



---

**CCA Case No. 22162**

**Discharge of a Firearm**

**Leonard Brewington**

**Investigation Report and Findings**

---

**Joseph Vesper  
Investigator**

**Makiedah Messam  
Interim Director**

## **Table of Contents**

---

Complaint Summary

Involved Subject Statements

Involved Officer Statements

Officer Witness Statements

Witness Statements

Evidence

Significant Discrepancies and Clarifications

Authorities

Analysis

Findings

Previous Contacts and Commendations

---

## COMPLAINT SUMMARY

Date: July 23, 2022

Time: 05:00 PM

Location: 5311 Madison Road-United Dairy Farmers

CCA Receipt: July 23, 2022

On July 23, 2022, around 5:00 PM, 17:00:00 the Emergency Communications Center (ECC) received a 911 call regarding a silver Toyota driving erratically near Madison and Red Bank Roads. The driver was reportedly falling asleep at the wheel. CPD Officer Genesis Steele responded to the area and observed a vehicle matching the description in the parking lot of the United Dairy Farmers (UDF) at 5311 Madison Road. Officer Steele performed a license plate inquiry and found that the vehicle had been reported stolen.

Officer Steele approached the vehicle and encountered Mr. Leonard Brewington who was outside, crouched, by the front passenger door. Officer Steele withdrew her firearm and issued several commands to Mr. Brewington to "show his hands." Instead, Mr. Brewington moved towards the opened front passenger seat and emerged from the vehicle with a firearm (9mm Hi-Point pistol). Mr. Brewington then aimed the firearm at Officer Steele and assumed a shooting stance.

Officer Steele discharged her firearm five times in Mr. Brewington's direction. Mr. Brewington was shot in the chest and hip. He slumped to the ground and Officer Steele then approached him, handcuffed him, took his firearm and provided him medical care while she waited for an ambulance. Officer Steele broadcast "Shots Fired" and Officer Karoline Harris responded to the assistance run and helped render emergency aid to Mr. Brewington. However, Mr. Brewington was mortally wounded and later pronounced dead at University of Cincinnati Medical Center (UCMC), having succumbed to his injuries.

## INVOLVED SUBJECT STATEMENTS

### Leonard Brewington

Leonard Brewington, M/W/34, succumbed to his injuries and was pronounced deceased at UCMC.

## INVOLVED OFFICER STATEMENTS

### Genesis Steele

Officer Genesis Steele, PO259, F/B/39, is currently assigned to District 2, and she has been a CPD member since 2017. Officer Steele was on routine patrol, in uniform and operated a marked cruiser; her BWC was activated.

CCA interviewed Officer Steele on the 20th of July 2023 at 4:00 PM. She provided the following information:

Officer Steele was at Madison Road and Medpace Way when ECC broadcast a BOLO (Be On The Look Out) for a vehicle driving erratically. The description included the vehicle's license plate number and physical appearance. Officer Steele queried the plate through dispatch and the vehicle came back as stolen. Officer Steele arrived on scene and did not originally request backup because she did not believe or see anyone around the vehicle. She exited her cruiser to identify the stopped vehicle, approached from the back, identified the license plate number matched and saw Mr. Brewington kneeling by the passenger side pumping air into a tire. Officer Steele advised CCA she discharged her firearm because, "he pointed a gun at me, and initially I thought he fired at me." Officer Steele also noted, "procedurally when you encounter a suspect near a stolen vehicle you hold them at gunpoint and call for backup, or you order them to the ground, put them in a position where you can take them into custody."

## OFFICER WITNESS STATEMENTS

### Officer Karoline Harris

Officer Karoline Harris, #PO494, F/W/50, is currently assigned to District 2, and she has been a CPD member since 2004. Officer Harris was on routine patrol, in uniform, and operated a marked cruiser. Her BWC was activated.

