

**Date:** July 27, 2022  
**To:** Board Members, Citizen Complaint Authority  
**From:** Gabriel Davis, Director  
**Subject:** Investigation Summary –August 1, 2022 Board Meeting

**RECOMMENDATION SUMMARIES**

**#1**

<b>Topic</b>	Stop, Detention, or Arrest Policy/Procedure
<b>Recommendation #</b>	R2206
<b>CCA Case #</b>	20233

**#R2206 - Stop, Detention, or Arrest Policy/Procedure**

CCA’s recommends that CPD review their report-completion and records-keeping policies and implement rules ensuring that when a citizen is seized, detained, or stopped involuntarily as a result of alleged criminal conduct observed by a police officer, that all officers who observed such conduct firsthand—including plain clothes officers—are listed and identified (by name or unique identifier) in at least one police record corresponding to the resulting stop, detention, or seizure.

**#2**

<b>Topic</b>	Corrective and Disciplinary
<b>Recommendation #</b>	R2207
<b>CCA Case #</b>	21064

**#R2207 - Corrective and Disciplinary**

Given recurring violations of police policy by Police Officer Jerome Herring Jr. during a consecutive multi-year period—including a repeated lack of civil behavior which resulted in two (2) proposed Sustained findings from CCA for Discourtesy in preceding cases (CCA Case No. 20022 and 20223), as well as Sustained findings in the present case for Discourtesy and a failure practice de-escalation (Improper Procedure (Use of Force)), CCA recommends that CPD review Officer Herring’s performance and consider taking corrective action, including but not limited to retraining.

#3

<b>Topic</b>	Use of Force Policy/Procedure: Discharging of Firearms Policy/Procedure
<b>Recommendation #</b>	R2208
<b>CCA Case #</b>	22066

**#R2208 - Use of Force Policy/Procedure: Discharging of Firearms Policy/Procedure**

CCA recommends that 1) CPD institute a practice of convening the Firearms Discharge Board (FDB) or Critical Incident Review Board (CIRB) for any firearm discharge directed at an animal where such firearm discharge occurred in close proximity to an individual person, or where the animal who was targeted by such discharge was positioned in close proximity to an individual person at the time of the discharge; and 2) that any police policies or procedures that would prohibit the convening of such Boards be amended to permit the same if necessary.

#4

<b>Topic</b>	Arrest Policy/Procedure
<b>Recommendation #</b>	R2209
<b>CCA Case #</b>	21217

**#R2209 - Arrest Policy/Procedure**

CCA recommends CPD reconsider and clarify the language in CPD Procedures §12.205 (Traffic Enforcement) and CPD Procedure §12.555 (Arrest/Citation) to ensure the regulation provides unambiguous and congruous guidelines for officers on the question of what enforcement action should apply to violators of pedestrian offenses (such as jaywalking or playing in the street) who refuse to identify themselves or are unable to do so.

## INVESTIGATION SUMMARIES

# 1

<b>Complaint #</b>	20218
<b>Complainant</b>	Najah X
<b>Incident Date</b>	October 22, 2020
<b>CCA Investigator</b>	Robert Stephens
<b>Allegations</b>	Improper Stop Improper Search

### COMPLAINT SUMMARY

Date: October 22, 2020

Time: 18:00 PM

Location: 1530 Linn Street

Najah X stated that on October 22, 2020, an officer stopped her son and his two friends at the park. Mrs. X informed CCA that her son and his friends were minors. The officer then searched them for no reason. The officers made them place their hands up and searched them for guns. Even going through their backpack. Then after they didn't find anything just let them go.

### FINDINGS

Sergeant Luke Putnick

**Improper Stop – EXONERATED**

**Improper Search – SUSTAINED**

# 2

<b>Complaint #</b>	20233
<b>Complainant</b>	Andrew Criswell
<b>Incident Date</b>	November 25, 2020
<b>CCA Investigator</b>	Robert Stephens
<b>Allegations</b>	<b><u>Original Allegations</u></b> Improper Stop Improper Search Discourtesy  <b><u>Collateral Allegation</u></b> Improper Search

## COMPLAINT SUMMARY

Date: November 25, 2020

Time: 4:16 PM

Location: Elam Street

*Per CPD: I was at City Gear parking lot talking to a friend when I pulled out the lot, five police cars pulled out in front of me. The officers pulled me out the car. I asked why, they said nothing. The officers then searched my car while they ran my name. Then just pulled off with no explanation. I asked for their badge numbers, yet again they said nothing.*

## OBSERVATION

CPD Manual Rules and Regulations specifically states that officers should avoid the use of “coarse, violent, or profane language.” While reviewing BWC footage, Officer Davis called Mr. Criswell a “Mother fucker.” Although those comments were not made within earshot of Mr. Criswell, officers should be reminded that their actions – both verbal and physical – are representative of the Cincinnati Police Department, subject to public scrutiny, and affect the public trust, especially since BWCs are accessible by the public.

