

Date: October 18, 2024

Case: 24045

Investigator: Joseph Vesper

Complaint Received: February 20, 2024

Complainant: Anonymous

CCA completed an investigation of CCA Complaint No. 24045 by an Anonymous complainant on behalf of Denorris Houston. 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 intend to summarize all evidence uncovered during the investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Complaint Summary:

Date: February 18, 2024

Time: 07:00 PM

Location: 3511 Burnet Ave., Cincinnati, OH 45229

The Anonymous Complainant, via email, alleged that unidentified officers from the Cincinnati Police Department, subsequently identified as Officers William Cornacchione and Nicholas Treinen, employed excessive force during the arrest of Mr. Houston. Specifically, Officer Cornacchione "put the individual on the ground" and "placed his left forearm on Mr. Houston's neck." While on the ground Officer Cornacchione also "drew his taser on Mr. Houston." During the arrest, Officers Treinen and Cornacchione then forcefully threw Mr. Houston to the ground a second time while they escorted him to the cruiser. Additionally, Officer Grace Paddon instructed the Complainant to "back up," which constitutes a violation of the Complainant's First Amendment rights.

Allegations:

Excessive Force
Improper Procedure

Collateral Allegations:

Discourtesy

Persons Involved:

Officer William Cornacchione, #P0006, M/W/30 (Involved)
Officer Nicholas Treinen, #P0566, M/W/24 (Involved)
Officer Grace Paddon, #P0579, F/A/23 (Involved)
Anonymous, F/B/Unknown (Complainant)
Denorris Houston, M/B/Unknown (Citizen, Involved)

Evidence Reviewed:

Hamilton County Clerk of Courts
CPD Records Management System
CPD Internal Investigation Section (IIS) Report
CPD Computer Aided Dispatch (CAD)
Body-Worn Camera (BWC) of Officers
Statements by officers and relevant witnesses

Significant Discrepancies or Clarifications:

Sergeant Stephen Hoerst, #S0168, M/W/52, Andria Smith, #S0012, F/W/46, and Officers, Carl Reed, #P0003, M/W/38, Britney Salisbury, #P0469, F/W/32, and Soren Koch-Hutchinson, #P0548, M/W/24, responded after the use of force was utilized and were not interviewed due to their minimal involvement in the incident.

CCA attempted to contact the Complainant and Mr. Houston via phone, and U.S. mail but received no response. To date the Complainant has not contacted CCA to make a further statement.

Authorities:

CPD Procedure §12.545 Use of Force
CPD Procedure § 12.600 Prisoners: Securing, Handling, and Transporting
CPD Manual of Rules and Regulations: Code of Ethics
CPD Manual of Rules and Regulations §1.06 Failure of Good Behavior
ORC § 2921.31 Obstruction of Official Business
ORC § 2921.33 Resisting Arrest
Cincinnati Municipal Code (CMC) § 506 – 40 Traffic Signal Avoidance
Cincinnati Police Academy (CPA) Training Bulletin, Verbal Stunning, #2001-1
Martin v. City of Broadview Heights, 712 F.3d 951, 958 (6th Cir. 2013).
Graham v. Connor, 490 U.S. 386 at 396 (1989).

Analysis:

Allegation: Excessive Force

The Complainant alleged Officers Cornacchione and Treinen used excessive force in the arrest of Mr. Houston when Officer Cornacchione, “put the individual on ground” (...) and “put his left forearm on Mr. Houston’s neck.” Officer Cornacchione then pulled his taser on Mr. Houston and as Mr. Houston was escorted back to the cruiser Officers Cornacchione and Treinen threw Mr. Houston to the ground a second time.

CPD Procedure § 12.545 Use of Force states, “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 objectively reasonable,” within the eyes of the reasonable officer. The procedure, defines “Hard Hands” as “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.” (Emphasis added). The decision to use force must be evaluated using the following three factors that comprise the reasonableness test: “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.”¹

Credible evidence, specifically MVR, BWC footage, and consistent officer statements, reveal that Mr. Houston was pulled over for violation of CMC § 506 – 40 Traffic Signal Avoidance, after he sped through a redlight. Mr. Houston was stopped and stepped out of his vehicle of his own accord.

