



**Ohio Attorney General's Office  
Bureau of Criminal Investigation  
Investigative Report**



2020-3388

Officer Involved Critical Incident – 1062 Oberlin Drive, Columbus, Ohio

**Investigative Activity:** Records Received, Subpoena Served

**Involves:** Officer Adam Coy (S)

**Date of Activity:** 10/11/2022

**Author:** SAS Kevin Barbeau, #142

**Narrative:**

On Tuesday, October 11, 2022, the Bureau of Criminal Investigation (BCI) Special Agent Supervisor (SAS) Kevin Barbeau requested a subpoena from the Franklin County Municipal Court for records associated with this case. This subpoena was returned signed to SAS Barbeau, who served the attached subpoena to Columbus Division of Police Chief Deputy and former Chief Thomas Quinlan for records associated with former CPD Officer Adam Coy.

This subpoena was served personally to CD Quinlan at CPD headquarters located at 120 Marconi Blvd., Columbus, Ohio. The records were provided to SAS Barbeau, who electronically downloaded the records to the case file, see attached.

Nothing further at this time.

**Attachments:**

- Attachment # 01: Quinlin Coy Subpoena Records
- Attachment # 02: 8 DD 201 Use of Force Render Aid
- Attachment # 03: 7 All Filed Documents re PO Coy Charges
- Attachment # 04: 6 Adam Coy Training Record
- Attachment # 05: 5 Adam Coy Training Record
- Attachment # 06: 4 Employee Report Coy
- Attachment # 07: 3 Coy – Disciplinary settlement 2014
- Attachment # 08: 2 Coy – Settlement legislation 2013
- Attachment # 09: 1 Binder Coy AG Office Feb 2022
- Attachment # 10: Adam Coy
- Attachment # 11: Adam Coy 2
- Attachment # 12: Schedule – OPOTC
- Attachment # 13: Certificates Awarded\_acoy
- Attachment # 14: Student Records\_acoy
- Attachment # 15: Signatures Summary\_acoy

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

Attachment # 16: Training Records  
Attachment # 17: 19 CPD Tactical First Aid for LE  
Attachment # 18: 18 JPFLST Tactics  
Attachment # 19: 17 Officer Detweiler Summary  
Attachment # 20: 16 Legal Updates Training 2019  
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Attachment # 23: 13 BWC Policy  
Attachment # 24: 12 BWC Policy PowerPoint With Corrections 1-19-2017  
Attachment # 25: 11 Adam Coy - Signed Director's Disposition  
Attachment # 26: 10 Officer Adam Coy SIGNED HEARING NOTICE AND CHARGES  
IAB202012-1029  
Attachment # 27: 9 DD 202

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

TO: **Columbus Police Deputy Chief Thomas Quinlan  
120 Marconi Blvd.  
Columbus, Ohio 43215**



Time Stamp

**INVESTIGATIVE SUBPOENA**

Ohio Revised Code §2935.23 authorizes this Court to issue subpoenas in aid of felony investigations.

Upon the representation of **Bureau of Criminal Investigation** that there is an active felony investigation of **Homicide**, you are hereby ORDERED to appear before this Court at the time, date, and location set forth below, and provide the following information: Please provide any and all copies of: A) letters of memoranda regarding discipline of former Columbus Police Officer Adam Coy; B) copies of any orders specifically for Adam Coy regarding cruiser camera and/or Body Worn Cameras.

**The failure to comply with this court-ordered Investigative Subpoena may result in a contempt of court citation.** However, you can comply with this Investigative Subpoena without the court appearance scheduled below by providing the requested information to the law enforcement officer who requested this subpoena, and whose contact information is set forth below, prior to the date scheduled for the appearance.

It is so ORDERED on October 11th, 2022.

