer Howard, also breathing heavily said, “I don’t know what the (inaudible)... I have your TASER in there. Officer Howards hands appeared to be bloody.

Officer Taylor Howard

The events recorded by Officer Howard’s BWC occurred on 3/23/2021 at 12:46 PM, according to the BWC’s timestamp. A review of that recording reveals the following:

The footage begins with Officer Howard in the passenger seat of a cruiser. He exited the cruiser and drew his firearm but did not point it at Mr. Richardson who opened the door and had one foot out of the and eventually exited the driver’s side of the vehicle, closing the door behind him. Officer Howard holstered his firearm and ask Mr. Richardson to put his hands up. Mr. Richardson asked, “What is y’all doing? What is y’all doing?” Officer Schildmeyer gave verbal commands for Mr. Richardson to put his hands up. Officer Howard withdrew his TASER and aimed it at Mr. Richardson. Mr. Richardson’s hands remained at his side. Officer Howard stated, “Put your hands up, now or I will tase you.” Officer Schildmeyer stated, “I’m telling you right now, Sir. Officer Howard holstered his TASER and said, “Put your hands behind your back.” Officer Howard went to handcuff Mr. Richardson and grabbed his left wrist. Mr. Richardson pulled his wrist away and fled from Officers Schildmeyer and Howard.

Officers Howard and Schildmeyer simultaneously tase Mr. Richardson in the back. Mr. Richardson appeared to trip on the concrete sidewalk. Mr. Richardson fell onto his stomach and rolled on his back. Officer Howard grabbed onto Mr. Richardson’s coat and said, “Stop, put your hand behind your back.” Officer Howard rolled Mr. Richardson on to his stomach and attempted to drive stun him on his back. Mr. Richardson was able to roll onto his back. Officer Schildmeyer stood over Mr. Richardson and appeared to attempt to tase him while Officer Howard assumed a mounted position. Mr. Richardson reached for Officer Howards TASER and Officer Howard pulled his TASER back while he attempted to subdue Mr. Richardson’s right arm which was flailing. Mr. Richardson continued to attempt to prevent himself from being tased and grabbed onto Officer Howard’s right wrist. Richardson pushed Officer Howard off of his person and one second later his BWC became dislodged.

Audio continued to be recovered:

Officer Schildmeyer can be heard yelling stop. Inaudible yelling can be heard, and it sounds like a scuffle. Officer Schildmeyer can be heard saying “Assistance! Assistance! Put out an assistance.” Officer Howard can be heard saying, “Walter and Mathers... We are fighting.”

The rest of the footage from Officer Howard’s BWC corroborated that of Officer Schildmeyer’s outlined above. Below is a description of what happened after Mr. Richardson was in custody and Officer Howard retrieved his BWC:

Officer Howard picks up his BWC and can be heard breathing heavily. An unknown officer asked, "Taylor are you good, are you injured?" He stated, "no I'm good" she said, but your nose is bleeding. Sergeant James Davis asked Officer Schildmeyer, "What happened to your nose?" He then stated, "I need to get a picture of you." Officer Howard walked away from the commotion and walked past a pair of handcuffs that lay on the ground.

Officer Sean O'Conner

The events recorded by Officer O' Conner's BWC occurred on 3/23/2021 at 12:47 PM, according to the BWC's timestamp. A review of that recording reveals the following:

Officer O' Conner ran towards a group of officers attempting to get Mr. Richardson into custody. Officer Condon can be heard saying, "Give me your fucking hands or I will tase you again. Mr. Richardson is laying on his back while officers attempt to get him rolled over to his stomach. Officer Condon yells, "Roll on your stomach. Officer McGrath has Mr. Richardson's right arm and attempts to get him onto his stomach. Officer Concon said, "get on your fucking stomach. Get on your fucking stomach. I will tase you again." Officer O'Conner has a hold of Mr. Richardson's right arm which his bent at his elbow. Offer Condon stated, "Do not resist." While Mr. Richardson's hands were behind his back. Officer Condon repeated, "Do not fucking resist." Mr. Richardson said, "alright. I'm sorry" An officer can be heard saying "de-tense" that fucking arm" Someone else can be heard saying, "relax that arm." Officer McGrath then delivered five knee strikes to Mr. Richardson's right side. Officer Condon can be heard yelling, "Give me your fucking arm or I will tase you again." Someone can be heard saying, "let fucking go of it." Mr. Richardson said, "Stop I can't breathe for real." Officers check on Officer Schildmeyer and stand Mr. Richardson up off the ground. They pull his underwear around his waist as they fell in the scuffle.

No additional Information is gleaned from this BWC footage.

Officer Thomas Chiappone

The events recorded by Officer Chiappone BWC occurred on 3/23/2021 at 12:46 PM, according to the BWC's timestamp. A review of that recording reveals the following:

Officers Schildmeyer, Howard, McGrath and Condon attempted to get Mr. Richardson into custody. Officer Condon can be heard giving verbal commands for Mr. Richardson to get onto his stomach and threatening the use of his TASER. Mr. Richardson is placed onto his stomach while the officer attempt to get him placed into handcuffs. Officer Condon can be heard yelling, "do not resist." Officer Chiappone used his handcuffs to place Mr. Richardson's left wrist into custody. Mr. Richardson's knuckle showed bare skin and looked bloody. As Officer Chiappone attempted to place Mr. Richardson into handcuffs, Mr. Richardson grabbed onto the wire of Officer Dunahay's radio. Someone can be heard saying, "Let fucking go of it." Mr. Richardson continued to clench his hands, which prevented the officers from placing his right hand into handcuffs. Officer McGrath delivered five knee strikes as Officer Condon continued to deliver verbal commands.