CCA interviewed Officer Harris on the 27th of July, 2023 at 10:00 AM. She provided the following information:

Officer Harris responded to the UDF at 5311 Madison Road. Officer Harris believed she had heard a bulletin, "shots fired" via dispatch and responded to the scene. Upon arrival, Officer Steele was at the parking lot of the UDF gas station. Officer Harris did not query the stopped vehicle's license number but was made aware that the vehicle was stolen through a broadcast via dispatch's BOLO. She also stated that she was aware that a kidnapping was also associated with the stopped vehicle but did not know when she became aware of this information. Officer Harris stated that she could not recall any statements made by Officer Steele. Officer Harris further stated that she checked to see if Mr. Brewington was still breathing and waited for CFD to respond.

## WITNESS STATEMENTS

There were none.

## EVIDENCE

CCA responded to the ECC notification of the shooting and monitored the investigation being conducted by the Homicide Unit as well as the processing of the scene by the Criminal Investigations Section (CIS).

## **Police Documents**

CCA reviewed all CPD, Hamilton County Prosecutor, and Hamilton County Coroner-related forms, including but not limited to the supervisor's use of force report (Form 18F), information from CPD's Records Management System (RMS), Homicide Investigation Report, Criminal Investigations Section (CIS) documents, Springfield PD Incident Report #202203384, 911 transcript from ECC, radio transcript reports, and IIS reports.

## **Computer Aided Dispatch (CAD)**

### *Incident Detail Report(s):*

CPD220723001237 Incident Detail Report (Police)

CPD220723000206 Incident Detail Report (Fire)

<b>Date</b>	<b>Time</b>	<b>Call Notes</b>
<b>07/23/22</b>	16:49:45	Wireless Caller.
	16:52:12	Possible OVI, (Beige/ Silver Toyota Avalon, OH LP: JCE1232. Driver driving erratically and nodding out at the wheel. Last Scene on Red Bank Stopped at Intersection.
	16:55:35	In The Area. (Officer Steele)
	16:56:21	Query, BOLO, JCE1232, OH.
	16:56:21	Query, RCIC Vehicle: JCE1232, OH, 2022, PC.
	16:58:14	Shots fired at PO.
	16:58:43	Fire Needed at UDF Madison/ Redbank.
	16:59:09	In Cuffs.
	16:59:13	Expedite Fire.
	17:00:43	All OK.
	17:01:32	Agonal Breathing.
	17:04:08	Start Situational Notification. (ECC began Situational Notification)
	17:07:37	CPD has closed their incident (CPD220723001257), Secondary location University ER.

## **Body Worn Camera (BWC)**

### **Officer Steele**

The events recorded by Officer Steele's BWC occurred on July 23, 2022, starting at 4:56:30 PM, 16:56:30, according to the BWC's timestamp. A review of that recording reveals the following:

Officer Steele arrived at the UDF parking lot. She parked her cruiser behind a silver vehicle and approached it from behind, a license plate was visible in the rear-view window bearing Ohio license plate number JCE 1232. Mr. Brewington was seen standing near the front passenger side of the vehicle. At timestamp 15:56:54, Officer Steele activated her BWC before she withdrew her firearm and pointed it at Mr. Brewington while he opened his front passenger door. Mr. Brewington partially put his hands up before he began to reach inside the vehicle. At timestamp 16:57:00 audio begins on the BWC. At timestamp 16:57:05 Officer Steele radioed dispatch, "Put me out with that vehicle at UDF."

At timestamp 16:57:06 Mr. Brewington emerged from the vehicle, held up a firearm, assumed a shooting stance, and pointed the firearm directly at Officer Steele. Officer Steele commanded Mr. Brewington to, "Get down on the ground!" twice, at timestamp 16:57:08. Officer Steele continued to order Mr. Brewington to, "Get down on the ground!" a third time as she then discharged her

firearm five times. Mr. Brewington then slumped to the ground, next to a concrete embankment by the vehicle. At timestamp 16:58:01, Officer Steele radioed dispatch and requested the Cincinnati Fire Department (CFD). At timestamp 16:58:09 Officer Steele then approached Mr. Brewington, moved his firearm out of reach and handcuffed him. At timestamp 16:59:18 Officer Steele requested an expedition of CFD and provided medical aid to Mr. Brewington by turning him to his side and applying pressure to his chest wound. At timestamp 17:00:50 Officer Harris arrived, approached Officer Steele, and then provided medical aid to Mr. Brewington. Multiple other Officers arrived and secured the scene. CFD then arrived a minute later, at timestamp 17:02:00, and provided emergency medical aid to Mr. Brewington. At timestamp 17:03:00 Officer Steele entered the back of a police cruiser.