Electronically Signed

2022-10-11 10:10 am EDT

**FRANKLIN COUNTY MUNICIPAL COURT**  
Judge, Bill Hedrick

**Instead of appearing in Court**, provide the information above to the requesting officer prior to the Court date:

**10/14/2022**

Special Agent Supervisor Kevin Barbeau

**OR**

You are hereby scheduled to appear on your Court date: **10/11/2022** at **9:00 AM** before the Duty Judge in Courtroom 10C, at the Franklin County Municipal Court, 375 South High Street, 10th Floor, Columbus, Ohio 43215.

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 2.01
	REVISED Dec. 30, 2020	TOTAL PAGES 14
Use of Force		



Cross Reference: 2.02, 2.03, 2.05

Rule of Conduct: 1.08

## I. Definitions

### A. Use of Force

The exertion of energy or the actions of personnel in the performance of their duties used to direct or control another's movements or actions. A use of force may be implemented to control resistive or aggressive behavior toward the involved personnel, other personnel, third parties, or property.

### B. Use of Force Levels of Control

1. Levels of Control used by the Division of Police for reporting purposes are as follows:

Level 0: Officer presence, verbal and non-verbal commands, searching, handcuffing, **displaying or** sparking a taser for compliance, **displaying a firearm**, using flashbangs and multiple baton rounds as diversions, and the use of the Long Range Acoustic Device (LRAD) warning tone

Level 1: Empty hand control, pressure points, grounding techniques, and joint manipulations

Level 2: Use of chemical spray

Level 3: Use of electronic device (electronic custody belt or Conducted Energy Weapon, [CEW] for example, the taser)

Level 4: Hard empty hand control (strike/punch/kick)

Level 5: Use of impact weapon (baton/flashlight)

Level 6: Police K-9 bite

Level 7: Less lethal weapons (beanbag/multiple baton rounds)

Level 8: Deadly force

### C. Deadly Force

Any force which carries a substantial risk that it will proximately result in the death of any person.

### D. Display of Firearm

***The pointing of a handgun, shotgun, or rifle at an individual by sworn personnel in the performance of their duties in order to control another's movements or actions.***



## **E. Injury**

1. For the purposes of this directive, injuries are classified as follows:

a. Minor Injury

An injury that does not require transport to a medical facility.

b. Serious Injury

An injury that requires transport to a medical facility for treatment.

Note: If a Division supervisor classifies an injury as minor, refusal at the county jail does not require a Use of Force-Injury to Prisoner administrative investigation.

## **F. Display of Taser**

***The pointing of the taser at an individual by sworn personnel in the performance of their duties in order to control another's movements or actions.***

## **G. Taser Functions**

**1. Sparking the taser for compliance; or**

**2. Using the taser for:**

a. One full or partial five-second **application** cycle, **or multiple cycles** of the taser, **or**

**b. Drive-stun application(s).**

## **II. Policy Statements**

### **A. General**

1. Sworn personnel shall attempt to de-escalate a situation by using trained techniques, such as building rapport, communication skills, maintaining a safe distance, utilizing a barrier, etc., when it is safe to do so.
2. It is well established that police officers may use force to effect an arrest, to defend themselves, or to defend others. An officer should not desist from any official duty merely because resistance is offered.
3. Sworn personnel shall not use more force than is reasonable in an incident. Factors to be considered when determining the reasonableness of a use of force include:
  - a. The severity of the crime at issue.
  - b. Whether the subject poses an immediate threat to the safety of the officer or others.
  - c. Whether the subject is actively resisting arrest.
  - d. Whether the subject is attempting to evade arrest by flight.
4. Sworn personnel shall not use any force for a retaliatory or punitive purpose.
5. Sworn personnel who witness another officer utilize force which is unlawful, excessive, or violates Division policy shall intervene to stop the officer's actions.