## RECOMMENDATION

Recommendation #R2206

### **Stop, Detention, or Arrest Policy/Procedure**

CCA’s recommends that CPD review their report-completion and records-keeping policies and implement rules ensuring that when a citizen is seized, detained, or stopped involuntarily as a result of alleged criminal conduct observed by a police officer, that all officers who observed such conduct firsthand—including plain clothes officers—are listed and identified (by name or unique identifier) in at least one police record corresponding to the resulting stop, detention, or seizure.

The preservation of all relevant evidence is crucial in any criminal case as well as in administrative investigations (such as those carried out by CCA or IIS). Throughout the course of CCA’s investigation of Mr. Criswell’s complaint, the agency faced roadblocks in ascertaining the names of all officers involved. This challenge of identification has often presented itself during CCA’s investigations that involve a plain clothes officer who has reportedly observed criminal behavior, such as a drug transaction, and then relayed those observations to other officers. There appears to be no current CPD reporting policy or practice that would require a documented link between officers that observe alleged behavior and the resulting police stop or detention, unless an arrest is made or unless the officer observing the conduct is the officer who made the stop. Plain clothes officers are generally not referenced in contact cards, CAD reports, or citations. Instituting

rules to ensure a paper trail connecting plain clothes officers who observe criminal conduct to the suspect who is stopped or detained would strengthen all related investigations by identifying all witness officers who participated in or observed the incident under consideration.

## FINDINGS

### Original Allegations

Officer Cole Dunahay  
Officer Taylor Howard  
Officer Jason Wallace  
Sergeant Luke Putnick

#### **Improper Stop – EXONERATED**

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Officer Nicholas Davis  
Officer Cole Dunahay  
Officer Cameron Fehrman  
Officer Trent Meucci  
Officer Jason Wallace

#### **Improper Search – EXONERATED**

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Officer Jerome Herring  
Officer Taylor Howard

#### **Discourtesy – UNFOUNDED**

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### Collateral Allegation

Officer Taylor Howard

#### **Improper Search – SUSTAINED**

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# 3

<b>Complaint #</b>	20238
<b>Complainant</b>	Antwan Morris
<b>Incident Date</b>	December 2, 2020
<b>CCA Investigator</b>	Makiedah Messam
<b>Allegations</b>	Improper Stop Improper Search Improper Procedure

## COMPLAINT SUMMARY

On December 2, 2020, at approximately 11:31 a.m. Mr. Antwan Morris was stopped by police for alleged traffic violations. Mr. Morris alleged, “[t]hey pulling me straight out of the car, cuffing me, frisking me. I heard one officer say, “he got weed on the floor.” Now I don’t smoke, I don’t drink. I’m a valid driver, everything is good. I don’t know what’s going on. They handcuffing [sic] me say I’m detained. He said I ran a stop sign and I was driving erratically.” After the officers said he was free to go, Mr. Morris asked for a Sergeant to respond. According to Mr. Morris, Sergeant Luke Putnick arrived on the scene and explained the reason for the stop.

Mr. Morris stated that after the incident he tried reaching out to Sgt. Putnick to make a complaint based on the stop and the treatment he received. Mr. Morris believed Sgt. Putnick, “tried to talk him out of making a complaint.”

## FINDINGS

Officer Joshua Condon  
Officer Thomas Chiappone  
**Improper Stop – EXONERATED**

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Officer Joshua Condon  
Officer Thomas Chiappone  
Officer Trent Meucci  
Officer Cole Dunahay  
**Improper Search – EXONERATED**

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Sergeant Luke Putnick  
**Improper Procedure – UNFOUNDED**

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# 4

<b>Complaint #</b>	20246
<b>Complainant</b>	Janetta Amison
<b>Incident Date</b>	December 26, 2020
<b>CCA Investigator</b>	Robert Stephens
<b>Allegation</b>	Excessive Force

## COMPLAINT SUMMARY

Date: December 26, 2020

Time: 10:05 PM

Location: Saranac Avenue

CCA Receipt: December 29, 2020

On 12/26/2020, Ms. Janetta Amison called the Emergency Communications Center (ECC) to have her brother Lawon Amison removed from her residence. Specialist Kenneth Byrne and Officer Adarryl Birch responded and attempted to remove Mr. Amison from the premise. Ms. Amison stated that force was used on Mr. Amison. Ms. Amison told responding officers that Mr. Amison had a cardiac condition and grabbing him incorrectly can harm his condition.