1st Leverage Displacement.

At approximately 18:54:11, as recorded by BWC, Officer Cornacchione directed Mr. Houston to “turn around and put your hands behind your back.” Mr. Houston failed to comply with this command and actively resisted by pulling his left arm away. As Officer Cornacchione proceeded to apply handcuffs, Mr. Houston exhibited further resistance by tensing his right arm and attempting to evade detainment. Despite four more commands, specifically, to “put your right hand behind your back” Mr. Houston did not comply.

Given these circumstances, Mr. Houston’s actions constituted violations of Ohio Revised Code (ORC) § 2921.31, Obstruction of Official Business, and ORC § 2921.33, Resisting Arrest. In response to Mr. Houston's resistance, Officer Cornacchione employed a leverage displacement technique to facilitate compliance. The BWC footage and officer statements confirm that even after being taken to the ground, Mr. Houston continued to resist handcuffing by pulling his left hand away and tensing his body, as evidenced at timestamp 18:55:14.

Considering the ongoing resistance, Officer Cornacchione withdrew his TASER™ and aimed it at Mr. Houston’s back, issuing a warning that the device would be deployed if he did not comply. Following this warning, Mr. Houston cooperated and was subsequently handcuffed. Notably, at no point did Officer Cornacchione place his arm or hand around Mr. Houston’s neck, contrary to the allegations made.

Both obstruction of official business and resisting arrest are classified as second-degree misdemeanors under Ohio law. Mr. Houston's behavior presented a significant risk to officer safety and demonstrated a clear unwillingness to follow lawful commands, justifying the use of force applied by Officer Cornacchione, the leverage displacement and TASER™ withdraw.

Based on the evidence presented, Officer Cornacchione acted within the established policies, procedures, and training protocols of the Cincinnati Police Department (CPD). The actions taken were consistent with objective reasonableness in response to Mr. Houston’s resistance.

2nd Leverage Displacement

The Complainant alleged that Officers Treinen and Cornacchione threw Mr. Houston to the ground a second time while they escorted him to the cruiser.

Review of Officer Paddon’s BWC footage at timestamp 18:56:10 shows Mr. Houston actively resisted arrest a second time when he pulled and stepped away from Officer Cornacchione. This caused the Officer Cornacchione to lose his balance. As Officer Cornacchione fell forward, he utilized a second leverage displacement maneuver upon Mr. Houston.

¹ *Martin v. City of Broadview Heights*, 712 F.3d 951, 958 (6th Cir. 2013) citing *Graham v. Connor*, 490 U.S. 386 (1989) at 396).

The charges of Obstruction of Official Business and Resisting Arrest are second-degree misdemeanors. Mr. Houston's actions clearly indicate active resistance as he sought to avoid being secured in the cruiser. Officer Treinen assisted in escorting Mr. Houston to the cruiser but did not utilize any force.

Therefore, Officer Cornacchione was within CPD's policy, procedure, and training when he used a second leverage displacement upon Mr. Houston.

Allegation: Improper Procedure (1st Amendment)

CPD Procedure Manual §18.122 (L) (1), Media Requests, states, "in the event of a dispute over where media representatives are entitled to position themselves, (...)" furthermore, "Neither traditional (e.g., major broadcast network) nor non-traditional (e.g., individual with a camera) media representatives have special rights under the law and are entitled to the same access to scenes as any member of the public." Public places, such as streets, sidewalks and parks are considered public forums historically associated with the free exercise of speech. However, the government may enforce reasonable regulations as to time, place, and manner of expression, even though it may not impose an outright ban.²

BWC footage does not substantiate the Complainant's claim that Officer Paddon impeded their First Amendment right to record. At the timestamp 18:56:19, Officer Paddon instructed the Complainant to "back up," to which the Complainant complied but responded, "We don't got to back up (...) back up yo ass (...) fuck you!" Prior to this command, the Complainant was positioned a car's length from an active arrest scene. The directive to step back was necessary to maintain control of the situation and did not constitute a ban on recording in a public area.