### **Officer Karoline Harris**

The events recorded by Officer Harris occurred on July 23, 2022, starting at timestamp 16:57:09, according to the BWC's timestamp. A review of that recording reveals the following:

At timestamp 17:00:50 Officer Harris arrived on scene, approached Officer Steele, provided medical aid to Mr. Brewington by checking his pulse, and then secured Mr. Brewington's weapon by clearing it. CFD then arrived moments later and began to provide emergency medical aid. Officer Harris then led Officer Steele to the back of her cruiser and helped secure the scene with multiple other officers. CFD then began transport of Mr. Brewington at timestamp 17:08:09 to UCMH.

### **Motor Vehicle Recording (MVR)**

#### **Officer Genesis Steele**

The events recorded by Officer Steele's MVR occurred on July 23, 2022, starting at timestamp 20:56:32. A review of that recording reveals the following:

While there was no visual of the incident, at timestamp 10:56:32, Officer Steele arrived at the UDF parking lot and parked her vehicle near a silver vehicle. At timestamp 20:57:07 Officer Steele yelled, "Get down on the ground!" three times. During the third command five gunshots are audible. Officer Steele then said, "Get down get down, let me see your hands, let me see your hands, help is on the way."

At timestamp 21:02:00, CFD arrived and approached to render medical assistance. The scene was then secured with police tape.

#### **Officer Karoline Harris**

The events recorded by Officer Harris's MVR occurred on July 23, 2022, starting at timestamp 20:57:09, according to the MVR's timestamp. A review of the record revealed no notable additional information.

### **Closed-Circuit Television (CCTV)**

#### **Medpace**

The events recorded on July 23, 2022, starting at 04:56:30 PM, by Medpace's CCTV were corroborative of Officer Genesis Steele's BWC. A review of the record revealed no notable additional information.

## **United Dairy Farmers**

The events recorded on July 23, 2022, by UDF CCTV did not capture audio or visual of the incident but showed Mr. Brewington exiting UDF store before heading into the direction of the silver vehicle where the incident occurred.

### **911 Recordings from ECC**

The events recorded on July 23, 2022, by ECC showed a concerned citizen (Witness A), called Hamilton County, and was transferred to ECC. The caller explained to ECC that they had witnessed a driver nodding off at the wheel, driving erratically, and swerving near Madison and Redbank Roads. The license plate, JCE1232, and a description of the vehicle, Toyota Avalon of beige/champagne color, were also given. Also, a description of the driver was given, Caucasian, with ballcap and a beard.

### **Immaterial Witnesses: CPD Officers**

Sergeant Andrew Snape, #SO097, M/W/38, is currently assigned to Internal Investigations Section (IIS), and he has been a CPD member since 2008. Sergeant Snape responded to the scene. However, Sergeant Snape was not primarily involved in the incident and subsequently not interviewed by CCA.

### **Immaterial Witnesses: Civilians**

An unknown civilian (Witness B, F/B/Age unknown) heard the audible discharge of Officer Steele's firearm but did not see what had occurred according to Officer Harris's BWC. Due to Witness B's minimal involvement, she was subsequently not interviewed by CCA.

### **Hamilton County Coroner's Report**

Mr. Brewington suffered gunshot wounds to his right torso (chest) and left lower extremity (hip). Those wounds were the immediate cause of death.

### **Media Reports & Statements**

According to reports published by Cincinnati media (specifically WXIX), friends of Mr. Brewington stated that they knew Mr. Brewington was going through a very difficult time in his life which included a recent end to a relationship.

