



Date: December 20, 2024

Case: [REDACTED]

Investigator: [REDACTED]

Complaint Received: April 8, 2024

Complainant: [REDACTED]

CCA completed an investigation of CCA Complaint No. [REDACTED] by [REDACTED]. 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: March 29, 2024

Time: 6:00 pm

Location: [REDACTED]

While [REDACTED] was walking down the street, Officer [REDACTED] approached him on a segway and asked him to stop. Officer [REDACTED] did not explain the reason for the stop and instructed [REDACTED] to sit on the ground until additional officers arrived to assist. During the encounter, Officer [REDACTED] displayed his Conducted Energy Weapon (CEW) and pointed it at [REDACTED] twice. When Officer [REDACTED] approached, she searched [REDACTED]. The officers later claimed that [REDACTED] matched the appearance of a felony assault suspect wearing all blue clothing, despite [REDACTED] wearing blue and orange clothing; [REDACTED] was released when the officers received more detailed information about the suspect's appearance that did not match [REDACTED]. [REDACTED] believed he was wrongfully detained and improperly searched.

Later that evening, [REDACTED] attempted to file a complaint about his interaction with the officers at the Central Business Section (CBS) substation. While speaking with [REDACTED], [REDACTED] alleged [REDACTED] yelled at him, asked him if he wanted to "fight," told [REDACTED] he was "not a victim," and was "wrong" for wanting to file a complaint.

Allegations:

Improper Stop
 Improper Search
 Improper Procedure
 Discourtesy
 Lack of Service

Persons Involved:

[REDACTED]
 [REDACTED]

[REDACTED]
[REDACTED]

Evidence Reviewed:

Hamilton County Clerk of Courts
CPD Records Management System (Axon)
CPD Computer Aided Dispatch (CAD)

- 17:30:35

- Susp left on foot

- Susp DOT: [REDACTED]

- 17:31:45

- Person 1 (Suspect) info: [REDACTED]
[REDACTED]

- 17:45:19

- [REDACTED]

Body-Worn Camera (BWC) footages of Specialist [REDACTED] and Officers [REDACTED]
[REDACTED]

Excerpts from [REDACTED] BWC:

17:40:12 – 17:40:43

[REDACTED] rode his segway onto [REDACTED] as [REDACTED] walked along the sidewalk.

Officer [REDACTED]: How's it going? You want to stop for a second for me? Stop for a second.

[REDACTED]: What's up?

Officer [REDACTED]: Take your headphones out for a second so I can talk to you.

([REDACTED] takes out his headphones.)

Officer [REDACTED]: What's going on today? Were you up there at the dog park, maybe?

[REDACTED]: What?

Officer [REDACTED]: Have a seat for me, okay?

[REDACTED]: For what?

Officer [REDACTED]: Have a seat for me.

[REDACTED]: No.

Officer [REDACTED] (points CEW at [REDACTED]) Have a seat or you're going to get tased.
Sit down.

[REDACTED]: What did I do?

Officer [REDACTED]: Sit down on the ground! ([REDACTED] sat.) I will explain in just a second.

[REDACTED]: Okay. I'm going to sue the shit out of the city.

Officer [REDACTED] (lowers CEW) What's going on tonight? Were you just up at the dog park at all?

[REDACTED]: Did you see me up there?

Officer [REDACTED]: I haven't been up there. I'm asking.

[REDACTED]: Then why you pulling me over? (reaches his right hand into his right pocket)

Officer [REDACTED]: Stop! (points CEW at [REDACTED]) Don't reach for anything!

([REDACTED] complied and placed both hands in the air.)

17:41:59 – 17:42:15

██████████ is sitting on the sidewalk and Officer Eve is on his segway.

Officer [REDACTED]: Do you have an ID anywhere?

██████████: I ain't got nothing. I don't have to give you anything unless you're accusing me of a crime. Are you accusing me of a crime?

Officer [REDACTED]: Let me explain how this works, okay? Let me explain ask how this works, okay?

██████████: I don't have nothing to say. I don't have nothing else to say. I want a lawyer.