6. Force may be used during a medical emergency if:
  - a. The person experiencing a medical emergency is incapable of making a rational decision under the circumstances and poses an immediate threat of serious harm to him or herself or others.
  - b. Some degree of force is reasonably necessary to minimize the immediate threat.
  - c. The force being used is reasonably necessary under the circumstances.
7. Sworn personnel should take into consideration an unarmed person's known mental health status prior to using force.
8. Officers shall use their training and tactics to guide them through a use of force incident.
  - a. The preferred response to resistance and aggression is a trained technique reasonable for the circumstances. However, during a situation involving the infliction or threatened infliction of serious physical harm, the use of an untrained response may be reasonable to end the threat and survive the encounter. The proper exertion of physical force used to control the subject shall be consistent with Division policy.
  - b. Chokeholds and neck restraints are prohibited. These untrained techniques are considered a deadly use of force and shall only be used in a life threatening situation **when** deadly force is justified.
  - c. When attempting to control a grounded suspect, any pressure used shall be placed on the shoulder or the middle of the back, not intentionally on the neck. If at anytime during the struggle pressure is unintentionally placed on the neck, officers shall readjust their positioning. Once the suspect is handcuffed and compliant, officers shall place the individual in an upright position as soon as it is safe to do so. **Officers who observe pressure being placed on a suspects neck or an officer failing to move a suspect to an upright position, once it is safe to do so, shall intervene to correct the officer's actions.**
9. All uses of force shall be reported consistent with Division policies. Involved personnel shall notify an available on-duty Division supervisor in the following descending order:
  - a. Their immediate supervisor;
  - b. Another sworn supervisor within their chain of command; or
  - c. Any other sworn Division supervisor who may personally conduct the investigation or notify a supervisor in the involved officer's chain of command to conduct the investigation.
10. **The Organizational Accountability Lieutenant shall send a quarterly report to commanders/bureau managers, and above, that details the utilization of the electronic Display of Firearm/Taser Record.**

- a. Commanders should review the Display of Firearms/Taser report and forward it to the supervisors within their bureau.*
  - b. Civilian managers should forward the report for their sworn personnel and request it be reviewed by a sworn commander within their subdivision.*
  - c. Immediate supervisors should use the quarterly Display of Fire-arm/Taser report to analyze the compliance of their personnel.*
- 11.** The Internal Affairs Bureau (IAB) shall forward a monthly report to the Training Bureau that summarizes all Level 2 through Level 8 Use of Force Reports, form U-10.128, received.
  - 12.** The Training Bureau shall review the monthly summary of Use of Force Reports received from IAB along with the original Levels 0 and 1 Use of Force Reports to monitor techniques for their effectiveness and to make approved changes in trained techniques and lesson plans.
  - 13.** All sworn Division personnel shall receive annual in-service training in the Division's use of force policy.
  - 14.** Division supervisors conducting use of force investigations shall photograph involved persons as detailed in the Supervisor's Manual.
  - 15.** Restrictions on Supervisors Conducting Investigations
    - a. Division supervisors who actively participate in or order a use of force shall not conduct any subsequent investigation. This restriction does not apply to tactical situations, such as those involving SWAT, In-Tac, or field forces.
    - b. When a Division supervisor is prohibited from conducting the investigation, the involved supervisor's immediate supervisor or, if unavailable, another Division supervisor of a higher rank than the involved supervisor shall be contacted. The contacted supervisor may conduct the investigation or may assign it to an alternate supervisor.
  - 16.** If requested, IAB shall conduct an administrative investigation.

Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature. Information compelled from the focus employee in an administrative investigation shall not be shared with, or in any manner released to, any unit conducting a criminal investigation, except as pursuant to the Ohio Public Records Act.

#### **B. Deadly Force**

- 1.** Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm.

2. Sworn personnel may use deadly force upon a human being to prevent escape when there is probable cause to believe that the subject poses an immediate threat of serious physical harm to others.
3. Sworn personnel not in a vehicle should avoid intentionally positioning themselves in a direct path of a moving vehicle.
  - a. Sworn personnel vulnerable to being struck by a moving vehicle should take evasive action.
  - b. Sworn personnel may fire a weapon at the driver or occupant of a moving vehicle or from a moving vehicle only when there is an articulable, reasonable belief that the subject poses an immediate threat of death or serious physical harm to him or herself or others.
  - c. Sworn personnel should not extend their displayed firearm inside the passenger compartment of an occupied vehicle.
  - d. Sworn personnel should attempt to immobilize a vehicle prior to attempting a trained vehicle extraction technique. Sworn personnel should avoid reaching inside the passenger compartment of an occupied vehicle.

