



CCA Case No. 20127

Bihute Amissi

Investigation Report and Finding

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COMPLAINT SUMMARY

Date: March 13, 2020

Time: 7:20:00 PM

Location: 2165 Weron Lane

CCA Receipt: July 09, 2020

On 3/13/20, Mr. Bihute Amissi, was pulled over by Officer William Nastold. This was the third time in approximately six months that Officer Nastold pulled him over. When Mr. Amissi questioned why Officer Nastold continued to pull him over, Officer Nastold responded that until he stopped driving with "prostitutes," he would continue to pull over Mr. Amissi. Mr. Amissi stated all the vehicle stops resulted in a citation for "unauthorized tags." Mr. Amissi noted that Officer Nastold is harassing him. Mr. Amissi feels "uncomfortable" and believes the stops by Officer Nastold are becoming "personal."

INVOLVED SUBJECT STATEMENTS

Bihute Amissi

CCA interviewed Bihute Amissi, M/B/43, on July 9, 2020, at 3:15 p.m. He provided the following information:

Mr. Amissi asserted that Officer Nastold has been harassing him over the course of the last six months. Previous incidents occurred October 29, 2019, led to an arrest, and additionally on January 3, 2020, and March 13, 2020, which resulted in traffic citations. Mr. Amissi stated all the vehicle stops resulted in a citation for "unauthorized tags."

On March 13, 2020, Mr. Amissi, and his passenger, Witness A, F/W/33, drove down Weron Lane in his vehicle. While driving down the road, Officer Nastold pulled him over. Mr. Amissi was informed that the stop was conducted due to the expired tag on his vehicle. Mr. Amissi asserted that the tag was not to expire until the end of March 2021. After receiving his ticket, Mr. Amissi asked again for the nature of the stop. Officer Nastold responded with; "if you will stop taking prostitute in Price Hill, I will stop pulling you over." Mr. Amissi conveyed that he felt this Officer was targeting him, making it personal. Mr. Amissi made no mention of racial motives in his interview or complaint as well as in the Body Worn Camera (BWC) footage of the incident.

INVOLVED OFFICER STATEMENTS

Officer William Nastold

Officer William Nastold, #P0474, M/W/38, is currently assigned to District 3, and he has been a CPD member since 2014. Officer Nastold was on routine patrol in uniform and operated a marked cruiser; his BWC was activated.

CCA interviewed Officer Nastold on March 2, 2022, at 06:30 a.m. He provided the following information:

Officer Nastold came in contact with Mr. Amissi on March 13, 2020, when he conducted a traffic stop on a vehicle with an equipment violation, an expired dealer tag. Mr. Amissi was the driver of with a passenger by the name of Witness A. Officer Nastold explained to Mr. Amissi that the nature of the stop was an expired tag. Officer Nastold expressed that Mr. Amissi might have been confused about the expiration of his tags because he protested the timing of the expiration. Officer Nastold explained to Mr. Amissi that his information comes from the Bureau of Motor Vehicles (BMV) and as an Officer, he must go off that information. Officer Nastold explained that he has had two previous encounters with Mr. Amissi, both of which were due to traffic violations, resulting in citations.

Officer Nastold also explained that in a previous encounter with Mr. Amissi, a prostitute was possibly involved. Officer Nastold further explained that during his March 13th encounter with Mr. Amissi, he told Mr. Amissi, "It was not healthy for him and that it is not safe thing obviously, to be picking up prostitutes." At that point, Mr. Amissi had signed the ticket and Officer Nastold concluded his traffic stop.

OFFICER WITNESS STATEMENTS

There were no pertinent witnesses.

WITNESS STATEMENTS

There were no pertinent witnesses.

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). The respective contact cards were reviewed were found to be completed.