Mr. Amison complained of pain when the officers grabbed him by the arms. Mr. Amison also stated he was pushed down the stairs (6 steps) to the ground from the front patio. Mr. Amison stated he was released from the Justice Center and had pain in his shoulder from the incident. Mr. Amison went to Good Samaritan and was told he has mild inflammation to his shoulder.

## FINDINGS

Officer Adarryl Birch

**Excessive Force – NOT SUSTAINED**

### # 5 CCA REVIEW MEMO

<b>Complaint #</b>	21019
<b>Complainant</b>	Camille Pasley
<b>Incident Date</b>	February 14, 2021
<b>CCA Investigator</b>	Ikechukwu Ekeke
<b>Allegation</b>	Improper Stop

## COMPLAINT SUMMARY

CCA completed a review of CCA Complaint No. 21019 by Camille Pasley, F/B/20, that alleged an Improper Stop by Officer Ashley Mallory, F/B/30, #P0349.

On February 14, 2021, Officer Mallory was on routine patrol near 3429 Beekman St. in a cruiser outfitted with an automated license plate reader (ALPR). Officer Mallory's ALPR alerted of a warrant attached to the

license plate of Ms. Pasley's vehicle. Subsequently, Officer Mallory stopped Ms. Pasley. Officer Mallory asked Ms. Pasley about the name attached to the warrant, how long she had the vehicle, and her license. After Ms. Pasley denied any association with the person, Officer Mallory informed Ms. Pasley that she would be free to go if everything was fine after checking her license. After querying the license and manually entering the license plate to confirm the name on the warrant, Officer Mallory returned to Ms. Pasley and asked about the subject of the alert. However, Ms. Pasley reaffirmed that she did not have any association with the person attached to the warrant, Mr. Keith Worley. Officer Mallory advised Ms. Pasley to call the Bureau of Motor Vehicles (BMV) after Ms. Pasley asked additional questions about how this situation occurred and how she would be able to resolve it. Officer Mallory returned Ms. Pasley's license and released her from the scene.

CPD Procedure §12.031 Automatic License Plate Recognition (ALPR) authorizes an officer operating the ALPR to "take enforcement action" after confirming the plate and the status of a wanted return. CPD Procedure §12.031 further requires that the operator confirm the plate by visually checking the actual plate against the captured image. Per Officer Mallory's statement, BWC, and contact card, she conducted the traffic stop based on the automatic alert that a warrant was attached to the license plate. The Hamilton County Clerk of Courts record database confirmed that the subject's name that resulted in an automatic alert and manual search by Officer Mallory did have a warrant from a traffic citation on a license plate. According to Officer Mallory's statement to CCA, the license plate of the vehicle she stopped was the license plate she verified manually by re-entering the license plate into the system, which was attached to the warrant connected to the initial ALPR alert. Officer Mallory's statement was corroborated by her BWC, which captured her reciting the license plate while typing on the computer after querying Ms. Pasley's license.

CPD Procedure §12.554 further requires that once an officer's reasonable suspicion for their "Terry" type stop is "determined to be unfounded," the officer must release the citizen. According to *State v. Emmons*, 2016-Ohio-5384, a traffic stop remains reasonable for as long as an officer needs to investigate matters related to the justification for the stop. Further, *State v. Nash*, 2014-Ohio-129, stated that the reasonability standard for traffic stops applies to stops not based on a traffic violation so long as the vehicle is validly stopped. Officer Mallory did not prolong the traffic stop beyond the time necessary to complete her investigation concerning the warrant. Once she realized that Ms. Pasley was not associated with the subject of the warrant, Officer Mallory allowed Ms. Pasley to leave without issue. The entire stop lasted around four minutes.

CPD Procedure § 12.250 Cancellation of Citations, Traffic Warrant, and Criminal Warrants requires that when an officer discovers that a felony, misdemeanor, traffic, or *capias* warrant was issued in error to adults, not the violator of the offense, they will notify a supervisor immediately. Officer Mallory indicated that she did not at any time suspect that the warrant may have been mistakenly attached to Ms. Pasley's license plate. Therefore, she was not required to submit such a report to her supervisor.

According to *Arizona v. Evans*, 514 U.S. 1. (1995), a clerical mistake does not impact the reasonableness of an officer's reliance upon the warrant to justify the traffic stop. Additionally, *Arizona v. Evans*, states that whether the police may reasonably rely on the information provided by a system depends on the reasonability of relying on the accuracy of the recordkeeping system itself. Officer Mallory was first notified of the warrant by an automated license plate reader alert based on a partial hit. Furthermore, per her BWC, Officer Mallory reaffirmed the results of the automated license plate reader by manually re-entering the license plate as she was looking at it to confirm the name on the warrant. Both searches resulted in the same arrest warrant.