Officer [REDACTED] If you are suspected –

██████████: I want a lawyer.

Officer [REDACTED]: If you are suspected of a crime –

██████████: I want a lawyer.

Officer [REDACTED]: Okay.

██████████: I want a lawyer.

Officer [REDACTED]: What's your name, sir?

██████████: I want a lawyer.

Officer [REDACTED]: What's your address, sir?

██████████: I want a lawyer.

Officer [REDACTED] What's your date of birth, sir?

[REDACTED]: I want a fucking lawyer.

Officer [REDACTED] Okay. Right now you're committing a crime because you're not telling me what your information.

██████████: I want to speak to a sergeant.

Officer [REDACTED] Okay, well, when we get to the jail, we can do that, okay?

██████████: Jail? For what? What are you arresting me for? I'm walking from the casino –

Officer [REDACTED]: You're going to be under arrest for – you're going to be under arrest for failure to disclose personal information.

[REDACTED]: For what? You're not telling me what I'm being detained for.

Officer [REDACTED] Listen. Listen.

██████████: Why am I being detained?

Officer [REDACTED]: Listen. I explained.

The conversation continued similarly for the remainder of the 8 minute encounter.

MVR footage of Officers [REDACTED]
Statements by officers and complainant

Significant Discrepancies or Clarifications:

[REDACTED]

■ [REDACTED]

Authorities: This section includes applicable statutes, case law, and departmental policies (i.e. Garrity v. New Jersey, APD Directives, etc.)

CPD Procedure § 12.540 Body Worn Camera System (Revised 04/15/2021)
CPD Procedure § 12.545 Use of Force (Revised 02/17/2022)
CPD Procedure § 12.554 Investigatory Stops (Revised 08/19/2021)
CPD Procedure § 15.100 Citizen Complaints and Reports of Favorable Police Conduct
(Revised 03/10/2022)
CPD Procedure § 12.600 Prisoners: Securing, Handling, Transporting (Revised 01/20/2023)
CPD Manual of Rules and Regulations – Section One – Failure of Good Behavior
(Revised 05/13/2021)
CPD Investigation Manual (Revised 03/26/2020)
CPD Tactical Patrol Guide (Revised 07/22/2022)

Analysis:

On [REDACTED], at the [REDACTED], a suspect was alleged to have thrown a brick at an individual's head and pinned him down before leaving towards the highway. The assault was reported to the Emergency Communications Center (ECC).

Allegation: Improper Stop

[REDACTED]

[REDACTED]

[REDACTED]

Therefore, the actions of Officer [REDACTED] were consistent with CPD's policy, procedure, and training.

Allegation: Improper Procedure (Display of CEW)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Without further clarification of this guide's intent, CCA is unable to determine whether Officer [REDACTED] actions were consistent with CPD's policy, procedure, and training.

Allegation: Improper Search

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Therefore, Officer [REDACTED]'s action was inconsistent with CPD's policy, procedure, and training.

Allegation: Lack of Service

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Therefore, Officer [REDACTED]'s actions were consistent with CPD's policy, procedure, and training.

Allegation: Discourtesy

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

There is no indication that Officer [REDACTED] was discourteous as alleged.

Allegation: Discourtesy

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Without objective footage or independent witnesses of this encounter, CCA is unable to determine if Lieutenant [REDACTED] was within CPD's policy, procedures and training.

Allegation: Lack of Service

[REDACTED]

[REDACTED]

Without objective footage or independent witnesses of this encounter, CCA is unable to determine if Lieutenant [REDACTED] was within CPD's policy, procedures and training.

