

Case: #25190

Investigator: Joseph Vesper

Complaint Received: September 2, 2025

Complainant: Dennis Owusu

CCA completed an investigation of CCA Complaint No. 25190 by Dennis Owusu. 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 of Incident: May 16, 2025

Date Complaint Received: September 2, 2025

Time: 12:00 a.m.

Date Records Requested: September 2, 2025

Location: 95 E Freedom Way

Date Records Received: September 11, 2025

On May 16, 2025, at approximately 12:00 a.m., near Filson Queen City and Yardhouse, Mr. Owusu alleged that he was in the middle of a conversation with an unknown individual who was having his vehicle towed. An unknown officer told him to "shut up." Mr. Owusu responded by telling the Officer to "shut up" and then began to walk away. The Officer Tased him in the back and then arrested him without reason. Mr. Owusu alleged he was improperly seized, excessive force was used in the arrest, and the unknown officer was discourteous.

Fact Summary:

Per Officer Brent Eve's body-worn camera (BWC) at timestamp 00:37:00, Officer Eve spoke with Witness A, who stood beside his vehicle as it was about to be towed. While standing on a public sidewalk, Mr. Owusu stated, "It's not connected," directed toward Witness A. Officer Eve replied, "You're going to get him arrested, you mind your own business." Mr. Owusu responded, "You shut the fuck up, it's not connected."

Officer Eve ceased his conversation with Witness A and walked toward Mr. Owusu, who began to walk away at a quick pace. At timestamp 00:37:36, Officer Eve issued several commands for Mr. Owusu to stop, stating, "Stop, or you're going to get Tased." At timestamp 00:37:39, Mr. Owusu ran from Officer Eve. Officer Eve deployed his Taser (CEW), contacting Mr. Owusu's back. Mr. Owusu fell forward, nearly colliding with Officer Ar'mon Shack, who had approached the scene, and fell to the ground. Officers secured Mr. Owusu in handcuffs and placed him under arrest. Mr. Owusu was charged with Disorderly Conduct and Obstruction of Official Business.

Allegations:

Improper Seizure
Excessive Force
Discourtesy

Persons Involved:

Officer Brent Eve, P0647, M/W/43, Hire Date: 6/17/2007 (Involved)
Officer Ar'mon Shack, P0976, M/B/28, Hire Date: 1/13/2019 (Witness)
Dennis Owusu, M/B/36 (Complainant)

Evidence Reviewed:

Hamilton County Clerk of Courts
CPD Records Management System (Axon)
CPD Computer Aided Dispatch (CAD)
Body-Worn Camera (BWC)
Statements by officers and complainant
Other CPD documentation

Significant Discrepancies or Clarifications:

Mr. Owusu was charged with violation of Ohio Revised Code (ORC) § 2917.11 (B)(1) Disorderly Conduct and Ohio Revised Code (ORC) § 2921.31 Obstructing Official Business. The case was dismissed, 25/CRB/8057.

Authorities:

CPD Procedure § 12.555 Arrest/Citation.
CPD Procedure § 12.545 Use of Force.
CPD Manual of Rules and Regulations § 1.06 Failure of Good Behavior.
Ohio Revised Code § 2917.11(B)(1) (Disorderly Conduct).
Ohio Revised Code § 2921.31 (Obstructing Official Business).
State v. Featherstone, 150 Ohio App. 3d 24, (2002).
City of Houston v. Hill, 482 U.S. 451 (1987).
City of Cincinnati v. Karlan, 39 Ohio St.2d 107 (1974).
Sandul v. Larion, 119 F.3d 1250 (6th Cir. 1997).
Lyons v. City of Xenia, 417 F.3d 565 (6th Cir. 2005).
State v. Certain, 180 Ohio App. 3d 457, 2009-Ohio-148.
Florida v. Royer, 460 U.S. 491 (1983).
State v. Jones, 70 Ohio App.3d 554 (1990).
Graham v. Connor, 490 U.S. 386 (1989).
Baker v. City of Hamilton, 471 F.3d 601 (6th Cir. 2006).