Absent an error committed by Officer Mallory, her reasonable reliance on the warrant and the reasonable length of the stop combine to provide sufficient proof for CCA to find that Officer Mallory conducted this traffic stop in compliance with CPD's policy and the controlling law.



## FINDINGS

Officer Ashley Mallory

### Improper Stop – EXONERATED

# 6

<b>Complaint #</b>	21052
<b>Complainant</b>	Antonio and Sandra Dukes
<b>Incident Date</b>	November 19, 2020
<b>CCA Investigator</b>	Kerrie Kimpel
<b>Allegation</b>	Excessive Force

## COMPLAINT SUMMARY

Date: November 19, 2020

Time: 05:15 PM

Location: Cincinnati, Ohio, District Three

On November 19, 2020, CPD Officers Jason Greene and William Cornacchione were called by the Emergency Communications Center (ECC) to Ms. Sandra Dukes' residence. Ms. Dukes believed the police were called about her arguing with a female in front of the residence. When they arrived, they advanced toward Mr. Antonio Dukes, Ms. Dukes' son, and handcuffed him. While he was lying on the ground handcuffed and officers had control over him, they used a Conducted Energy Weapon (CEW) on him three times. They placed him in a cruiser and called for an ambulance because he was drooling, and his eyes were rolling back in his head. Ms. Dukes attempted to check on Mr. Dukes and approached the officers. Each officer grabbed both of her arms, and they bent and twisted them until she heard a "pop." Ms. Dukes suffered shoulder and arm pain, and was treated at Mercy Hospital, but was still feeling pain at the time she reported this incident to

CCA on April 1, 2021, Ms. Dukes added that she filed a complaint about the incident immediately, but the Cincinnati Police Department (CPD) had not responded to her.

## FINDINGS

### Involved Subject: Mr. Antonio Dukes

Officer Jason Greene

Officer William Cornacchione

### Excessive Force – EXONERATED

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**Involved Subject: Ms. Sandra Dukes**

Officer William Cornacchione

Officer Andrew Snape

**Excessive Force – EXONERATED**

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# 7

<b>Complaint #</b>	21064
<b>Complainant</b>	Deandra Jones
<b>Incident Date</b>	April 9, 2020
<b>CCA Investigator</b>	Kerrie Kimpel
<b>Allegations</b>	<u><b>Original Allegations</b></u> Excessive Force Improper Seizure Discourtesy  <u><b>Collateral Allegations</b></u> Improper Procedure (Reporting Use of Force) Improper Procedure (Use of Force)

**COMPLAINT  
SUMMARY**

Date: April 9, 2020

Time: 4:59pm

Location: 1594 Summit Rd., Roselawn Condon School, Cincinnati, OH, 45237, District 4

On April 9, 2020, Ms. Deandra Jones stated DJ and NJ were down the street from their residence, near Roselawn Condon School. DJ returned home and told his mother his brother NJ was arrested by several

Cincinnati police officers who had responded to a report of an alleged fight, but when they arrived, they only stopped NJ, even though there were fifteen other people present.

Ms. Jones stated NJ cooperated with the female officer, who was later determined to be Officer Kayla Isaac, however, Officer Jerome Herring grabbed NJ, arrested him and three officers held him while he was being handcuffed. Officer Isaac was “rude” to NJ, used profane language, and “egged” him on, which her attorney told her after watching the BWC of involved officers. When the officers queried NJ’s name, they found an old run-away warrant Ms. Jones thought had been resolved already, which officers informed Ms. Jones when she arrived on scene.

Ms. Jones responded to the scene and observed NJ being held in a police cruiser. As Ms. Jones approached the cruiser, Officer Herring “immediately” waved his hand at her and told her to “Have a nice day.” Ms. Jones engaged with Officer Isaac, who told her that NJ was going to the Hamilton County Juvenile Services Center (HCJSC) because of the warrant. Ms. Jones became agitated because she had been previously assured by the police that the warrant was closed and would not cause any problems.

Ms. Jones stood approximately ten feet from the officers, due to COVID-19, and their cruiser was parked on the edge of the street. Officer Herring yelled at Ms. Jones to “Get out of the street or get a ticket” approximately ten times. Ms. Jones and DJ moved into the crosswalk, where Ms. Jones pointed at the street and yelled, “We’re in the crosswalk!” and then walked towards a grass patch on the corner, back toward the direction she had come from, to stand.