Note: Reaching into an occupied vehicle can place an officer in grave danger.

4. If reasonable, sworn personnel should give a verbal warning of the intention to use deadly force.
5. While sworn personnel have an affirmative duty to use that degree of force reasonable to protect human life, the use of deadly force is not reasonable merely to protect property interests. Only under circumstances where it is reasonable to believe an infliction or threatened infliction of serious physical harm to human life exists is the use of deadly force justified.
6. The use of deadly force by sworn personnel should not create a danger to the public that outweighs the benefits of its use.
7. Sworn personnel shall not fire a warning shot unless there is justification to use deadly force and should ensure that:
  - a. There are no bystanders in the line of fire or who could move into the line of fire; and
  - b. The backstop is reasonably likely to contain or stop the discharged bullet.
8. Facts unknown to sworn personnel at the time deadly force is used cannot be considered in determining whether the involved personnel acted in conformity with this policy.
9. Investigations of uses of force resulting in death shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor will determine if the case will be presented to a grand jury.

### III. Procedures

#### A. Level of Control 0 - Display of Firearm/Taser

##### 1. Involved Personnel

**Complete a Display of Firearm/Taser Record in the electronic reporting system by the end of your shift or by the beginning of your next shift if the incident occurred outside of assigned duty hours.**

**Note: For tactical operations, the responsible sergeant will ensure that one Display of Firearm/Taser form is completed for the unit.**

#### B. Level of Control 0 - Sparking a Taser for Compliance **or** Level of Control 1 with No Injury

##### 1. Involved Personnel

Complete a Use of Force Report and forward it to your immediate supervisor by the end of your shift or by the beginning of your next shift if the incident occurred outside of assigned duty hours. If your immediate supervisor is unavailable, forward the report to any on-duty supervisor within your chain of command.

##### 2. Investigating Supervisor

- a. Review and sign the Use of Force Report.
- b. Forward a copy of the report to the immediate supervisor of the involved personnel.
- c. Forward the investigative packet to the:
  - (1) Human Resources Bureau if discipline was issued, or
  - (2) IAB for filing if no discipline was issued.

##### 3. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

##### 4. Internal Affairs Bureau

Forward the original Use of Force Report to the Training Bureau.

#### C. Level of Control 0 or 1 with a Complaint of an Injury, Minor Injury, or Serious Injury Caused by the Response

##### 1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty Division supervisor.
- c. Complete a Use of Force Report and give it to the investigating supervisor.

##### 2. Investigating Supervisor

- a. Review and sign the Use of Force Report.
- b. Minor Injury

- (1) Complete a Data Processing Worksheet, form U-10.164, and attach the Use of Force Report; a copy of the Arrest Information, form U-10.100; and any photographs taken.
- (2) Forward a copy of the report to the immediate supervisor of the involved personnel.
- (3) Forward the investigative packet to:
  - (a) Human Resources Bureau if discipline was issued, or
  - (b) IAB for filing if no discipline was issued.

c. Serious Injury

- (1) Complete an Injury to Prisoner administrative investigation and a Data Processing Worksheet. Attach the Use of Force Report and a copy of the Arrest Information form.
- (2) Forward the packet through the chain of command to the commander.
  - (a) Commander
    - i) Make a final determination for **Level of Control 0 or 1** with serious injury unless deviation from progressive discipline and/or departmental charges are recommended.
    - a) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
    - ii) Forward the investigative packet to:
      - a) Human Resources Bureau if discipline was issued, or
      - b) IAB for filing if no discipline was issued.

3. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

4. Internal Affairs Bureau

- a. If applicable, record the incident in the involved personnel's IAB database record.
- b. Maintain a file copy of the Use of Force Report.
- c. Forward the original Use of Force Report to the Training Bureau.

**D. Level of Control 2**

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

- a. Review and sign the Use of Force Report.

- b. Forward a copy of the report to the immediate supervisor of the involved personnel.
  - c. If the subject is being arrested or issued a summons:
    - (1) Ensure that the arresting personnel include the facts necessitating the use of chemical spray and details of the decontamination/treatment rendered in the narrative section of the Arrest Information form.
    - (2) Include a brief statement indicating justification for the use of chemical spray, the effectiveness of the chemical spray, and details of the decontamination process and treatment rendered on the Use of Force Report.
    - (3) Ensure that an "X" is placed in both the "Chemical Spray" box on the top left corner and the "Use of Force" box on the top right corner on the front of the Arrest Information form.
    - (4) Complete a Data Processing Worksheet, attach the Use of Force Report and a copy of the Arrest Information form, and forward the packet through the involved personnel's chain of command.
  - d. If no arrest is made, add comments to the back of the Use of Force Report, and forward it along with a Data Processing Worksheet through the involved personnel's chain of command.
  - e. If circumstances indicate that the use of chemical spray was not within Division policy, complete an investigation as indicated on the Use of Force Report, and forward it along with a Data Processing Worksheet through the involved personnel's chain of command.
  - f. For a Level of Control 2 against a handcuffed subject:
    - (1) Identify and interview the following:
      - (a) Involved Division personnel
      - (b) All available witnesses
      - (c) The subject upon whom chemical spray was used
    - (2) Review and sign the Use of Force Report.
    - (3) Complete an administrative investigation.
    - (4) Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command.
3. Immediate Supervisor
- a. Make a final determination for Level of Control 2 (not against a handcuffed subject) unless deviation from progressive discipline and/or departmental charges are recommended.
    - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.

- b. Forward the investigative packet to:
  - (1) Human Resources Bureau if discipline was issued, or
  - (2) IAB for filing if no discipline was issued.

4. Commander

- a. Make a final determination for Level of Control 2 against a handcuffed subject unless deviation from progressive discipline and/or departmental charges are recommended.
  - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
- b. Forward the investigative packet to:
  - (1) Human Resources Bureau if discipline was issued, or
  - (2) IAB for filing if no discipline was issued.
- c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

5. Deputy Chief

- a. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

6. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

7. Internal Affairs Bureau

- a. Record the incident in the involved personnel's IAB database record.
- b. Maintain the original Use of Force Report.

**E. Level of Control 3**

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and a Use of Taser Report, form U-10.128T, and give them to the investigating supervisor.

2. Investigating Supervisor

- a. Identify and interview the following:
  - (1) Involved Division personnel
  - (2) All available witnesses
  - (3) The subject upon whom the taser was used
- b. Review and sign the Use of Force Report and the Use of Taser Report.



- c. Complete the Data Processing Worksheet; attach the Use of Force Report, Use of Taser Report, any photographs taken, and a copy of the Arrest Information form; and forward the packet through the involved personnel's chain of command.
  - d. For a Level of Control 3 against a handcuffed subject, when three or more cycles of the taser are applied to one subject, when one taser is applied to multiple subjects during the same incident, or when multiple tasers are applied to the same subject:
    - (1) Complete an administrative investigation.
    - (2) Attach the administrative investigation to the Data Processing Worksheet, Use of Force Report, Use of Taser Report, any photographs taken, and a copy of the Arrest Information form, and forward the packet through the involved personnel's chain of command.
3. Commander
- a. Make a final determination for Level of Control 3 (no serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.
    - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
  - b. Forward the investigative packet to:
    - (1) Human Resources Bureau if discipline was issued, or
    - (2) IAB for filing if no discipline was issued.
  - c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.
4. Deputy Chief
- a. Make a final determination for Level of Control 3 (serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.
  - b. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.
  - c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.
  - d. Forward the investigative packet to:
    - (1) Human Resources Bureau if discipline was issued, or
    - (2) IAB for filing if no discipline was issued.
5. Human Resources Bureau
- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.