### **Prosecutor's Letter of Declination**

The Hamilton County Prosecutor's Office issued a letter of declination on February 28, 2023, stating that Officer Genesis Steele was justified in their actions and did not violate any criminal statutes.

**SIGNIFICANT  
DISCREPANCIES AND  
LARIFICATIONS**

Per CPD: An inspection of Mr. Brewington's firearm determined it was a 9mm Hi-Point semi-automatic pistol that was operable and had one round in the chamber.

Per Springfield Township incident report #202203384: The Toyota that Mr. Brewington was found to be in possession of was reported stolen, in violation of Ohio Revised Code Section 2913.02 (B)(5) Theft, a Felony of the 4<sup>th</sup> Degree, by Springfield Township Police Department earlier that day, around 1:00 PM. Furthermore, the vehicle was stolen with a minor child in the backseat, in violation of Ohio Revised Code Section 2905.01 Kidnapping, a Felony of 2<sup>nd</sup> Degree. Springfield Township PD also included the charge of Endangering Children, a Misdemeanor of the 1<sup>st</sup> degree.

## AUTHORITIES

CPD Procedure §12.554 Investigatory Stops (Rev. 8/19/2021).  
*Terry v. Ohio*, 392 U.S. 1 (1968).  
Ohio Revised Code Section 2913.02 Theft  
Ohio Revised Code Section 2905.01 Kidnapping  
Ohio Revised Code Section 2919.22 Endangering Children  
CPD Procedure § 12.550 Discharging of Firearms by Police (Rev. 6/22/2017).  
CPD Manual of Rules and Regulations § 1.25 Failure of Good Behavior (Rev. 5/13/2021).  
Ohio Peace Officer Basic Training, Unit 8: Patrol, Topic 5: Stops & Approaches, SPO #13. (Rev. 6/13/ 2022).  
Cincinnati Police Department Tactical Patrol Guide, 8, 18-20, (Rev. 7/23/2020).  
*Wright v. City of Euclid*, 962 F.3d 852 (6th Cir. 2020).  
*United States v. Hardnett*, 804 F.2d 353, 357 (6th Cir. 1986).  
*United States v. Heath*, 259 F.3d 522, 530 (6th Cir. 2001).  
*Radvansky v. City of Olmsted Falls*, 395 F.3d 291, 309 (6th Cir.2005).  
*Houston v. Clark County Sheriff Deputy John Does*, 1–5, 174 F.3d 809, 815 (6th Cir.1999).  
*Willis-Abner v. Parsons*, 2008 U.S. Dist. LEXIS 55202 (E.D. Mich. 2008).  
*Henry v. Storey*, 658 F3d 1235 (10th Cir 2011).  
*Vanderhoef v. Dixon*, No. 18-5993 (6th Cir. 2019).  
*Maryland v. Wilson*, 519 U.S. 408, 414, 117 S.Ct. 882, 137 L.Ed.2d 41 (1997).  
*Pollard v. City of Columbus*, 780 F.3d 395 (6th Cir. 2015).  
*Simmonds v. Genesee County*, 682 F.3d 438 (6th Cir. 2012).

### I. CPD Procedure Manual

#### § 12.550 Discharging of Firearms by Police Personnel

##### Policy:

At such time as a police officer perceives what he interprets to be a threat of loss of life or serious physical harm to himself or others at the hands of another, he has the authority to display a firearm, with finger outside the trigger guard and have it ready for self-defense. The finger is only to be placed on the trigger when on target and ready to engage a threat.

##### Policy:

The most serious act in which a police officer can engage is the use of deadly force. The authority to carry and use firearms in the course of public service also carries with it the highest level of responsibility. Respect for human life requires that police officers exhaust all other reasonable means before resorting to the use of firearms and then only when an officer

reasonably believes that such use of firearms is necessary to protect the officer or another from the risk of serious physical harm or loss of life.

In considering the use of firearms, understand that you are responsible for your acts and that you may be required to justify your acts in a court of law. The Hamilton County Prosecutor's Office will determine the legality of actions taken. You are not required to retreat in lieu of the justifiable use of deadly physical force.