The commands issued by Officer Paddon were in accordance with the laws of the United States, and within the bounds of CPD policy and procedure.

Collateral Allegations

Allegation: Discourtesy

While not alleged specifically, CCA noticed the below stated violation of CPD policy. Namely, Discourtesy against Mr. Houston and Officer Paddon.

The CPD Manual of Rules and Regulations: Code of Ethics states law enforcement Officers must be, "respectful and courteous to all citizens. They serve their city with zeal, courage, dedication, and fidelity. They are faithful and loyal to their organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies in matters of mutual interest and obligation." Additionally, CPD Manual of Rules and Regulations § 1.06 Failure of Good Behavior states under section (A), "Members of the Department shall always be civil, orderly, and courteous in dealing with the public, subordinates, superiors, and associates." And under section (B): "Members of the Department shall avoid the use of course, violent, or profane language." An exception, according to Cincinnati Police Academy (CPA) Training Bulletin, Verbal Stunning, #2001-1, "the use of course, violent, or profane language should be avoided, but verbal stunning, which is the use of profane language, may be condoned in the demand stage."

² See *United States v. Grace*, 461 U.S. 169 (1983).

Per Officer Cornacchione's BWC footage at timestamp 20:23:05, captured him physically engaging with Mr. Houston, during which he was holding Mr. Houston's arms as Officer Paddon attempted to apply handcuffs. Notably, at 18:55:43, Officer Cornacchione stated, "Just put his fucking hand in there," directed at Officer Paddon.

When questioned about this use of profanity during his CCA interview, Officer Cornacchione explained "She was really having a really hard time understanding that she had to put his hands in the handcuffs."

This statement, while possibly intended to convey urgency, was unprofessional and inappropriate in the presence of the public. Such language undermines the standards of conduct expected from law enforcement officers and reflects poorly on the professionalism of the department.

Consequently, Officer Cornacchione's conduct deviated from the established standards, failing to align with CPD's policy, procedure, and training.

Findings:

Original Allegations

No.	Allegation	Involved Officer	Involved Citizen	Finding
1	Excessive Force	William Cornacchione	Denorris Houston	Exonerated
2	Excessive Force	Nicholas Treinen	Denorris Houston	Unfounded
3	Improper Procedure	Grace Paddon	Anonymous	Unfounded

Collateral Allegations

No.	Allegation	Involved Officer	Involved Citizen	Finding
4	Discourtesy	William Cornacchione	Denorris Houston	Sustained

Recommendations/Observations:

#R2414: Corrective and Disciplinary - Officer Training

It is recommended that Officer Cornacchione undergo customer service training to address the inappropriate use of profanity during interactions with the public. Specifically, the use of the term "fuck" is unprofessional and undermines the department's commitment to respectful and courteous communication. Such training will enhance Officer Cornacchione's ability to engage with the community in a manner that reflects the values and standards of the Cincinnati Police Department, fostering positive relationships and promoting public trust.



Joseph Vesper, Investigator



Dena Brown, Interim Director

Previous Contacts and Commendations for Officers with Sustained Findings:

Officer William Cornacchione

Previous Contacts with CCA

Officer Cornacchione had seven previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
23168	Improper Stop	Exonerated
23168	Improper Search	Exonerated
23061	Discourtesy	Unfounded
23061	Excessive Force	Not Sustained
23061	Improper Seizure	Exonerated
21052	Excessive Force	Exonerated
21052	Excessive Force	Exonerated
22048	Discrimination	Unfounded
22048	Improper Search	Exonerated
21106	Excessive Force	Exonerated
21106	Improper Search	Exonerated
21106	Discrimination	Unfounded
21106	Discourtesy	Unfounded
21106	Improper Stop	Exonerated
21021	Improper Search	Not Sustained

Previous Contacts for CCA Referrals

CCA is unaware of any additional previous referrals by Officer Cornacchione to CPD within the past three years.

Previous Contacts with IIS

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

Commendations

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

Date	Source of Commendation Received
11/5/2021	CPD
11/5/2021	CPD