- b. Forward the remaining investigative packet to IAB.

6. Internal Affairs Bureau

- a. Record the incident in the involved personnel's IAB database record.
- b. Maintain the original Use of Force Report.

**F. Levels of Control 4 and 5**

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

- a. Identify and interview the following:
  - (1) Involved Division personnel
  - (2) All available witnesses
  - (3) The subject upon whom the use of force was used
- b. Review the Use of Force Report.
- c. Complete an administrative investigation.
- d. Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command.

3. Commander

- a. Make a final determination for Levels of Control 4 and 5 (no serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.
  - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
- b. Forward the investigative packet to the:
  - (1) Human Resources Bureau if discipline was issued, or
  - (2) IAB for filing if no discipline was issued.
- c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. Deputy Chief

- a. Make a final determination for Levels of Control 4 and 5 (serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.
- b. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

- c. Forward the investigative packet to:
  - (1) Human Resources Bureau if discipline was issued, or
  - (2) IAB for filing if no discipline was issued.
- d. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.
- 5. Human Resources Bureau
  - a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
  - b. Forward the remaining investigative packet to IAB.
- 6. Internal Affairs Bureau
  - a. Record the incident in the involved personnel's IAB database record.
  - b. Maintain the original Use of Force Report.
- G. Levels of Control 6 and 7**
  - 1. Involved Personnel
    - a. Cause any needed medical aid to be rendered.
    - b. Immediately notify, or cause notification of, an on-duty supervisor.
    - c. Complete a Use of Force Report and give it to the investigating supervisor.
  - 2. Investigating Supervisor
    - a. Identify and interview the following:
      - (1) Involved Division personnel
      - (2) All available witnesses
      - (3) The subject upon whom the use of force was used
    - b. Review the Use of Force Report.
    - c. Complete an administrative investigation.
    - d. Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command to IAB.
  - 3. Deputy Chief
    - a. Make a final determination for Levels of Control 6 and 7 unless deviation from progressive discipline and/or departmental charges are recommended.
      - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.
    - b. Forward the investigative packet to:
      - (1) Human Resources Bureau if discipline was issued, or
      - (2) IAB for filing if no discipline was issued.

- c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

5. Internal Affairs Bureau

- a. Record the incident in the involved personnel's IAB database record.
- b. Maintain the original Use of Force Report.

**H. Use of Force Resulting in Death or Serious Physical Harm Likely to Cause Death**

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately cause Communications Bureau personnel to be notified.
- c. Secure the scene.

2. Communications Bureau

- a. Dispatch personnel to render assistance or to secure the scene.
- b. Notify the Columbus Division of Fire and those listed on the Emergency Notification Guide.

Note: The Investigative Duty Desk will contact an on-duty Assault/Homicide Section supervisor.

3. Assault/Homicide Section Supervisor

- a. **Ensure notification is made to** the independent **investigative** agency.
- b. Function as the Division liaison to the independent agency as outlined in the Assault/Homicide Section SOP.
- c. Complete the required administrative paperwork, for example, **the** Use of Force Report and Data Processing Worksheet, and forward as outlined in the Assault/Homicide Section SOP.

4. Officer Support Team

Provide the involved personnel with any assistance, information, or other support they may desire.

Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Therefore, Officer Support Team members are cautioned not to discuss the incident.

5. Firearms/Police-Involved Death Review Board

- a. Review all information concerning the incident.
- b. Determine whether the police action was within Division policy.
- c. Prepare and forward a summary of the findings, together with the original investigative packet, the Use of Force Report, and the Data Processing

Worksheet, through the involved personnel's chain of command to the deputy chief.

Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and route it through the involved personnel's chain of command to the Chief of Police.

6. Immediate Supervisor

- a. Review the investigative packet and make recommendations.
- b. Forward the investigative packet through the chain of command.

7. Chain of Command

Review the investigative packet and make recommendations.

8. Deputy Chief

- a. Review the investigative packet.
- b. Make a final determination concerning the incident unless deviation from progressive discipline and/or departmental charges are recommended.

Note: If the recommendation of the deputy chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Chief of Police.

- (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

c. Forward the investigative packet to:

- (1) Human Resources Bureau if discipline was issued, or
- (2) IAB for filing if no discipline was issued.

- d. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

9. Chief of Police

- a. Make the final determination when a recommendation to bypass progressive discipline is made.
- b. Make a final determination if there are dissenting opinions between the Firearms/Police-Involved Death Review Board and the involved personnel's deputy chief.
- c. Cause the involved personnel to be notified of the determination.

10. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

11. Internal Affairs Bureau

- a. Record the disposition of the incident in the involved personnel's IAB database.
- b. Maintain the original Use of Force Report.

December 23, 2020

Ned Pettus, PhD  
Director of Public Safety

**SUBJECT: NOTIFICATION OF PENDING INTERNAL INVESTIGATIONS OF CRITICAL MISCONDUCT  
WITHIN THE DIVISION OF POLICE**

Director Pettus,

Upon learning of the tragedy that occurred on December 22, 2020 on Oberlin Drive I immediately responded to the scene. While at the scene I had an opportunity to view body worn video of the deadly encounter. I directly observed violations of critical misconduct by officers within the Division of Police.

Based on this knowledge I immediately initiated concurrent internal investigations to coincide with the State BCI criminal investigation. I also ordered Officer Coy relieved of duty and he surrendered his badge and division firearm. I also stripped him of all police authority. I then ordered the witness officer in for an interview and concluded the investigation as sustained critical misconduct.

**Investigation #1** is found under **IAB #202012 – 1029**. This investigation solely focuses on the Use of Force resulting in death. I concluded an expedited investigation into this critical misconduct, sustained violations of the Rules of Conduct, and forwarded charges and a termination recommendation to your office for a requisite hearing and disposition. The sustained allegations incorporate the totality of circumstances including a failure to activate the body worn camera and failure to render aid.

**Investigation #2** is found under **IAB #202012 – 1030**. This investigation focuses on a broad scope of allegations to include all responding personnel and will determine whether policy violations occurred regarding activation of body worn cameras and a duty to render medical aid, along with any other findings discovered during the comprehensive investigation that will occur.

Please find attached the sustained charges and specifications relating to IAB #202012 – 1029. The subsequent investigation remains open and action will follow as soon as completed.

Respectfully Submitted,



**Thomas Quinlan #5000**  
Chief of Police

TQ/tq

December 23, 2020

Ned Pettus, PhD  
Director of Public Safety

**SUBJECT: RECOMMENDATION FOR EXPEDITED HEARING FOR POLICE OFFICER ADAM COY**

Director Pettus,

On Tuesday, December 22, 2020 at approximately 1:37AM Officer Adam Coy was dispatched along with another officer to the area of 1000 Oberlin Drive on a suspicious vehicle. Upon arrival minutes later Officer Coy exited his vehicle on a "call for service" and did not activate his body camera. His cruiser camera was also not activated. Officer Coy encountered Andre Hill inside a residential garage. The dispatch run did not provide Officer Coy any indication there was criminal activity occurring or a present danger in the neighborhood. Radio merely advised to check the area for a suspicious vehicle.

Officer Coy seeing Mr. Hill in a garage had no immediate cause to believe criminal activity was afoot and certainly had no predisposition to believe Mr. Hill presented any threat to officers.

Division Directive 2.01 Use of Force directs officers that they "**shall**" [emphasis added] attempt to de-escalate a situation by using trained techniques, such as building rapport, communication skills, maintaining a safe distance, and utilizing a barrier.