The safety of innocent persons is of paramount importance. Where there is substantial risk to the safety or life of an innocent citizen, the safety of the citizen should take precedence over the apprehension of the suspect.

(...)

Self-Defense: A police officer is authorized to use that force reasonably necessary to protect himself or others from death or serious physical harm at the hands of another.

- There must be an apprehension of real or immediate danger based on an overt and/or constructive act by another.

## **§ 12.554 Investigatory Stops**

Policy:

There are three levels of police/citizen contact.

The first level is a 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. Failure to answer the questions asked by the officer or to properly identify oneself 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.<sup>1</sup>

The third level of police/citizen contact is the arrest. The arrest occurs when the citizen is no longer free to leave, and the officer has the intent to arrest. The arrest must be supported by probable cause to believe the citizen is committing or has committed a criminal offense. (...)

## **II. Ohio Revised Code**

### **§ 2913.02 Theft**

(A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways: (...)

(5) "If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree."

---

<sup>1</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

## § 2905.01 Kidnapping

(...) (B) No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall knowingly do any of the following, under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim: (1) Remove another from the place where the other person is found. (C) (...) if an offender who violates division (A)(1) to (5), (B)(1), or (B)(2) of this section releases the victim in a safe place unharmed, kidnapping is a felony of the second degree.

## § 2919.22

Endangering Children, (A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a child with a mental or physical disability under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or disability of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body. (...) (E)(2)(a) Except as otherwise provided in division (E)(2)(b), (c), or (d) of this section, a misdemeanor of the first degree.

### III. CPD Manual of Rules and Regulations

#### § 1.25 Failure of Good Behavior

Policy:

Members of the Department shall only draw or display their firearms in time of demonstrated need or for official inspection. Members shall not use or handle firearms in a careless or imprudent manner.

#### ANALYSIS

On July 23, 2022, at 04:49 PM ECC received a phone call from a concerned citizen (Witness A), who reported seeing a Toyota Avalon, driving erratically near the intersection of Madison and Red Bank Expressway. ECC broadcast a Be On The Look Out (BOLO), for that vehicle - driver possibly intoxicated (OVI).

Officer Steele stated in her CCA interview, that she was at Madison and Medpace when she heard the BOLO. The BOLO included a description of the vehicle and the license plate number. Per CAD, at timestamp 16:56:21, Officer Steele performed a license plate inquiry. Officer Steele parked her cruiser near the vehicle, approached it from behind, confirmed the license plate number, saw Mr. Brewington crouched beside the front passenger side door, and withdrew her firearm (finger off the trigger).

CPD Procedure § 12.554, Investigatory Stops, states in-part, "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.”<sup>2</sup>

In this case, Officer Steele had reasonable suspicion to stop and probable cause to arrest Mr. Brewington after she had queried the vehicle license plate, learned that the vehicle was reported stolen, confirmed that the vehicle she approached matched, and witnessed Mr. Brewington changing the tire of the vehicle (thus showing possession). At that point Officer Steele was investigating more than an OVI misdemeanor, but a felony.<sup>3</sup>

CPD Procedure § 12.550, Discharging of Firearms by Police Personnel, maintains that when an officer perceives what the officer interprets to be a threat of loss of life or serious physical harm to the officer or to others at the hands of another, the officer has the authority to display a firearm and to use force reasonably necessary to protect himself or others from death or serious physical harm. CPD Manual of Rules and Regulations § 1.25 Failure of Good Behavior, states in-part, “Members of the Department shall only draw or display their firearms in time of demonstrated need or for official inspection. Members shall not use or handle firearms in a careless or imprudent manner.”