No additional information was gleaned from this BWC.

Officer Tyler Lane

The events recorded by Officer Lane's BWC occurred on 3/23/2021 at 12:46 PM, according to the BWC's timestamp. A review of that recording reveals the following:

Officer Lane runs towards a group of officers kneeling on the ground around Mr. Richardson. Officer Condon can be heard saying “Do not fucking resist.” Officer McGrath delivered five knee strikes as Officer Condon yelled, “Give me your arm or I will tase you again.” Give me your fucking arm. He again yells, give me your fucking arm or I will tase you again.” Mr. Richardson is placed into handcuffs and walked towards the squad car.

No additional information was gleaned from Officer Lane’s BWC.

Officer Cole Dunahay

The events recorded by Officer Dunahay’s BWC occurred on 3/23/2021 at 12:46 PM, according to the BWC’s timestamp. A review of that recording reveals the following:

Officer Dunahay arrived on scene when other officers were attempting to get Mr. Richardson into custody. Officer Dunahay grabbed onto Mr. Richardson’s left arm. Officer Dunahay’s radio rang as the officers secured his limbs while officer Condon gave verbal commands. Mr. Richardson grabbed onto Officer Dunahay’s radio.

No additional information was gleaned from Officer Dunahay’s BWC.

Officer Joshua Condon

The events recorded by Officer Joshua Condon’s BWC occurred on 3/23/2021 at 12:47 PM, according to the BWC’s timestamp. A review of that recording revealed no additional information.

Clerk of Courts

Mr. Richardson was charged with Obstructing Official Business under Ohio Revised Code (ORC) §291.31; Resisting Arrest under ORC §2921.33; two counts of Assault under ORC §2903.13; and Changing Course of or Stopping Vehicle under Municipal Code 506.80. The criminal case is ongoing.

TASER Download

Officer Name	Trigger Pulls	Cartridges Fired	Duration(s)
P.O. Condon	4	2	3.50s
			2.41s
			4.94s
			5.07s
P.O. Howard	2	2	4.95s
P.O. Schildmeyer	2	2	4.95s
			5.07s

Photographs

CCA reviewed numerous photos of Mr. Richardson; the photos depicted:

- Mr. Richardson in a hospital bed with shirt torn.
- The right side of Mr. Richardson’s face with abrasions near his eye and cheek.
- What appears to be a cut or laceration to the palm of his right hand

- Abrasions to his right hip near his buttocks

Facebook Live Footage

The footage begins as Officers Schildmeyer, Howard, and Mr. Richardson fall down a flight of stairs. The footage depicts Officer Schildmeyer and Howard attempting to hold Mr. Richardson up against a concrete retaining wall at the bottom of the stairs from which they all just fell. Officer Howard is using his body weight to push Mr. Richardson up against the wall and Officer Schildmeyer has his right forearm across Mr. Richardson's neck for approximately four seconds. Mr. Richardson breaks free from the hold and Officer Howard performed a takedown maneuver and got Mr. Richardson on the ground. Sirens can be heard in the distance. Officer Schildmeyer and Officer Howard use their body weight to attempt to keep Mr. Richardson on the ground. Mr. Richardson is on his side and Officer Howard climbed on top of him in a mounted position. Mr. Richardson turns onto his stomach and gets on his knees with, and Officer Howard was mounted on his back as Mr. Richardson attempted to get up. Officer Howard delivered two strikes to the back of Mr. Richardson's head. Mr. Richardson turns onto his back and Officer Schildmeyer delivered a strike to Mr. Richardson's head. Officer Howard attempted to push Mr. Richardson's head into the ground as Mr. Richardson was flailing his arms. Many officers arrive on scene and eight officers attempt to get Mr. Richardson into custody. Officer Schildmeyer steps to the side and hand is bent over with his hands on his knees. An officer can be see delivering knee strikes.

Medical Records

CCA has been unable to reach Mr. Richardson and consequently could not obtain his consent to access his medical records.

AUTHORITIES

I. CPD Procedure Manual (in part)

§ 12.205 Traffic Enforcement

Purpose:

To afford the public a fair measure of enforcement consistent with the objectives of efficient traffic regulation, accident investigation, and relieving traffic congestion.

To employ discretion as directed in borderline cases when:

- There is a reasonable possibility of human error in judgment on the part of either the police officer or the public.
- There is a logical possibility of malfunction of mechanical equipment without knowledge or intent on the part of the driver.
- The content of the particular law, which was violated, is not common knowledge.

Policy:

No law enforcement agency should condone or promote the use of any illegal profiling system in their enforcement program. Any member of the Department who engages in illegal profiling shall be subject to disciplinary action, in accordance with applicable civil service law, up to and including dismissal, and may face claims of civil rights violations in Federal court.