Officer Herring yelled, “That’s what I thought, have a nice day” with a tone and demeanor that Ms. Jones felt was designed to be “hostile, rude, and demeaning.” Another officer whom Ms. Jones did not identify, yelled at her for “jaywalking,” and Officer Herring asked Ms. Jones for her identification, telling her she had broken the law. Ms. Jones refused to provide her information. Officer Herring “forcefully” grabbed her by the arm and placed her under arrest. Ms. Jones instructed DJ to walk home and inform his father what had happened. One of the officers shoved Ms. Jones, and DJ turned to help her. According to Ms. Jones, several officers “jumped on him,” “slammed him” into a nearby vehicle and arrested him too. Ms. Jones later alleged officers had DJ on the ground with their “knee in his back.”

Ms. Jones was “incredibly distraught,” and Officer Herring “yanked her arms”, which were handcuffed behind her back, and up, forcing her to lean forward at the waist, to “march” her to one of the nearby cruisers.

Ms. Jones continued to refuse to cooperate with Officer Herring, and he “shoved her into the cruiser, with force,” instead of allowing her to sit down on her own. Other officers placed DJ in a cruiser, all three had been arrested for “absolutely no reason.” Ms. Jones alleged that DJ’s cell phone was broken during his arrest and never returned to him or her by CPD. Ms. Jones admittedly made some comments to Officer Herring that she regrets but explained that they “were motivated purely by the adrenaline, anger, and hurt from how I had been treated.”

## RECOMMENDATION

### **Recommendation #R2207**

#### **Corrective and Disciplinary**

Given recurring violations of police policy by Police Officer Jerome Herring Jr. during a consecutive multi-year period—including a repeated lack of civil behavior which resulted in two (2) proposed Sustained findings from CCA for Discourtesy in preceding cases (CCA Case No. 20022 and 20223), as well as Sustained findings in the present case for Discourtesy and a failure practice de-escalation (Improper Procedure (Use of Force)), CCA recommends that CPD review Officer Herring’s performance and consider taking corrective action, including but not limited to retraining.

## FINDINGS

### Original Allegations

**Involved Subject: Deandra Jones**

Officer Jerome Herring Jr.

**Excessive Force – EXONERATED**

**Improper Seizure – EXONERATED**

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**Involved Subject: DJ (Minor)**

Officer Myles Abt

Officer Cole Dunahay

Officer Cameron Mullis

**Excessive Force – EXONERATED**

**Improper Seizure – EXONERATED**

Officer Myles Abt

**Discourtesy – SUSTAINED**

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**Involved Subject: NJ (Minor)**

Officer Jerome Herring Jr.

Officer Kayla Isaac

**Discourtesy – SUSTAINED**

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### Collateral Allegation

Officer Myles Abt

**Improper Procedure (Reporting Use of Force) – SUSTAINED**

Officer Jerome Herring Jr.

**Improper Procedure (Use of Force) – SUSTAINED**

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# 8

<b>Complaint #</b>	21102
<b>Complainant</b>	Robin Hawkins
<b>Incident Date</b>	June 5, 2021
<b>CCA Investigator</b>	Robert Stephens

<b>Allegation</b>	Improper Stop
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**COMPLAINT SUMMARY**

Date: June 5, 2021

Time: 10:10 pm

Location: 2700 block of Vine Street

*Per CPD: Complainant was travelling north on Short Vine when off duty officer now identified as Police Officer Amir Uruci made a U-turn in front of her. She stopped but didn't believe she has struck his personal vehicle. Officer Uruci was in civilian clothes, and she became scared when he began to yell at her about damage to his car. Ms. Hawkins stated she didn't get out of the car because she felt threatened by Officer Uruci's behavior. She didn't believe she struck Officer Uruci's car, so she left the scene to return to her mother's residence.*

*While driving to her mother's residence, PO Uruci followed Ms. Hawkins. Once Ms. Hawkins was parked Officer Uruci blocked her in and approached her vehicle. He identified himself as a police officer (gun and badge visible on his waist) and took Ms. Hawkins car keys. Ms. Hawkins was not free to leave and was ordered to stay in the car until police arrived. Ms. Hawkins called her mother to meet her in the parking lot where Officer Uruci had her detained. Additional officers then arrived.*

**NOTE**

According to BWC, interviews, and Hamilton County court records, a crash report was made, but Ms. Hawkins was never arrested, cited, or charged.

Both the location of the accident and Ms. Hawkins mother's residence was within Cincinnati city limits.

No BWC footage of the accident or Officer Uruci's interaction with Ms. Hawkins were available due to the fact that Officer Uruci was off-duty.