Analysis:

Allegation: Improper Seizure

Mr. Owusu alleged that he was arrested without cause. He was charged with violations of ORC § 2917.11(B)(1) (Disorderly Conduct) and ORC § 2921.31 (Obstructing Official Business). Body-Worn Camera (BWC) footage showed that Mr. Owusu, while standing on a public sidewalk, stated, "It's not connected," directed toward Witness A, who stood near a vehicle being towed. Officer Eve replied, "You're going to get him arrested, you mind your own business." Mr. Owusu

responded, “You shut the fuck up, it’s not connected.” Per BWC, at no point did Mr. Owusu make any statements to induce Witness A into non-compliance.

During his interview with the Citizen Complaint Authority (CCA), Officer Eve stated that when he ordered Mr. Owusu to stop, Mr. Owusu was not free to leave. Officer Eve explained that he intended to either direct Mr. Owusu to leave the area, have him cease his behavior, or issue a citation, but had not yet determined which action he would take. When asked what facts supported reasonable suspicion for the stop, Officer Eve explained, “His (Mr. Owusu’s) behavior that way he was yelling, cussing, umm the fact that he is trying to incite another gentleman to umm not obey police, orders and commands. (...) so that was why I was going to stop him and have a discussion with him. (...).”

Under CPD Procedure § 12.555 Arrest/Citation, an Officer may arrest and charge for a misdemeanor in which he witnesses, but probable cause is still a requirement. Even pretextual arrests are permitted, but they are unlawful when not supported by probable cause.¹

The evidence in this case does not establish reasonable suspicion to detain or probable cause to then arrest Mr. Owusu. The conduct captured on BWC, verbal criticism and use of profanity toward Officer Eve constituted speech protected under the First Amendment and did not amount to reasonable suspicion to detain Mr. Owusu to investigate disorderly conduct.² Without reasonable suspicion, Officer Eve then lacked subsequent probable cause to charge Mr. Owusu with Obstructing Official Business under ORC § 2921.31. This is because the probable cause to arrest arose solely from Mr. Owusu’s flight during the invalid attempted stop.³

Moreover, Officer Eve’s arrest of Mr. Owusu constituted an improper seizure under the Fourth Amendment and relevant case law. Therefore, Officer Eve was not within CPD’s policy, procedure, and training.

Allegation: Excessive Force

Mr. Owusu alleged Officer Eve tased him in the back without reason. Per BWC, after the verbal exchange Officer Eve followed Mr. Owusu and ordered him to stop multiple times. Mr. Owusu continued to walk away and when Mr. Owusu hastened his pace Officer Eve discharged his CEW. The CEW contacted Mr. Owusu in the back and forced him to the ground. When asked why he used the CEW, Officer Eve explained, “After giving warnings to stop or he would be Tased, he began to run.”

¹ *State v. Featherstone*, 150 Ohio App. 3d 24 (2002).

² *See City of Houston v. Hill*, 482 U.S. 451 (1987) (holding that the freedom to verbally oppose or challenge police action is constitutionally protected and that laws criminalizing mere interruption or verbal challenge are invalid); *see also City of Cincinnati v. Karlan*, 39 Ohio St. 2d 107 (1974) (determining that offensive or profane language, absent “fighting words” or conduct threatening violence, does not amount to disorderly conduct); *Sandul v. Larion*, 119 F.3d 1250 (6th Cir. 1997) (holding that profane gestures and words directed toward police were protected expression and could not justify a detention or arrest).

³ *See Lyons v. City of Xenia*, 417 F.3d 565 (6th Cir. 2005); *cf. State v. Certain*, 180 Ohio App. 3d 457, 2009-Ohio-148, ¶ 14 (“Although the detained person need not answer the subsequent questions, an individual is not free to flee the scene *when the prerequisites for a Terry stop are present.*” *emphasis added*); *Florida v. Royer*, 460 U.S. 491, 498 (1983) (Certain constraints on personal liberty that constitute ‘seizures’ for purposes of the Fourth Amendment may nonetheless be justified even though there is no showing of “probable cause” *if* there is articulable suspicion that a person has committed or is about to commit a crime. *emphasis added*); *see also State v. Jones*, 70 Ohio App. 3d 554 (1990).