Officers must ensure video and audio recording equipment is activated when operating in emergency mode and when participating in traffic stops and pursuits. Recording will continue until the traffic stop is completed and the stopped vehicle departs, or until the officer's participation in the stop ends.

Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained.

For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop has been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

Procedure:

A. On-duty Traffic Enforcement Guidelines

1. On ALL motor vehicle traffic stops, officers will complete a Contact Card and submit it at the end of the shift.
2. When participating in traffic stops, officers must ensure video and audio equipment is activated.

Take appropriate enforcement action whenever a violation is detected, including provable violations determined as the result of accident investigations.

§ 12.545 Use of Force

Definitions:

Actively Resisting Arrest - When the subject is making physically evasive movements to defeat the officer's attempt at control, including fleeing, bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Carotid Arteries - The carotid arteries are major blood vessels that supply blood to the brain, neck, and face. They are located on each side of the neck and extend from the lower jawbone to the collar bone.

Choke Holds - The courts could consider a choke hold or similar type holds as deadly force. Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type of choke hold to prevent the swallowing of evidence is prohibited.

Crowd Control - the use of police action to stop the activities of persons assembled.

Crowd Management - The observing, monitoring and facilitating the activities of persons assembled.

Deadly Force - Force likely to cause, or capable of causing, death.

De-escalation - Using non-confrontational verbal skills, empathy and active listening to stabilize a person in crisis. De-escalation may also incorporate the use of additional time, distance and resources as well as persuasion, command presence, repositioning, and warnings, to reduce the intensity of a potentially violent situation to decrease the potential need to use force.

Escorting - The use of light pressure to guide a person or keep a person in place.

Force - Any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of: firearms, TASERs, chemical irritant, choke holds or hard hands, the taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance.

Hard Hands - The use of physical pressure to force a person against an object or the ground, use of physical strength or skill that causes pain or leaves a mark, leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

Objective Reasonableness - The standard, as set forth by the Fourth Amendment U.S. Constitution and defined by the Supreme Court of the United States, by which all uses of force will be judged.

Serious Use of Force - Any action that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured or requires hospital admission, with the exception of individuals admitted for psychiatric evaluation not suffering a serious injury.

Self-Defense - The act of protecting oneself or another from physical harm or serious physical harm.

Serious Injury/Serious Physical Harm to Persons - Any physical harm that carries a substantial risk of death, permanent incapacity, temporary substantial incapacity, permanent disfigurement, or temporary serious disfigurement.

Information:

Use of Force Continuum: Force situations do not allow for an ordinal progression up a continuum of force and officers but be ready to escalate or de-escalate as the situation evolves.

Policy:

The Cincinnati Police Department recognizes the value of all human life and is committed to respecting the Constitutional rights and dignity of every individual. Officers shall act within the boundaries of the United States Constitution, the laws, and constitution of the state of Ohio, the charter and ordinances of the city of Cincinnati, this use of force procedure, and all other relevant CPD procedures, policies, practices and training.

A police officer's right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion, or threat thereof, to effect it. Determining whether the force used to effect a particular seizure is reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests

at stake (Graham v. Connor, 1989). The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. ... (T)he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them” (Graham v. Connor, 1989).

A number of factors may be taken into consideration to evaluate whether an officer has used objectively reasonable force. These factors include, but are not limited to:

- The conduct of the person being confronted as reasonably perceived by the officer at the time, including the level of threat or resistance presented by the subject.
- The officer’s and subject’s factors, including but not limited to size, age, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and the number of officers versus subjects.
- The influence of drugs or alcohol and the subject’s mental capacity, if known. • The proximity of weapons.
- The distance between the officer and subject.
- The degree to which the subject has been effectively restrained and his / her ability to resist despite being restrained.
- Time and circumstances permitting, the availability of other options (resources that are reasonably available to the officer under the circumstances).
- The seriousness of the suspected offense or reason for the contact with the individual.
- The training and experience of the officer.
- The potential for injury to citizens, officers and suspects.
- Whether the conduct of the individual being confronted reasonably appears to pose an imminent threat to the officers or others.
- The prior knowledge of the subject’s propensity for violence.
- Any other exigent circumstance or special knowledge

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effecting an arrest is where a suspect complies with clear and concise directions given by an officer.

Whenever possible, de-escalation techniques shall be employed to gain voluntary compliance by a subject. Officers shall use only the level of force that is objectively reasonable to effect an arrest or while protecting the safety of the officer and others.

Officers should attempt to achieve control through advice, delay, warnings, and/or persuasion when confronted with a situation where control is required to effect an arrest or protect the public’s safety. The suspect should be allowed to submit to arrest before force is used, unless this causes unnecessary danger to the officer or others.

When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to promptly de-escalate the use of force as the subject de-escalates or comes under police control.

Officers must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others but extends to that amount reasonably necessary to enable them to effect the arrest of an **actively resistant** subject.

All members have a duty to ensure all use of force incidents and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use any type of force; or confront resistance that results in an injury or complaint of injury to a citizen; or have knowledge of any of the above; or are aware of a citizen complaint of excessive force, they will promptly notify a supervisor. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force. The only exception is when a lieutenant uses force and there is no captain or above working, but an acting Night Chief is available. In this case, the acting Night Chief can conduct the investigation.

