

Date: August 29, 2023

Case: #23036

Investigator: Jessalyn Goodman

Complaint Received: February 17, 2023

Complainant: Nicole Broadus

CCA completed an investigation of CCA Complaint No. 23036 by Ms. Nicole Broadus. 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 6, 2022

Time: 8:30 pm

Location: Hamilton and Cedar

On October 6, 2022, Ms. Nicole Broadus was the victim of a pedestrian hit and run. As a result, Ms. Broadus was hospitalized. When she was released from the hospital, she contacted District 5 officers to follow up about the incident, but they did not provide information quickly. Officer Isaiah Houston filed charges against the driver of the vehicle but listed an incorrect address for Ms. Broadus. As a result, Ms. Broadus was not notified of the court date and the case was dismissed.

In January and February 2023, Ms. Broadus spoke with Officer Houston and Sergeant Scott Briens to re-file the charges against the driver. Ms. Broadus believed the officers were slow to refile due to her race.

Allegations:

Discrimination
Lack of Service

Persons Involved:

Officer Isaiah Houston, #0351, M/B/21 (CPD, Subject Officer)
Sergeant Scott Briens, #S0121, M/W/50 (CPD, Witness)
Witness A, M/B, (Citizen, Witness)
Nicole Broadus, F/B/44 (Citizen, Complainant/Involved)

Evidence Reviewed:

Hamilton County Clerk of Courts
CPD Records Management System (RMS)
CPD Internal Investigation Section (IIS) Report

CPD Computer Aided Dispatch (CAD)
Body-Worn Camera (BWC) of Officer Houston
Statements by officers, and complainant

Significant Discrepancies or Clarifications:

1. At the time of the incident, Officer Houston was assigned to District 5. After January 8, 2023, Officer Houston was reassigned to District 3.
2. Per Hamilton County Clerk of Courts:
 - In October 2022, Officer Houston signed open warrants for Witness A for Ohio Revised Code (ORC) § 4549.02 Stopping After Accident on Public Road or Highways and Cincinnati Municipal Code (CMC) § 506-51 Pedestrian Right of Way.
 - On January 12, 2023, the charges were dismissed because Ms. Broadus did not appear in court.
 - On February 10, 2023, Officer Houston refiled CMC § 506-51 Pedestrian Right of Way but did not refile ORC § 4549.02 Stopping After Accident on Public Road.
 - On March 7, 2023, Officer Houston refiled (ORC) § 4549.02 Stopping After Accident on Public Road or Highways. There was a finding of guilt.
3. Per the IIS Report, in January 2023, the Hamilton County Prosecutor's Office directed Officer Houston to refile the charges at Ms. Broadus's request. After a review of Officer Houston's re-filing, Hamilton County Assistant Prosecuting Attorney Victoria Lowry determined ORC § 4549.02 Stopping After Accident on Public Road should also be refiled.

Authorities:

CPD Procedure § 12.225 Vehicular Crash Reporting (Revised 03/18/2022)
CPD Manual of Rules and Regulations – Section One – 1.23 (C) (Revised 05/13/2021)

Analysis:

Allegation: Lack of Service

Credible evidence, specifically, relevant BWC footage and consistent statements provided by the officer, proved that Officer Houston investigated Ms. Broadus's accident. CPD Procedure § 12.225 Vehicular Crash Reporting requires officers conduct a thorough investigation, obtain identifying and contact information about the involved parties, speak to witnesses when possible, and file relevant charges. BWC footage showed Ms. Broadus's physical and emotional condition post-accident prevented her from providing information to Officer Houston; Officer Houston ensured medical assistance was imminent and obtained Ms. Broadus's information from her driver's license, which was used for her mailing address. Additionally, he spoke to witnesses, determined the perpetrator's identity, and filed appropriate charges.

According to Ms. Broadus, she was not notified of the court date; when Ms. Broadus realized her case had been dismissed due to her absence, she contacted the Hamilton County Prosecutor's Office and Cincinnati Police Department to have the charges re-filed.

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.” It is clear from the timeline provided by Ms. Broadus, Officer Houston, Sergeant Brians, and the IIS Report that several weeks passed before the situation was clarified and rectified. There were several communications between Ms. Broadus and different CPD officers; additionally, there were additional communications between multiple officers and the Hamilton County Prosecutor’s Office. According to Officer Houston’s statement, one factor involved in this delay included Officer Houston’s transfer to a different district, which slowed communications between Ms. Broadus and Officer Houston.

CPD Procedure § 12.400, when an officer is called to the scene of an offense, if an “investigation reveals probable cause, the officer will file appropriate criminal charges and prepare the case for presentation through the court system.” After the initial incident, Officer Houston filed appropriate charges; however, one month after the Hamilton County Prosecutor’s Office directed him to re-file the charges, Officer Houston re-filed only one of the two charges against Witness A. One month later, after IIS’s contact with the Hamilton County Prosecutor’s Office, Officer Houston re-filed the second charge.

Two months can be a considerable interval for a citizen awaiting legal restitution. Ms. Broadus’s complaint was clearly the impetus for Officer Houston to rectify the situation, and it was only due to Ms. Broadus’s complaint to CCA that IIS conducted a review and contacted the Hamilton County Prosecutor’s Office to rectify the situation. Although Ms. Broadus’s concerns were valid and her persistent intervention prevented the situation from worsening, there is no mandated timeframe within CPD policy for officers to re-file charges, except as directed by the Hamilton County Prosecutor’s Office. Therefore, Officer Houston’s actions were consistent with CPD’s policy, procedure, and training.

Allegation: Discrimination

Ms. Broadus alleged that Officer Houston discriminated against her due to her race. A review of BWC footage, Officer Houston’s investigatory and subsequent actions, and his statement to CCA, CCA did not find any evidence supporting Ms. Broadus’s allegation. Further review of Officer Houston’s Contact Cards provided no proof of a pattern of disparate treatment based on race. There is no information establishing that Officer Houston discriminated against Ms. Broadus as alleged.

Findings:

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Discrimination	Isaiah Houston	Nicole Broadus	Unfounded
2	Lack of Service	Isaiah Houston	Nicole Broadus	Exonerated

Collateral Allegations

There were none.


Jessalyn Goodman, Investigator


Makiedah Messam, Interim Director