CPD Procedure § 12.545 Use of Force states in-part, “1. A CEW may be deployed on a suspect actively resisting arrest *when there is probable cause to arrest the suspect, or to defend one’s self or another from active aggression.*” (emphasis added). The procedure later states, “a. An individual simply fleeing from an officer, absent additional justification, (i.e., reasonable suspicion to detain or probable cause to arrest) does not warrant the use of a CEW.”

As previously stated, Officer Eve did not have reasonable suspicion to detain nor probable cause to arrest Mr. Owusu. Therefore, any force used to effectuate the unlawful detention and arrest was itself unreasonable under the Fourth Amendment.⁴ CPD Procedure § 12.545 expressly prohibits the use of a CEW on “an individual simply fleeing from an officer” absent probable cause or reasonable suspicion.

In addition, Mr. Owusu did not display any active aggression or threatening behavior. None of the procedure considerations, severity of offense, nor risk to officers or others were present.

Moreover, Officer Eve’s deployment of the CEW on Mr. Owusu was not objectively reasonable under the Fourth Amendment and violated CPD Procedure § 12.545. Because Officer Eve lacked legal justification to seize Mr. Owusu, the use of the CEW was not warranted. Therefore, Officer Eve was not within CPD’s policy, procedure, and training.

Allegation: Discourtesy

Mr. Owusu alleged that Officer Eve acted in a discourteous manner. Per BWC at timestamp 00:34:35 Officer Eve, stated, “Yeah, I agree (...) It is bullshit that all these people park illegally,” while he interacted with Mr. Owusu.

CPD Manual of Rules and Regulations § 1.06 Failure of Good Behavior states (in-part) under section (A), “Members of the Department shall always be civil, orderly, and courteous in dealing with the public, subordinates, superiors, and associates.” Under section (B): “Members of the Department shall avoid the use of course, violent, or profane language.”

When asked if he said anything that could have been misinterpreted as discourteous Officer Eve explained, “No, I don’t think so.” Despite the failed recollection of the use of the term “bullshit,” the language was profane in nature. Therefore, Officer Eve was not within CPD’s policy, procedure, and training.

Findings:

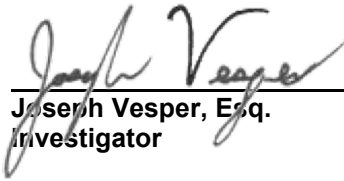
Original Allegations

No.	Allegation	Involved Officer	Involved Citizen	Finding
1	Improper Seizure	Brent Eve	Dennis Owusu	Sustained
2	Excessive Force	Brent Eve	Dennis Owusu	Sustained
3	Discourtesy	Brent Eve	Dennis Owusu	Sustained

⁴ See *Baker v. City of Hamilton*, 471 F.3d 601, at 607 (6th Cir. 2006) (“The Court has identified three factors that lower courts should consider in determining the reasonableness of force used: (1) the severity of the crime at issue; (2) whether the suspect posed an immediate threat to the safety of the police officers or others; and (3) whether the suspect actively resisted arrest or attempted to evade arrest by flight. *Baker.*”); see also *Graham v. Connor*, 490 U.S. 386 (1989).

Recommendations/Observations:

There are none.



**Joseph Vesper, Esq.
Investigator**



John Kennedy, Director

Previous Contacts and Commendations for Officers with Sustained Findings:

Officer Eve

Previous Contacts with CCA

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

Case Number	Allegation	Finding
25089	Harassment	Pending
24083	Excessive Force	Unfounded
24083	Improper Stop	Exonerated
24083	Discourtesy	Unfounded
24083	Improper Search	Exonerated
24080	Improper Stop	Exonerated
24080	Lack of Service	Not Sustained
24080	Improper Procedure	Not Sustained
24080	Discourtesy	Unfounded
24080	Improper Search	Sustained
24017	Harassment	Unfounded
24017	Discourtesy	Unfounded
24017	Discrimination	Unfounded
24017	Improper Seizure	Exonerated

Previous Contacts for CCA Referrals

Officer Eve had two allegations referred to CPD for investigation in the past three years.

Case Number	Allegation	CPD Finding
25063	Discourtesy	Referred
24152	Harassment	Referred

Previous Contacts with IIS

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

Commendations

Officer Eve received no commendations in the past three years.