USE OF FORCE CONTINUUM

Examples of Subject Resistance

- Uncooperative: Subject fails to respond to verbal commands or other directions.
- Active resistance: Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, fleeing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
- Assault or threat of assault: Subject assumes fighting stance, charges, strikes, or kicks an officer or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault.
- Life threatening assault or assault likely to cause serious physical harm: Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death.

Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend promptly. Disengagement, area containment, surveillance, waiting-out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered.

Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. An officer must choose the necessary response based on law, department policy, training, and experience. An officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

§ 12.554 Investigatory Stops

Information:

There are three levels of police/citizen contact.

The first level is a consensual encounter. A police officer may approach any person in a public place and request to talk to him. So long as the person is free to leave whenever he wants, no Fourth Amendment seizure has occurred, and no reasonable suspicion or probable cause is required.

The next level is the "Terry" type encounter. Here the officer has reasonable suspicion to believe the citizen is committing or has committed a crime. Based on this reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period. Failure to answer the questions asked by the officer or to properly identify oneself cannot provide the justification for detaining a person past the period necessary to complete the brief "Terry" type investigation. Once the reasonable suspicion is determined to be unfounded, the citizen must be released.

The third level of police/citizen contact is the arrest. The arrest occurs when the citizen is no longer free to leave, and the officer has the intent to arrest. The arrest must be supported by probable cause to believe the citizen is committing or has committed a criminal offense.

Information or descriptions resulting from anonymous tips is not sufficient probable cause to stop and search individuals. Officers must carefully develop reasonable suspicion in cases involving anonymous tips. Officer's observations while on the scene, securing more complete information from the anonymous caller and other circumstances which would tend to support the information received are all ways that officers can use to articulate reasonable suspicion allowing a "Terry" stop.

Every "Terry" type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous.

Policy:

No law enforcement agency should condone or promote the use of any illegal profiling system in its enforcement program. Criminal elements exist in every segment of our society. An officer whose enforcement stops are based on race or ethnicity is engaged in a practice which undermines legitimate law enforcement and may face claims in Federal courts of civil rights violations. To focus on a single segment of society is to limit enforcement efforts.

Awareness is the key to success in criminal interdiction. Observations must be evaluated in the aggregate - not isolation. An officer must use all senses while avoiding the development of tunnel vision. An important factor to remember when conducting an enforcement stop is to take the time to do it right. Do not rush through the stop or an important indicator of illegal activity may be missed.

Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained.

For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop had been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

The information outlined below is the summation of all the evidence collected throughout the investigation. To thoroughly illustrate what transpired, the facts are presented chronologically below, followed by the analysis of all allegations.

Summary of Facts:

On March 23, 2021, at approximately 12:45 PM, in Walnut Hills, Officers Howard and Schildmeyer were involved in a serious use of force incident. During the incident, Officers Howard and Schildmeyer became aware of Mr. Richardson from plain clothes officers in the area who relayed that Mr. Richardson participated in activities “consistent with drug trafficking.” Once Officers Schildmeyer and Howard observed Mr. Richardson, they alleged they witnessed him commit multiple traffic infractions which led them to conduct a traffic stop. Per BWC Mr. Richardson quickly parked and exited his vehicle at 3056 Mather’s Street.

Per BWC, Officer Howard exited the passenger’s side of the cruiser with his firearm drawn, but not pointed at Mr. Richardson. Officers Schildmeyer and Howard gave Mr. Richardson verbal commands to show his hands and put his hands up. Mr. Richardson’s hands remained at his sides, but Officer Howard holstered his firearm and transitioned to his TASER. Mr. Richardson appeared to glance back and forth between Officers Schildmeyer and Howard. Officer Howard holstered his firearm and attempted to grab Mr. Richardson’s wrist. Mr. Richardson pulled his wrist away and fled from the officers. Officers Schildmeyer and Howard chase Mr. Richardson and simultaneously deploy their TASERs. Officer Schildmeyer’s barbs don’t appear to connect with Mr. Richardson, but Officer Howard’s appeared to strike Mr. Richardson in the back. Rather than from the effect of the TASER, Mr. Richardson appeared to trip on the sidewalk and fall to the ground.

Per BWC footage, Mr. Richardson initially fell onto his stomach and rolled on his back. Officer Howard grabbed onto Mr. Richardson’s coat and said, “Stop, put your hand behind your back.” Officer Howard rolled Mr. Richardson on to his stomach and attempted to drive stun him on his back. Mr. Richardson was able to roll onto his back. Officer Schildmeyer stood over Mr. Richardson and appeared to attempt to tase him while Officer Howard assumed a mounted position. Per BWC footage, Mr. Richardson reached for Officer Howard’s TASER and Officer Howard pulled his TASER back while he attempted to subdue Mr. Richardson’s right arm which was flailing. Mr. Richardson continued to attempt to prevent himself from being tased and grabbed onto Officer Howard’s right wrist which led his TASER. Per BWC footage, Mr. Richardson lay on his back but was able to buck Officer Howard off his person and onto the ground. Officer Howard held onto Mr. Richardson as Mr. Richardson flailed his arms toward Officer Schildmeyer while continuing to push away from Officer Howard.