CCA also reviewed citations issued to Mr. Amissi by Officer Nastold. Those citations records were received from CPD. Those citations are as follows:

On April 29, 2019, Mr. Amissi was cited for Cincinnati Municipal Code (CMC) § 506-35 - Entering Through Highway or Stop Intersection (Rolled through a stop sign), ORC Section 4503.30 - Display of placards issued to manufacturers, dealers or distributors (Dealer tag used for personal use) and ORC Section 2925.11 - Possession of controlled substances (Marijuana). The CMC §

506-35 charge was upheld by plea and subsequently paid, ORC Section 4503.30 charge was later dismissed, and the ORC Section 2925.11 charge was later dismissed.

On December 29, 2019, Mr. Amissi was cited for CMC § 506-73 - Driving to Left of Center Line; Clear Distance Ahead, CMC § 506-80 - Changing Course of or Stopping Vehicle (No signal on left turn). The CMC § 506-73 charge was upheld by plea and subsequently paid, and the CMC § 506-80 charge was later dismissed.

On March 13, 2020, Mr. Amissi was cited for CMC § 503-52 - Unauthorized License Plates (Dealer tag expired on December 16, 2019). The CMC § 503-52 charge was later dismissed.

Body Worn Camera (BWC)

CCA reviewed BWC footage for Officer William Nastold, Officer Austin Lee, and Officer Joseph Bricker. The aforementioned BWC footage collectively affirmed the information provided in Officer Nastold's BWC who was the primary officer.

Officer Nastold

The events recorded by Officer Nastold's BWC occurred on 03/13/2020 starting at 19:18, according to the BWC's timestamp. A review of that recording revealed the following:

Officer Nastold exited his vehicle to approach Mr. Amissi's vehicle. In the process of his approach, he used his flashlight to verify the tag on the vehicle. He then made contact with Mr. Amissi on the driver's side, introduced himself and then explained to Mr. Amissi that the reason for pulling over him was due to his license plate tag being expired. After discussing the reasoning for the stop and the status of the tags, Officer Nastold asked for the identification of both the driver and the passenger. Mr. Amissi then asked Officer Nastold if he remembered him, and the Officer replied after a few moments that he did. The Officer then followed up by asking "Is this another one of your friends you are giving a ride to?" The Officer then collected the remaining information from the occupants and proceeded to his cruiser to file his paperwork. While reviewing the information of the occupants, two additional police officers arrived on the scene. Officers Austin Lee and Joseph Bricker. Both Officers had little to no contact with Mr. Amissi or Witness A.

Officer Nastold returned to the vehicle to return the documents and give the citation. Mr. Amissi stated that he did not have proof of insurance on him at this time. With that information, the Officer finished writing the citation. Officer Nastold then explained the citation and the need for proof of insurance to prevent the DMV from suspending his license. The officer turned his attention to the passenger and explained that there was an active warrant for her arrest out of Butler County, but that he was not arresting her for it at that time.

As Mr. Amissi went to sign the citation, he asked Officer Nastold about how this was the 12th time this Officer had pulled him over. The Officer responded, "it seems you keep committing traffic violations if I keep pulling you over." As the Officer motioned away, he said "...remember to leave those prostitutes alone in Price Hill."

SIGNIFICANT DISCREPANCIES AND CLARIFICATIONS

The two dates provided by Mr. Amissi's statement leading up to the March 13th traffic stop did not align with citations and police records. The first interaction was said to occur on October 29, 2019,

but had a record of taking place on April 29, 2019. Similarly, the second interaction was said to take place on January 3, 2020, but had a record of taking place on December 29, 2019.

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

§ 12.554 Investigatory Stops

Information:

There are three levels of police/citizen contact.

The first level is 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. Although a citizen is required to properly identify oneself during the stop, failure to answer investigatory questions asked by the Officer 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.

Policy:

No law enforcement agency should condone or promote the use of 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.