Findings:

Original Allegations

No.	Allegation	Involved Officer	Involved Citizen	Finding
1	Improper Stop	[REDACTED]	[REDACTED]	Exonerated
2	Improper Procedure	[REDACTED]	[REDACTED]	Not Sustained
3	Improper Search	[REDACTED]	[REDACTED]	Sustained
4	Improper Search	[REDACTED]	[REDACTED]	Unfounded
5	Lack of Service	[REDACTED]	[REDACTED]	Unfounded
6	Discourtesy	[REDACTED]	[REDACTED]	Unfounded
7	Discourtesy	[REDACTED]	[REDACTED]	Not Sustained
8	Lack of Service	[REDACTED]	[REDACTED]	Not Sustained

Observation:

As noted in previous observations, it is good practice for desk officers to have their body-worn cameras (BWC) on with audio when encountering individuals at the police district office to ensure transparency, accountability, and the preservation of accurate records during interactions. This practice not only promotes trust within the community but also serves as a valuable resource for reviewing and resolving any potential disputes or incidents. BWC footage also provides an invaluable resource for enhanced documentation of the details and can be used in investigations, court proceedings, and resolving any complaints or disputes that may arise later. It ensures that both officers and individuals visiting the police district are protected by an objective account of events.

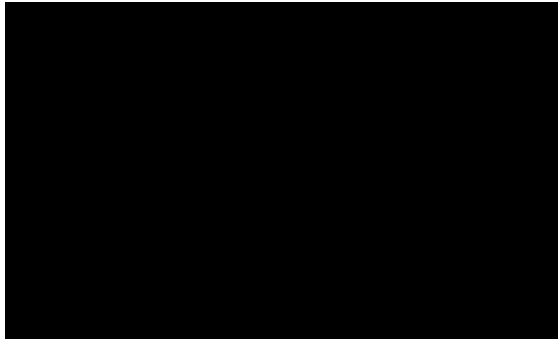
The information that can be obtained from BWC can also help with training and evaluation purposes within the police department to better serve the community. Supervisors can review interactions to identify areas for improvement, provide feedback to desk officers, and identify learning opportunities to help enhance conversation skills. Having desk officers use BWCs during interactions with individuals who come to the police district office is essential for maintaining transparency, accountability, and for both CPD and CCA investigations.

Previous recommendations by CCA (see R2311, and R2321) have provided evidence to support this need.

Recommendation:

#2418

The strategic decision to use force is the result of the consideration of multiple complex factors in a short period of time. The purpose of the Tactical Patrol Guide is to instruct an officer with options to ensure officer safety and minimize the risk to all involved people during potentially violent or dangerous encounters. Earlier, CCA cited the Tactical Patrol Guide regarding the appropriate time for CEWs to be displayed and/or targeted at individuals by officers. However, as previously discussed, the wording of the text, and the placement of it in the Tactical Patrol Guide as opposed to CPD Procedure § 12.545 Use of Force, makes the Tactical Patrol Guide's statement and its objective ambiguous. CCA recommends this aspect of CEW usage be clarified and updated as needed in the Tactical Patrol Guide and Use of Force procedure for the safety and understanding of officers and the community.



Previous Contacts and Commendations for Officers with Sustained Findings:

██████████

Previous Contact with CCA

██████████ had one previous contact with CCA in the past three years.

Case Number	Allegation	Finding
24083	Improper Search	Exonerated
24083	Discourtesy	Unfounded
24083	Excessive Force	Unfounded
24083	Improper Stop	Exonerated
24017	Harassment	Pending
24017	Improper Seizure	Pending
24017	Discourtesy	Pending
22171	Abuse of Authority	Unfounded
22171	Misconduct	No Findings Reported
22114	Discrimination	Not Sustained
22020	Improper Seizure	Exonerated
22020	Discourtesy	Unfounded
22020	Improper Stop	Exonerated
21217	Improper Seizure	Sustained

Previous Contacts for CCA Referrals

██████████ had three allegations referred to CPD for investigation in the past three years.

Case Number	Allegation	CPD Finding
21147	Improper Procedure	Unfounded
21147	Harassment	No Findings Reported
21147	Discourtesy	Unfounded

Previous Contact with IIS

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

Commendations

██████ received seven commendations in the past three years.

Date	Source of Commendation Received
02/05/2024	CPD
01/17/2024	CPD
05/16/2023	CPD
04/20/2023	CPD
07/17/2022	CPD
01/02/2022	CPD
10/15/2021	CPD