Although Officers Howard and Schildmeyer’s BWC were dislodged during struggle, audio continued to be recorded. Officer Schildmeyer can be heard yelling “stop.” There are sounds that are inaudible, but grunts can be heard and yelling from Witness A. Officers Howard and Schildmeyer put out an assistance call, “Assistance! Assistance! We are fighting.” Per audio, at the top of the stairs, both officers sound winded. Officer Schildmeyer can be heard breathing heavily. He said, “stop” between breaths. Officer Schildmeyer stated, “I’m going to shoot him.” An unknown female witness can be heard saying, “Stop fighting them.”

Facebook Live footage begins when Officers Howard, Schildmeyer, and Mr. Richardson fall down a series of steps. Per BWC, Witness A stated, “Just let them put the handcuffs on you don’t get hurt man.” At the bottom of the staircase, per Officer Schildmeyer’s BWC, Officers Howard,

Mr. Richardson and Officer Schildmeyer come back into frame as Officer Schildmeyer places his left forearm across Mr. Richardson's neck and all three involved go out of the frame.

Witness A can be seen at the top of the stairs, "Just stop fighting them please, bro. I don't know you but stop fighting them. She cried, "Dude, stop fighting them." She put her hands to her head as she looked towards the scuffle. Sirens can be heard in the approaching. She continued to plea, "Just stop fighting them, let them put the handcuffs on you so you can survive this dog." Another onlooker asked, "Why can't they put him in handcuffs?" Witness A replied, "He's fighting them."

Per the Facebook Live footage, Officer Schildmeyer and Howard attempting to hold Mr. Richardson up against a concrete retaining wall at the bottom of the stairs from which they all just fell. Officer Howard is using his body weight to push Mr. Richardson up against the wall and Officer Schildmeyer has his right forearm across Mr. Richardson's neck for approximately four seconds. Mr. Richardson breaks free from the hold and Officer Howard preformed a takedown maneuver and got Mr. Richardson on the ground. Sirens can be heard in the distance. Officer Schildmeyer and Officer Howard use their body weight to attempt to keep Mr. Richardson on the ground. Mr. Richardson is on his side and Officer Howard climbed on top of him in a mounted position. Mr. Richardson turned onto his stomach and got onto his knees; Officer Howard was mounted on his back as Mr. Richardson attempted to get up. Officer Howard delivered two strikes to the back of Mr. Richardson's head. Mr. Richardson turns onto his back and Officer Schildmeyer delivered a strike to Mr. Richardson's head. Officer Howard attempted to push Mr. Richardson's head into the ground as Mr. Richardson was flailing his arms. Many officers arrive on scene and eight officers attempt to get Mr. Richardson into custody. Officer Schildmeyer steps to the side and hand is bent over with his hands on his knees. Officer McGrath can be see delivering knee strikes to Mr. Richardson.

Sergeant Davis, Officers Condon, McGrath, Chiappone, Carver, O'Conner and Dunahay were the first officers to arrive on scene as back up. They attempted to assist to get Mr. Richardson into custody. Officer Casey Carver held Mr. Richardson's legs, while Officer Condon tased Mr. Richardson four times. Sergeant James Davis held Mr. Richardson's upper body down while Officers Chiappone and O' O'Conner and McGrath attempted to gain control of his arms. Mr. Richardson tensed his body while the officers were attempting to place him into hand cuffs. He also clenched his hands around one of the officers' radios which prevented the officers from handcuffing his hands. Mr. Richardson was ultimately taken into custody and transported to the hospital. Mr. Richardson had an abrasion on his hip and appeared to have scrapes on his face. Officer Schildmeyer suffered an ankle injury and Officer Howard's nose bled.

Improper Stop:

Mr. Shaw alleged that Mr. Richardson was pulled over without cause.

CPD Procedure § 12.554 *Investigatory Stops* provides that officers may forcibly stop and detain the citizen for a brief investigatory period when an Officer has reasonable suspicion to believe the citizen is committing or has committed a crime. CPD Procedure §12.205 *Traffic Enforcement* states that officers should, "Take appropriate enforcement action whenever a violation is detected."

Officers Howard and Schildmeyer explained that Mr. Richardson was first observed by plain clothes officers who radioed that Mr. Richardson was exhibiting actions "consistent with drug trafficking." The actions included him allegedly going quickly in and out of a mini mart within seconds and a plain clothes officer stated that he saw Mr. Richardson engage in a hand-to-hand

drug transaction. Officers Howard and Schildmeyer also stated that the area is high drug and crime area, and it appeared Mr. Richardson was attempting to evade their presence. CPD Procedure § 12.554 *Investigatory Stops* provides that officers may forcibly stop and detain the citizen for a brief investigatory period when an officer has reasonable suspicion to believe the citizen is committing or has committed a crime.

Officers Howard and Schildmeyer also articulated that Mr. Richardson committed traffic infractions such failing to signal and per Officer Schildmeyer, his driving arose to the level of exhibiting “recklessness by reversing across three lanes into traffic out of the mini mart parking lot.” CPD Procedure §12.205 *Traffic Enforcement* states that officers should, “Take appropriate enforcement action whenever a violation is detected.” Therefore, Officers Schildmeyer and Howard did not violate CPD policies, procedures, and training.

Excessive Force:

Mr. Shaw alleged that Mr. Richardson was tased multiple times and had his face pushed up against a concrete wall.