Additionally, courts have held that a police officer may approach a suspect with a weapon drawn during such high-risk Terry stops when the officer reasonably fears for his or her safety, but this fear must be justifiable based on the surrounding circumstances.<sup>4</sup> During a felony stop the odds of a suspect being armed increase dramatically and both the Cincinnati Police Department Tactical Patrol Guide and Ohio Attorney General Peace Officer Training Commission strongly encourage the withdraw and pointing of a firearm for protection during these high-risk stops.<sup>56</sup> High-risk stops include incidences where the Officer has formed probable cause to believe a felony is afoot, such as that of a reported stolen vehicle.<sup>7</sup> The United States Supreme Court has even recognized that risk of harm to police and others during a traffic stop is minimized if officers routinely exercise unquestioned command of the situation.<sup>8</sup>

In this case, Mr. Brewington was stopped in possession of a vehicle that was stolen earlier that day, in violation of Section 2913.02 (5), a felony of the fourth degree. This was confirmed by

---

<sup>2</sup> *Id.*

<sup>3</sup> Ohio Revised Code § 2913.02 Theft, subsection (5) “If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree.”

<sup>4</sup> *Wright v. City of Euclid*, 962 F.3d 852 (6th Cir. 2020), citing *United States v. Hardnett*, 804 F.2d 353, 357 (6th Cir. 1986); see also *United States v. Heath*, 259 F.3d 522, 530 (6th Cir. 2001) (“[When the] surrounding circumstances give rise to a justifiable fear for personal safety, a seizure effectuated with weapons drawn may properly be considered a (proper) investigative stop”); see also *Radvansky v. City of Olmsted Falls*, 395 F.3d 291, 309 (6th Cir.2005) (quoting *Houston v. Clark County Sheriff Deputy John Does 1–5*, 174 F.3d 809, 815 (6th Cir.1999)), (“During a Terry stop, officers may draw their weapons or use handcuffs ‘so long as circumstances warrant that precaution.’”).

<sup>5</sup> Peace Officer Basic Training, Unit 8: Patrol, Topic 5: Stops & Approaches, SPO #13 (Rev. 6/13/2022) (“Maintain weapons coverage on all suspects until all are in custody.”).

<sup>6</sup> CPD Tactical Patrol Guide (2020) [REDACTED]

[REDACTED] (Rev. 7/23/2020).

<sup>7</sup> *Willis-Abner v. Parsons*, 2008 U.S. Dist. LEXIS 55202 (E.D. Mich. 2008). Compare *Henry v. Storey*, 658 F3d 1235 (10th Cir 2011), (The Officer did not use excessive force by pointing his weapon at Plaintiff because the Officer had probable cause to believe the Plaintiff had stolen a vehicle, a felony, and the Officer had been trained that stopping a suspected stolen vehicle involves a high level of risk; Cf. *Vanderhoef v. Dixon*, No. 18-5993 (6<sup>th</sup> Cir. 2019), in comparison, simple reckless driving by Plaintiff, did not warrant the withdraw and pointing of a firearm by the Officer because it was not a particularly serious crime and did not involve violence, even though the Officer testified that when he approached the vehicle, he believed it might have been stolen, the purported belief was not based on any facts in the record.).

<sup>8</sup> *Maryland v. Wilson*, 519 U.S. 408, 414, 117 S.Ct. 882, 137 L.Ed.2d 41 (1997).

Springfield Township incident report #202203384. Additionally, the vehicle was stolen with a minor child in the backseat, prompting charges for both Ohio Revised Code Section 2905.01 Kidnapping, a Felony of the 2<sup>nd</sup> Degree, and Ohio Revised Code Section 2919.22 Endangering Children, a Misdemeanor of the 1<sup>st</sup> degree. Fortunately, the child had exited the vehicle and was not in it when the discharge of firearm incident occurred later that day.

Consistency of Officer Steele's interview statements, CAD, Officer Harris's statements, (that she had been made aware that the vehicle was stolen), plus Springfield PD's report of the stolen vehicle and kidnapping, made it more likely than not that Officer Steele knew that the vehicle was stolen prior to her withdraw and pointing of her firearm.