**FINDINGS**

Officer Amir Uruci  
**Improper Stop – EXONERATED**

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# 9

<b>Complaint #</b>	21217
<b>Complainant</b>	Maxime Tchinda

<b>Incident Date</b>	September 30, 2021
<b>CCA Investigator</b>	Jessalyn Goodman
<b>Allegation</b>	Improper Seizure

## COMPLAINT SUMMARY

Date: September 30, 2021

Time: 12:31am

Location: 198 Main Street

Mr. Maxime Tchinda parked his vehicle downtown near the Banks. As he was leaving Galla Park, a restaurant near the Banks, he observed Officer Brent Eve near his vehicle, writing a citation. When Mr. Tchinda asked why Officer Brent Eve chose to cite his vehicle, when other vehicles were similarly parked and Mr. Tchinda was about to leave, Officer Eve got “mad.” Officer Eve attempted to hand Mr. Tchinda the citation, but Mr.

Tchinda instructed him to put it on the vehicle. The officer responded by saying that his vehicle would be towed because his vehicle was parked in the wrong place.

Officer Eve asked for Mr. Tchinda’s information, and Mr. Tchinda provided his name and date of birth. However, when the officer asked for his social security number, Mr. Tchinda stated he did not know. The officer claimed that Mr. Tchinda refused to provide his information and would be arrested. Mr. Tchinda did not understand how the officer could claim that he refused to provide his information when he gave his name, date of birth, and his additional information was attached to the license plate.

Officer Eve arrested Mr. Tchinda and claimed he resisted arrest, which Mr. Tchinda denied. Mr. Tchinda asked for a friend to move the vehicle rather than have it towed, but Officer Eve refused.

## RECOMMENDATION

### Recommendation #R2209

#### Arrest Policy/Procedure

CCA recommends CPD reconsider and clarify the language in CPD Procedures §12.205 (Traffic Enforcement) and CPD Procedure §12.555 (Arrest/Citation) to ensure the regulation provides unambiguous and congruous guidelines for officers on the question of what enforcement action should apply to violators of pedestrian offenses (such as jaywalking or playing in the street) who refuse to identify themselves or are unable to do so.

A review of CPD Procedural Manual showed crucial incongruities and ambiguities pertaining to policy-produced guidance for officers encountering pedestrian violators. Specifically, CPD Procedure §12.555 Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders states that, regarding violations that

are minor misdemeanors, officers must issue citations rather than physically arrest individuals unless the situation meets specific requirements. Among those exceptions, the policy stipulates that a physical arrest would be necessary if “the individual cannot or does not offer satisfactory proof of identity, *except* pedestrian violations (refer to Procedure 12.205) (emphasis added)” CPD Procedure §12.205 Traffic Enforcement instructs officers to “make every effort to obtain proof of identification from a [pedestrian violator].” The policy continues that “if the pedestrian violator does not possess some kind of identification, the officer shall attempt to obtain accurate information in order to properly complete the citation, through careful and courteous questioning.” Accordingly, under the most logical reading of those policies, while an officer may be able to physically arrest an individual under the ORC for failing to disclose information to be used in writing a jaywalking ticket, such an arrest would be outside Department policy. However, the policy does not provide further instruction for officers or citizens on what must occur if the officers have made “every effort” to obtain proof of identification but are still unable to obtain “accurate information in order to properly complete the citation.” Instead, officers must refer back to CPD Procedure §12.555, which does not allow the officer to make a physical arrest for failure to identify.

This vagueness is problematic and leaves several questions unanswered for officers and the community. For example, what must occur if a citizen fails to provide identification or is unable to do so during an extensive attempt to get the information for purposes of completing a citation for jaywalking or playing in the street? Must a warning be given in lieu of a citation, or should some other process apply? For purposes of completing a citation, must the officer rely on other information proving identity that is readily ascertainable in spite of the citizen’s refusal to speak or provide certain pieces of information? The language of CPD Procedure §§12.555 and 12.205 should be revised to provide greater clarity with respect to these issues.

**FINDINGS**

Officer Brent Eve  
**Improper Seizure – SUSTAINED**

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# 10

<b>Complaint #</b>	22053
<b>Complainant</b>	Demetrius Hill
<b>Incident Date</b>	March 3, 2022
<b>CCA Investigator</b>	Makiedah Messam
<b>Allegations</b>	<p><b><u>Original Allegations</u></b>  Excessive Force  Discourtesy  Lack of Service</p> <p><b><u>Collateral Allegation</u></b>  Improper Procedure (BWC)</p>

## COMPLAINT SUMMARY

Date: March 3, 2022

Time: 9:54 p.m.