CPD Policy 12.545 Use of Force states, “When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more.” The policy cites to caselaw in stating that:

The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight ...the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.” CPD Policy 12.545 Use of Force.

Regarding the use of Choke Holds, the policy specifically states:

“The courts could consider a choke hold or other similar type of holds as deadly force. Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type of choke hold to prevent the swallowing of evidence is prohibited.”

Officers Howard and Schildmeyer’s Use of Force

During the encounter with Mr. Richardson, Officer Howard deployed his TASER twice, delivered three closed fist strikes to the back of his head, and successfully employed a take-down maneuver during the interaction. During the encounter with Mr. Richardson, Officer Schildmeyer deployed his TASER twice, delivered two closed fist strikes to Mr. Richardson’s chest and one strike to Mr. Richardson’s head. He also used deadly force by implementing a choke hold during the interaction.

CPD Policy 12.545 Use of Force states, “When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more.” Officer Howard’s and Schildmeyer use of force is outlined above and at the time each force option was used, Mr. Richardson at minimum displayed resistance to his arrest, but

escalated to assaultive behavior and behavior which may cause great harm to the officers. The display of Mr. Richardson's behavior is corroborated by Officer Schildmeyer's statements, Witness A's statements in real time and BWC footage which shows Mr. Richardson pushing the officers, attempting to stand up, bucking them off, grabbing toward Officer Howard's TASER, and actively ignoring commands. Officer Schildmeyer expressed his belief that this incident was a deadly encounter immediately following the incident, and IIS was consequently called to the scene to investigate.

In his CCA interview, Officer Howards stated, Mr. Richardson "threw elbows and kicks" which struck Officer Howard in the face, nose, and body. He additionally stated, and it was corroborated by BWC, that Mr. Richardson "grabbed for" Officer Howard's TASER. In addition to grabbing for Officer Howards TASER, per BWC, Mr. Richardson had his hand on Officer Schildmeyer's TASER. Officer Howard explained that he had reached the point of sheer exhaustion. He thought to himself, "I may lose this... I may black out... In those situations, there is a point where you fear for your life." He stated that Mr. Richardson was strong; "He was a bigger guy; he was over six feet tall and probably twice as much as me as far as weight; he was able to have two cops on him and continue fighting." Officer Howard stated, that at the bottom of the stairs he and Officer Schildmeyer had both exhausted and used their TASERs. "This is the point where we were both exhausted, I'm done physically and mentally too. He was still wining. He was a big guy, and nothing seemed to affect him." He went on, "He could tase me and incapacitate me and has the potential of him grabbing my firearm."

In Officer Schildmeyer's CCA interview, he stated, "His weight and size, he was stronger." While Mr. Richardson he attempted to get up multiple times, "at some point he was able to strike me with an elbow in the midsection." He continued, "I was spent at this point. I put the assistance out but was not able to confirm that it went through because of all the noise and the struggle. I didn't know if anyone was coming and was at about fifty percent of strength; "I wasn't able to do a whole lot." He additionally stated, Mr. Richardson "Hadn't been searched yet and still did not know if he had a gun or what is ultimate intent was for us." He went on to say, "It did enter my mind to potentially pull my gun, but I wasn't in any physical condition do it. It was the hardest struggle in all of my years." It entered Officer Schildmeyer's mind, "Clearly there is something he is fighting hard for, but we didn't know what." He continued that after his force options, "Mr. Richardson was assaulting, resisting, and fighting us and his strength wasn't diminishing. Officer Schildmeyer expressed that he was running out of force options and feared of being overtaken by Mr. Richardson.

"I believe Officer Howard's life was in jeopardy with mine. If Officer Howard was overwhelmed, he would have had two guns easily accessible... He was much stronger, much bigger. It was a deadly encounter. He could've easily gotten a gun from me." Officer Schildmeyer stated, he was probably 6'4, 280lbs. When Officer Howard loss retention of his TASER it went to the ground and was in 'immediate proximity' of us."

All officers interviewed spoke to Mr. Richardson's size and strength; specifically, Officers Schildmeyer and Howard spoke to it being a factor in their interaction as he was able to overpower both officers. Special circumstances pertaining to this use of force incident include, Officers Howard and Schildmeyer's diminished capacity and exhaustion, proximity to Mr. Richardson, proximity of a weapon (TASERs), and all involved parties being on the ground. Officers Howard and Schildmeyer moved through the use of force continuum and used force options which included Officer presence, giving verbal commands, balance displacement, pain compliance, hard hands through restraining holds, hand to hand close quarters combat, and use of their TASERs. Given all the facts presented, the evidence establishes that Officers Howard

and Schildmeyer's uses of force were objectively reasonable under law and consistent with CPD policies, procedures, or training.

Officer McGrath's use of Force

When Officer McGrath arrived on scene, he assisted in placing Mr. Richardson placed in handcuffs. Officer McGrath delivered five knee strikes to Mr. right's side to use pain compliance to get him to submit being taking into custody. CPD Policy 12.545 Use of Force states, "When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more." Given the amount of resistance and combativeness behavior that Mr. Richardson had displayed and Officer McGrath's articulation and evidence of Mr. Richardson's continued resistance, it was reasonable for Officer McGrath to deliver knee strikes to seek compliance. Therefore, Officer McGrath did not violate CPD polices procedures or training.