Procedure:

A. Completing a Form 534, Contact Card

1. A Contact Card must be completed any time an officer stops a motor vehicle or conducts an inquiry of individuals in a stopped motor vehicle.
 - a. When more than one vehicle is stopped as result of a single incident (same CAD number), officers will note the vehicle number (#2, #3, #4, etc.) in the designated block on the Contact Card. If only one vehicle is stopped it is not necessary to put #1 in the block.
 - b. A Contact Card is required **in addition to** any other documentation of the incident (e.g., Form 527, Arrest Report, NTA, MUTT).

II. CPD Manual of Rules and Regulations (in part)

Section One – Failure of Good Behavior

1.06

- A. Members of the Department shall always be civil, orderly, and courteous in dealing with the public, subordinates, superiors, and associates.
- B. Members of the Department shall avoid the use of coarse, violent, or profane language.
- C. Members of the Department shall not express any prejudice concerning race, sex, religion, national origin, life-style, or similar personal characteristics.

ANALYSIS

Allegation 1: Improper Stop

According to BWC and testimonial evidence, on March 13, 2020, at approximately 7:20 P.M. Officer Nastold conducted a traffic stop on a vehicle that had an equipment violation, an expired tag.

Per CPD Procedure § 12.554 Investigatory Stops, if an officer has “reasonable suspicion to believe the citizen is committing or has committed a crime” then the officer “may forcibly stop and detain the citizen for a brief investigatory period.” The officer is permitted to make an arrest where probable cause exists.

Upon seeing what he believed to be an equipment violation, Officer Nastold had reasonable suspicion to conduct a traffic stop on said vehicle. The vehicle at the time of the stop was determined not to be in code and a citation was issued to Mr. Amissi. The entire detainment lasted approximately 15 minutes. CCA concluded Officer Nastold was not in violation of CPD’s policy, procedure, and training.

Allegation 2: Harassment

CCA has defined harassment to include “persistent aggressive pressure or intimidation.” CCA Annual Reports 2019 & 2020 (Definition of Terms). Over the course of a year, dating back to April of 2019, Officer Nastold performed three traffic stops on Mr. Amissi. In all three interactions, Mr. Amissi had a different vehicle. With each stop, the Officer was provided the reasonable suspicion to conduct a detention. On April 29th, 2019, Mr. Amissi was observed rolling through a stop sign. On December 29th, 2019, Mr. Amissi failed to signal a left turn. On March 13th, 2020, Mr. Amissi had expired dealer tags. Citations were issued on all three of these stops. CPD records did not show any additional contacts between Mr. Amissi and Officer Nastold. The collective footage, testimonial evidence and history of Officer Nastold did not show conduct rising to the level of harassment.

Allegation 3: Discourtesy

According to CPD's Manual of Rules and Regulations §1.06, officers are required to deal courteously with members of the public.

On March 13, 2020, Officer Nastold made the comment "...remember to leave those prostitutes alone in Price Hill." That comment was directed to Mr. Amissi in the presence of Witness A. This comment was not warranted nor was it appropriate. Mr. Amissi had never been charged with solicitation. The Officer was not familiar with the passenger, or any connection between the passenger and solicitation. CCA concluded Officer Nastold was in violation of CPD's policy, procedure, and training.

FINDINGS

Original Allegations

Officer Nastold

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

Harassment – There are no facts to support the incident complained of actually occurred. **UNFOUNDED**

Discourtesy – The allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the Officer were improper. **SUSTAINED**



Robert Stephens, Investigator

April 1, 2022

Date



Gabriel Davis, Director

April 1, 2022

Date

**PREVIOUS
CONTACTS AND
COMMENDATIONS**

Officer Nastold

Previous Contacts with CCA

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

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Officer Nastold with IIS in the past three years.

Commendations

Officer Nastold received 5 commendations in the past three years.

Date	Source of Commendation Received
05/25/2021	CPD
08/31/2020	CPD
08/31/2020	CPD
03/24/2020	Civilian
05/16/2019	Civilian