Location: 500 Walnut Street (Government Square)

Mr. Demetrius Hill complained that on March 3, 2022, at approximately 9:54 p.m. he swiped his card at a Metro ticket machine. The machine debited his card sixteen dollars (\$16) but did not produce the tickets he purchased. Mr. Hill further stated that based on past experiences, he wanted a witness to document that the machine charged his card and failed to produce tickets. He walked to the booth for Metro supervisors where he noticed about six CPD officers inside. He related his predicament to one of the officers, Officer Albert Brown, who advised him to go to a building across the street to resolve the issue. Mr. Hill retorted to Officer Brown that the building was closed. At this retort, Mr. Hill claimed Officer Brown walked away from him. Mr. Hill followed Officer Brown and demanded an answer to his question.

According to Mr. Hill, Officer Brown used profanity and forcefully pushed him to the ground where he struck his head on a column. Mr. Hill complained that Officer Brown assaulted him during an incident which, “there was not one body camera rolling at the time.”

## NOTE

On March 17, 2022, CCA requested footage from Metro-Government Square CCTV cameras for the incident. Metro responded on March 21<sup>st</sup> and notified CCA that their cameras had a two-week retention period. Additionally, the angle of the camera at the ticket vending machine points in a south easterly direction, towards Walnut Street, the only image for the time of the incident captured by the camera were multiple police vehicles; no persons were visible.

## FINDINGS

### Original Allegations

Officer Albert Brown

**Excessive Force – EXONERATED**

**Discourtesy – NOT SUSTAINED**

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Sergeant Michael Reynolds

**Lack of Service – UNFOUNDED**

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**Collateral Allegation**

Officer Albert Brown  
**Improper Procedure (BWC) – EXONERATED**

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# 11

<b>Complaint #</b>	22066
<b>Complainant</b>	Discharge of a Firearm Involving Britt Born
<b>Incident Date</b>	March 5, 2022
<b>CCA Investigator</b>	Morgan Givens
<b>Allegations</b>	<b><u>Original Allegations</u></b> Improper Discharge of a Firearm Lack of Service  <b><u>Collateral Allegation</u></b> Improper Procedure (BWC)

**COMPLAINT SUMMARY**

Date: March 5, 2022

Time: 11:20 AM

Location: Corner of McMicken and Dunlap, Over-the-Rhine

CCA Receipt: March 23, 2022

On March 5, 2022, at approximately 11:20 AM, at the 5k Bock Fest race, Ms. Britt Born observed Officer Kevin Butler discharge his firearm toward an unleashed dog who was involved in a fight with another dog who was leashed with its owner.

Ms. Born also expressed concern over the apparent lack of investigation or follow-up regarding and alleged dismissal of a firearm discharge investigation.

**RECOMMENDATION**

**Recommendation #R2208**

**Use of Force Policy/Procedure: Discharging of Firearms Policy/Procedure**

CCA recommends that 1) CPD institute a practice of convening the Firearms Discharge Board (FDB) or Critical Incident Review Board (CIRB) for any firearm discharge directed at an animal where such firearm discharge occurred in close proximity to an individual person, or where the animal who was targeted by such

discharge was positioned in close proximity to an individual person at the time of the discharge; and 2) that any police policies or procedures that would prohibit the convening of such Boards be amended to permit the same if necessary.

CPD Procedure § 12.550 Discharging of Firearms states that the “Police Chief has authorized a comprehensive review of critical firearm discharges,” which are “defined as: [a]ll shots fired by Department employees,” with the exception of (among other things) situations where shots are fired “[a]t animals.” Procedure 12.550 provides that in situations where FDB is convened, it should issue a final report to the Police Chief within 90 days of receipt of material relevant to the shooting. The report is required to “identify training issues and corrective measures, tactical response issues and corrective measures, and outline any recommended policy and/or procedure.” While the FDB has not been historically convened in situations involving animal shootings, CCA believes an exception is warranted in cases where an officer shoots an animal while a human being is nearby in close proximity, given the heightened risk to human life that is involved with such shootings.

Similarly, CPD has recently created a Critical Incident Review Board (CIRB) as a “quality control mechanism” for critical incidents, including firearms discharges. See CPD Procedure § 12.545 Use of Force (Revised 01/28/21). CIRB’s purpose is to conduct “a detailed and comprehensive review” of such discharges and “to recommend to the Police Chief changes in investigative protocols, procedures, and training.” Shootings of animals, however, are exempt from review by the CIRB, according to Procedure § 12.545, even in cases where an officer shoots an animal while human beings are nearby in close proximity. Again, we believe an exception is warranted where a shooting of an animal occurs while an individual is proximate, given the heightened risks.