Officer Condon's use of Force

Officer Condon arrived on scene and took on command presence amongst the officers and Mr. Richardson. Officer Condon gave verbal commands for Mr. Richardson to show his hands and stop tensing his body. Officer Condon tased Mr. Richardson four times, but he was unable to obtain "neuromuscular incapacitation." CPD Policy 12.545 Use of Force states, "When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more." Per BWC, Mr. Richardson was moving tensing his hands, arms, and grabbed onto an offices radio; he actively resisted being taken into custody. Officer Condon's use of the TASER did not violate CPD policies, procedures, or training.

The use of Hard Hands (Restraining Hold)

Officers Condon, Carver, McGrath, Chiappone, O'Conner, Dunahay, and Sergeant Davis all took part in restraining Mr. Richardson on the ground to place him in handcuffs. CPD Policy 12.545 Use of Force states, "When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more." At the time they held Mr. Richardson down, he was actively resisting by tensing his arms, hands, and grabbing on to an officer's' radio. Therefore, the officers use of hard hands by way of restraining holds was permitted in CPD policies, procedures, and training.

Improper Search (Vehicle):

Mr. Shaw alleged that CPD officers searched random vehicles after the incident.

Credible evidence, specifically, relevant BWC footage, proves that Officers Condon, Chiappone, Bishop searched two vehicles. However, despite the action taken, the motor vehicle exception to the Fourth Amendment's search warrant requirement permitted the conduct that occurred. Specifically, the evidence establishes the following: Officer Condon observed marijuana in plain view in both vehicles.

In the first vehicle the marijuana was observed in a container in the middle console. The vehicle was searched, and a firearm was recovered.

The second vehicle was searched based on a scale being see in plain view. The owner of the vehicle approached the officers, and they had an uneventful interaction. The officers found

marijuana and a digital scale in the vehicle; the marijuana was seized, and the vehicle owner was given a warning.

Officers Chiappone, Condon, and Bishop searched both vehicles in accordance with a lawful exception to the general rule that a search warrant is required under the U.S. Constitution. Therefore, the officers did not violate CPD policies, procedures, or training.

FINDINGS

Officer Taylor Howard
Officer Marc Schildmeyer

Improper Stop - The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**


Officer Taylor Howard
Officer Marc Schildmeyer
Officer Cian McGrath
Officer Thomas Chiappone
Officer Cole Dunahay
Officer Casey Carver
Officer Joshua Condon
Sergeant James Davis

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

Officer Joshua Condon
Officer Thomas Chiappone
Officer Quentin Bishop

Improper Search - The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**


Morgan Givens, Investigator


Gabriel Davis, Director

Previous Contacts and Commendations for Officers with Sustained Findings:

Officer Taylor Howard

Previous Contacts with CCA

Officer Howard had eight previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
18180	Excessive Force	Unfounded
18183	Improper Stop (Vehicle)	Exonerated
18183	Improper Search (Vehicle)	Exonerated
18183	Harassment	Unfounded
18214	Improper Search (Vehicle)	Exonerated
18214	Improper Search (Person)	Exonerated
19254	Improper Search (Person)	Exonerated
19254	Improper Search (Vehicle)	Exonerated
19254	Improper Stop (Vehicle)	Exonerated
19260	Improper Stop	Exonerated
19260	Discrimination	Unfounded
19260	Improper Search	Exonerated
20148	Improper Search	Exonerated
20148	Improper Entry	Exonerated
20148	Improper Procedure	Exonerated
20233	Discourtesy	Unfounded
20233	Improper Stop	Exonerated
20233	Improper Search	Sustained
21037	Improper Search	Exonerated
21037	Discrimination	Unfounded

Previous Contacts for CCA Referrals

Officer Howard 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 Officer Howard with IIS.

Commendations

Officer Howard received five commendations in the past three years.

Date	Source of Commendation Received
10/09/2018	Judge
02/04/2019	OLE
10/06/2020	CPD
03/15/2021	CPD
03/15/2021	CPD

Officer Marc Schildmeyer

Previous Contacts with CCA

Officer Schildmeyer had nine previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
18185	Improper Procedure (Consent to Search Form)	Sustained
18185	Improper Search (Residence)	Sustained
18185	Improper Procedure (BWC)	Sustained
18241	Improper Search	Exonerated
19002	Improper Procedure (Contact Card)	Sustained
19002	Harassment	Unfounded
19002	Discrimination	Unfounded
19002	Improper Search	Sustained
19002	Improper Stop	Exonerated
19022	Harassment	Exonerated
19076	Improper Search	Exonerated
19076	Improper Stop	Exonerated
19076	Harassment	Unfounded
19206	Improper Discharge of Firearm	Exonerated
19206	Excessive Force	Exonerated
19270	Improper Search (Person)	Sustained
21004	Improper Stop	Exonerated
21004	Improper Pointing of a Firearm	Exonerated
21027	Improper Stop	Exonerated
21027	Harassment	NFR

Previous contacts for CCA referrals

Officer Schildmeyer had one allegation referred to CPD for investigation in the past three years.

Case Number	Allegation	Finding
18137	Law Violation	Not Sustained

Previous Contacts with IIS

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

Commendations

Officer four received number commendations in the past three years.