When Officer Steele encountered the vehicle in Mr. Brewington's possession, she could reasonably conclude that the driver, Mr. Brewington, posed a reasonable threat to her safety and the safety of the public. The stop coupled with the seriousness of the crime gave rise to a justifiable fear for personal and public safety. Moreover, given the facts and circumstances that Officer Steele confronted, she acted in an objectively reasonable manner by drawing and pointing her firearm at Mr. Brewington for personal and public protection. Noted, Officer Steele did not place her trigger finger on the trigger of her firearm at that time.

CPD Procedure § 12.550, Discharging of Firearms by Police Personnel, states in-part, an officer may "resort to the use of firearms (...) when an officer reasonably believes that such use of firearms is necessary to protect the officer or another from risk of serious physical harm or loss of life." In addition, Courts have held that the use of deadly force can be objectively reasonable where a stopped citizen had merely clasped their hands in a shooting posture and pointed it at officers after engaging in a dangerous car chase and ignoring multiple commands.<sup>9</sup>

According to Officer Steele's statements to the Homicide Unit, Mr. Brewington did not follow commands when she approached him. Specifically, "let me see your hands." Per BWC, Mr. Brewington instead ducked down into the passenger side seat area of the stolen vehicle, rummaged through the area, reached for an unknown item (which turned out to be a firearm), stood up outside of the vehicle, and then assumed a crouched shooting stance with a firearm directly pointed at Officer Steele. Officer Steele ordered Mr. Brewington to, "Get down on the ground!" two times, but Mr. Brewington continued to point his firearm at Officer Steele. Officer Steele then discharged her weapon five times, striking Mr. Brewington in his right torso and left lower extremity. Per the Hamilton County Coroner's Report, those wounds were the immediate cause of his death.

In this case, the discharge of firearm was necessary to protect Officer Steele from the risk of serious physical harm or loss of her life. Mr. Brewington ignored commands given to him before and after he withdrew his firearm and pointed it directly at Officer Steele. Noted, ammunition was found to be in the magazine of Mr. Brewington's firearm, one round in the chamber ready to fire. Per BWC Officer Steele no doubt perceived a threat and under the circumstances, a reasonable officer would have fired their weapon in self-protection. In summation, the discharge of the firearm was objectively reasonable since there was a justifiable fear for Officer Steele's safety necessary to protect her from serious physical harm or death.

Accordingly, CCA concluded Officer Steele complied with CPD's policy, procedure, and training when she both pointed and discharged her firearm.

---

<sup>9</sup> *Pollard v. City of Columbus*, 780 F.3d 395 (6th Cir. 2015) *see also* *Simmonds v. Genesee County*, 682 F.3d 438 (6th Cir. 2012).

## FINDINGS

Officer Genesis Steele

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

---

Officer Genesis Steele

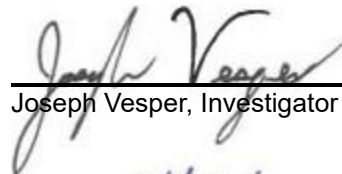
**Improper Discharge of a Firearm (Fatal)** - The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**

---

## RECOMMENDATIONS

None.

---



---

Joseph Vesper, Investigator



---

Makiedah Messam, Interim Director

**PREVIOUS  
CONTACTS AND  
COMMENDATIONS**

**Officer Genesis Steele**

**Previous Contacts with CCA**

Officer Steele had 5 previous contacts with CCA in the past three years.

<b>Case Number</b>	<b>Allegation</b>	<b>Finding</b>
21143	Discrimination	Pending
21143	Discourtesy	Pending
21143	Improper Pointing of Firearm	Pending
21143	Improper Stop	Pending
21001	Lack of Service	Referred
20137	Lack of Service	Referred
20094	Improper Stop	Non-Jurisdiction
20074	Improper Procedure (BWC)	Sustained
20074	Improper Stop	Exonerated
20074	Discourtesy	Unfounded

**Previous Contacts with IIS**

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

**Commendations**

Officer Steele received 3 commendations in the past three years.

<b>Date</b>	<b>Source of Commendation Received</b>
11/5/2021	CPD
11/5/2021	CPD
6/22/2020	Civilian