While there are forums other than the CIRB or FDB that exist to probe discharges of firearms—including concurrent investigations of citizen complaints by CCA and IIS—a CIRB or FDB review still adds tremendous value. Among other things, those other reviews convene a broad array of command and supervisory personnel with valuable perspectives on the issues under consideration, and they review tactical issues that may be broader than the issues of misconduct considered in other concurrent investigations.

## FINDINGS

### Original Allegations

Officer Kevin Butler

**Improper Discharge of a Firearm – EXONERATED**

Sergeant Brian Brazile

**Lack of Service – UNFOUNDED**

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### Collateral Allegation

Officer Kevin Butler

**Improper Procedure (BWC) – SUSTAINED**

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# 12

<b>Complaint #</b>	22069
<b>Complainant</b>	Ndubuisi Ezeh
<b>Incident Date</b>	March 29, 2021
<b>CCA Investigator</b>	Robert Stephens
<b>Allegations</b>	Improper Stop Improper Seizure Excessive Force Harassment

## COMPLAINT SUMMARY

Date: September 15, 2021

Time: 8:00 PM

Location: Corner of Walnut Street and E Court Street

On September 15, 2021, Mr. Ndubuisi Ezeh was leaving the city streetcar, when he flipped off the conductor due to a conflict they had. Mr. Ezeh left the area only to be followed by a police officer (later determined by CCA to be Officer Kilgore). Mr. Ezeh carried a stick in his hand. Officer Kilgore ordered him to drop the stick, he complied. When Mr. Ezeh tried to leave the area, Officer Kilgore tried to grab him. Mr. Ezeh broke free and was tased. After the first cycle, Mr. Ezeh turned to the officer and said, "Please stop, I have a bad heart." The officer tased him again. Mr. Ezeh said that once arrested, no medical assistance was called. Mr. Ezeh has been arrested and stopped by multiple officers over the past year; he is also concerned that he is being threatened and harassed.

## NOTE

Mr. Ezeh made no mention of his medical conditions prior to either CEW cycles and Cincinnati Fire Department was called for medical assistance.

On September 15, 2021 Mr. Ezeh was charged with disorderly conduct. The charge was dismissed due to "mental incompetence;" the case is currently under appeal.

In CPD's supervisory investigation into Officer Kilgore's use of force, commanders concluded that Officer Kilgore acted in accordance with policy and law. According to the corresponding investigation report, the second tasing was justified because of Mr. Ezeh's "inaction to place hands behind back after Officer Kilgore gave multiple commands." IIS's investigation into Mr. Ezeh's complaint is still pending.

## FINDINGS

Officer Charles Kilgore

**Improper Stop – EXONERATED**

**Improper Seizure – EXONERATED**

**Excessive Force – SUSTAINED**

**Harassment – UNFOUNDED**

# 13

<b>Complaint #</b>	22073
<b>Complainant</b>	Jaymes Spencer
<b>Incident Date</b>	March 21, 2022
<b>CCA Investigator</b>	Makiedah Messam
<b>Allegations</b>	Discrimination Lack of Service Discourtesy

## COMPLAINT SUMMARY

Date: March 21, 2022

Time: 11:00 a.m.

Location: Grigg Avenue, Cincinnati, OH 45207

Mr. Jaymes Spencer drove along Interstate 71 South en route to Texas when his vehicle was struck by another motorist. The offending motorist did not stop but continued to drive. Mr. Spencer believed the motorist was evading taking responsibility for the collision and so he followed until the motorist exited the interstate. Once the motorist stopped, Mr. Spencer approached the vehicle of the offending motorist, a black female. As he approached the vehicle, he heard the female screaming into her phone. Mr. Spencer used his phone and started to record the female. According to Mr. Spencer, once the female saw him, “she immediately started making all kinds of racist remarks towards me and she threatened to shoot me. ...[S]he got out of the vehicle, and I tried to get away and she punched me in my back and then spit on me and continued to come after me.”

At this, Mr. Spencer went back to his vehicle and dialed 911 for assistance. While on the phone with the 911 operator the female motorist continued to scream and yell racist comments at him and jumped on the front bumper of his vehicle. The first police to arrive on the scene was a black officer and on seeing this, the female motorist said, “[expletive] you white boy these are my people. We’re gonna see what happens now.” Mr.

Spencer believed that because of his race, Officer Murphy failed to take seriously the threat to his life from the female motorist and that the police officers who arrived on the scene were aggressive towards him when he pressed them to do more.

## FINDINGS

Officer Walter Murphy  
**Discrimination – UNFOUNDED**

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Officer Walter Murphy  
**Lack of Service – SUSTAINED**

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Officer Walter Murphy  
Officer Roger Noe  
**Discourtesy – UNFOUNDED**

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