Date	Source of Commendation Received
06/04/2018	Judge
08/09/2018	CPD
05/06/2019	Civilian
12/30/2019	CPD

Officer Joshua Condon

Previous Contacts with CCA

Officer Condon had nine previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
18117	Pointing of A Firearm	Exonerated
18117	Improper Stop (Person)	Exonerated
18117	Improper Stop (Person)	Exonerated
18117	Improper Procedure (MVR/DVR)	Not Sustained
18117	Improper Search (Person)	Exonerated
18117	Improper Procedure (BWC)	Not Sustained
18205	Discrimination	Unfounded
18205	Procedure Violation	Unfounded
18205	Harassment	Unfounded
20116	Improper Stop (Vehicle)	Pending
20116	Discrimination (Racial)	Pending
20116	Improper Search	Pending
20148	Improper Search	Exonerated
20148	Improper Entry	Exonerated
20148	Improper Procedure	Exonerated
20156	Other—CPD Code	Pending
20156	Improper Stop (Vehicle)	Pending
20156	Improper Search	Pending
20156	Improper Seizure	Pending
20156	Improper Search (Vehicle)	Pending
20156	Improper Stop	Pending
20156	Pointing of a Firearm	Pending
20195	Discrimination	Unfounded
20195	Harassment	Unfounded
20195	Improper Search	Exonerated
20223	Improper Search	Exonerated
20238	Improper Stop	Exonerated
20238	Improper Search	Exonerated
21004	Improper Pointing of a Firearm	Exonerated
21004	Improper Stop	Unfounded

Previous Contacts with IIS

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

Commendations

Officer Condon received three commendations in the past three years.

Date	Source of Commendation Received
09/06/2018	COM-CPD
10/01/2018	COM-Civilian
01/16/2019	COM-CPD

Officer Thomas Chiappone

Previous Contact/s with CCA

Officer Chiappone had two previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
20195	Improper Search	Exonerated
20195	Harassment	Unfounded
20195	Discrimination	Unfounded
20223	Excessive Force	Unfounded
20223	Improper Search	Exonerated

Previous Contacts with IIS

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

Commendations

Officer Chiappone received one commendation in the past three years.

Date	Source of Commendation Received
08/17/2019	COM-Civilian

Officer Cole Dunahay

Previous Contacts with CCA

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

Case Number	Allegation	Finding
20238	Improper Search	Exonerated
20233	Improper Stop	Exonerated
20233	Improper Search	Exonerated
20116	Improper Procedure	Pending
21037	Improper Search	Sustained

Previous Contacts with IIS

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

Commendations

Officer Dunahay has received three commendations in the past three years.

Date	Source of Commendation Received
12/17/2018	COM-Civilian
01/13/2019	COM-Civilian
01/05/2020	COM-CPD

Officer Cian McGrath

Previous Contacts with CCA

Officer McGrath had six contacts with CCA in the past three years.

Case Number	Allegation	Finding
18152	Stop (Person)	Exonerated
18185	Procedure (BWC)	Sustained
18185	Improper Search	Not Sustained
18185	Search (Vehicle)	Exonerated
18185	Stop (Vehicle)	Exonerated
18185	Pointing of Firearm	Exonerated
18211	Procedure Violation (BWC)	Sustained
18211	Procedure Violation (Contact Card)	Sustained
18211	Stop (Vehicle)	Exonerated
18211	Pointing of Firearm	Exonerated
18211	Discourtesy	Not Sustained
18241	Improper Search	Exonerated
19019	Excessive Force	Exonerated
20067	Discourtesy	Exonerated
20067	Excessive Force	Exonerated
20067	Improper Stop	Exonerated

Previous Contacts with IIS

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

Commendations

Officer McGrath received three commendations in the past three years.

Date	Source of Commendation Received
08/09/2018	CPD
06/14/2018	Civilian
03/14/2018	CPD

Officer Casey Carver

Previous Contacts with CCA

Officer Carver had two previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
19160	Excessive Force (Taser)	Exonerated
19160	Excessive Force (Hard Hands)	Exonerated
19160	Excessive Force (Choking)	Unfounded
20014	Improper Search	Exonerated
20014	Improper Pointing of a Firearm	Exonerated
20014	Improper Stop	Exonerated

Previous Contacts with IIS

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

Commendations

Officer Carver received one commendation in the past three years.

Date	Source of Commendation Received
07/05/2019	CPD

Sergeant James Davis

Previous Contacts with CCA

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

Case Number	Allegation	Finding
19076	Improper Search	Exonerated
19076	Harassment	Not Sustained
21004	Improper Procedure	Not Sustained
21004	Improper Stop	Exonerated

Previous Contacts for CCA Referrals

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

Commendations

Sergeant Davis received one commendation in the past three years.

Date	Source of Commendation Received
06/07/2019	CPD

Officer Quentin Bishop

Previous Contacts with CCA

Officer Bishop had two previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
18183	Search (Vehicle)	Exonerated
19149	Discrimination	Not Sustained
19149	Improper Procedure	Sustained
19149	Improper Stop	Exonerated
19149	Discourtesy	Not Sustained
19149	Harassment	Unfounded

Previous Contacts with IIS

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

Commendations

Officer Bishop received one commendation in the past three years.

Date	Source of Commendation Received
06/25/2018	CPD