

Date: April 28, 2023

Case: 21220

Investigator: Robert Stephens

Complaint Received: October 26, 2021

Complainant: Terrance Shannon

CCA completed an investigation of CCA Complaint No. 21220 by Terrance Shannon M/B/45. 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: October 20, 2021

Time: 4:15 P.M.

Location: 860 Beecher St

Mr. Shannon stated that he was grilling food for his family when Officer Johnson approached him and called him out by his name, and told him that he was not able to grill there. The officer proceeded to kick the grill causing the food to spill onto the ground, then stated "I run this shit."

Allegations:

Discourtesy
Misconduct
Improper Procedure BWC

Persons Involved:

Officer Derrick Johnson, P0174, M/B/41 (CPD, Subject Officer)
Terrance Shannon M/B/45 (Citizen, Complainant/Involved)

Evidence Reviewed:

CPD Records Management System (RMS)
CPD Computer Aided Dispatch (CAD)
Body-Worn Camera (BWC)
Statements by officers, complainant, and relevant witnesses

Note:

CPD found Officer Johnson's actions be discourteous. Officer Johnson received a negative Evaluation Supplement Log (ESL) and was ordered to attend remedial customer service training.

Authorities:

CPD Manual of Rules and Regulations – Code Of Ethics
CPD Manual of Rules and Regulations – Section One – Failure Of Good Behavior
CPD Policy and Procedure Manual §12.540, Body Worn Camera System
CPD Procedure Manual § 12.715, Property and Evidence: Accountability, Processing, Storage and Release

Analysis:

Allegation: Discourtesy

On October 20, 2021, Mr. Shannon was grilling on the sidewalk of Beecher Street when Officer Johnson approached him. The officer is seen on BWC kicking the grill causing the food and coals to spill into the street. Officer Johnson stated on BWC that the reason for him kicking it was "I asked him to put it away, and he wouldn't, so I kicked his grill". Officer Johnson kicked the grill within 12 seconds of his initial contact with Mr. Shannon.

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. Officer Johnson's conduct was neither civil nor courteous. Therefore, Officer Johnson was not within CPD's policy, procedure, and training.

Collateral Allegation: Misconduct

CPD's Code of Ethics requires professionalism at all times and establishes the following standard for officers:

Law enforcement is an honorable calling. Service in this field commands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to service above self, are the motives which impel police officers to discharge their responsibility in full measure. 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 perform the functions of their office without fear, favor, or prejudice and do not engage in unlawful or improper practices.

CPD Manual of Rules and Regulations § 0.5 (Code of Ethics).

With respect to the handling of a citizen's personal property, CPD Procedure Manual § 12.715 provides: "Police personnel confiscating, seizing or recovering property of any kind will be in compliance with local, State and Federal laws. Property used in an unlawful manner will be seized and held as evidence in connection with the arrest."

Furthermore, CPD policy penalizes “intentional” violations of CPD policy “which may lead to risk of physical injury to another or financial loss to the City” more severely than it punishes negligent or unintentional violations of policy. See CPD Manual of Rules and Regulations §1.01.C. (“Members shall not commit any acts or omit any acts, which constitute a violation of any of the rules, regulations, procedures, directives, or orders of the department. . . . C. An intentional violation which may lead to risk of physical injury to another or financial loss to the City.”)

In this case, Officer Johnson’s blatant disregard for CPD’s standards of professionalism, and his intentional mishandling of personal property, violated multiple policies, including CPD Manual of Rules and Regulations § 0.5 (Code of Ethics) and CPD Procedure Manual § 12.715.

Rather than confiscating Mr. Shannon’s property in accordance with an arrest, handling that property in accordance with the law, or attempting de-escalation, Officer Johnson chose to kick over a grill with hot and burning coals, causing them to spill onto a public roadway. Officer Johnson’s intentional violation caused damage to Mr. Shannon’s personal property, risked causing physical injury to those nearby, and risked creating financial loss to the City of Cincinnati.

Officer Johnson had an obligation to police in accordance with CPD’s Code of Ethics and Procedure 12.715. When violations of the law or codes are observed, officers are to respond according to policy and consistent with training. To the extent that Officer Johnson had discretion to either issue a warning, issue a citation, or make an arrest, he was free to do so – not to respond by damaging property with either malice or out of frustration with Mr. Shannon’s lack of compliance. Therefore, CCA finds the actions of Officer Johnson amount to Misconduct under policy.

Collateral Allegation: Improper Procedure BWC

The interaction between Officer Johnson and Mr. Shannon was only partially recorded. According to CPD Policy and Procedure Manual §12.540, Body Worn Camera System, Officers will use BWC equipment to record all calls for service and self-initiated activities. Officers equipped with a BWC must activate the BWC when the officer arrives on-scene or announces he or she is in the area. The officer’s BWC must be activated and must record the incident in its entirety, including responding to calls for service in emergency mode, and traffic stops.

In this case, Officer Johnson failed to activate his BWC before interacting with Mr. Shannon, only activating his BWC after his misconduct. This late activation only allowed a portion of the interaction to be audio and video recorded. Such behavior violated CPD Procedure §12.540, Body Worn Camera System. Therefore, this inaction by Officer Johnson was not consistent with CPD policy, procedure, and training.

Findings:

Original Allegations

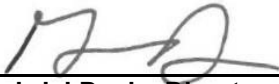
No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Discourtesy	Derrick Johnson	Terrence Shannon	Sustained

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
2	Misconduct	Derrick Johnson	Terrence Shannon	Sustained
3	Improper Procedure (BWC)	Derrick Johnson	Terrence Shannon	Sustained



Robert Stephens, Investigator



Gabriel Davis, Director

Previous Contacts and Commendations for Officers with Sustained Findings:

Officer Anothony

Previous Contact with CCA

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

Previous Contacts for CCA Referrals

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

Previous Contact with IIS

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

Commendations

Officer Johnson received one commendation/s in the past three years.

Date	Source of Commendation Received
10/07/2021	CPD