While there is no audio surrounding the encounter, there is video. The video indicates Officer Coy failed to de-escalate the situation, which ultimately resulted in the loss of Mr. Hill's life.

Division Directive 2.01 Use of Force also states Officers shall use their training and **tactics** [emphasis added] to guide them through a use of force incident. In this encounter, Officer Coy failed to use training and tactics like time, distance, barrier, communications, and de-escalation.

Division Directive 2.01 Use of Force also states in pertinent part: Sworn personnel may use deadly force when the involved personnel have reason to believe the response is **objectively reasonable** [emphasis added] to protect themselves or others from the imminent threat of death or serious physical harm. No such fact pattern is evident here.



Just Cause to take action against an employee for critical misconduct requires seven steps:

- 1) Reasonable Rule or Work Order
- 2) Notice
- 3) Sufficient Investigation
- 4) Fair Investigation
- 5) Proof
- 6) Equal Treatment
- 7) Appropriate Discipline

As indicated above, Officer Coy has 'notice' of the reasonable work rules. Officer Coy's partner at this call for service has been interviewed as part of the investigation to supplement what I as the Chief of Police have 'direct observation' of via body worn video to support a sufficient and fair investigation that critical rules of conduct have been violated. [Officer Detweiler's statement to IAB attached.] There is tangible proof of the violations outlined throughout this document. These actions and events are unique to Officer Coy's conduct on December 22, 2020 and as such there is little record focused on equal treatment or past discipline for similar misconduct.

To further complicate this critical misconduct, Officer Coy failed to activate his body worn camera in violation of Division Directive 11.07, which states: Sworn personnel **shall** [emphasis added] activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. **Enforcement actions shall consist of calls for service and self-initiated activity** [emphasis added]. This dispatched call was a "call for service."

Division Directive 2.01 Use of Force, division personnel are required under **step one** [emphasis added] to cause any needed medical aid to be rendered. In this instance, Officer Coy failed to provide medical aid or ensure others did so.

**Rule of Conduct 1.04 Cause for Dismissal:** Division personnel hold their positions during good behavior and efficient service, but may be suspended or dismissed for incompetence, gross neglect of duty, gross immorality, habitual intoxication, failure to obey orders given by proper authority, misfeasance, malfeasance, nonfeasance, or for any other just and reasonable cause.

Officer Coy has violated his right to hold his position as a police officer and should be dismissed for incompetence, failure to obey orders given proper authority, mis-mal-nonfeasance, which all amount to a just and reasonable cause dismissal.

Finally, I am also considering the two basic foundations of the Columbus Division of Police – The Oath of Office and the Division of Police Code of Ethics.



**Oath of Office:** I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States of America, the Constitution and Laws of the State of Ohio, the laws and ordinances of the City of Columbus, and the Rules and Regulations of the Department of Public Safety, Division of Police; that I will not affiliate with a defined hate group; and that I will well and faithfully discharge the duties of Police Officer, to which I have been appointed according to law, and to the best of my ability.

**Division of Police Code of Ethics:** As an employee of the Columbus Division of Police, I will obey the rules, regulations, policies, duties, and responsibilities of my position. I will honor my oath as an officer by acting at all times in an ethical and trustworthy manner. I will make decisions based on the values of the organization, which include: Integrity, Compassion, Accountability, Respect, and Excellence. To earn the trust of the community I serve, the Code of Ethics will serve as my guiding principles. Violations of the Code of Ethics is also a violation of Rule of Conduct 1.15 General Requirements and the City's Central Work Rules.

Based on the events described above, I also believe that Officer Coy failed to uphold the Oath of Office and the values and principles embodied in the Code of Ethics. This conclusion is based on the totality of the circumstances unique to the actions of Officer Coy in the aggregate.

**Collective Bargaining Agreement 10.3 Progressive Action:** For charges other than insubordination, the principles of progressive corrective action shall be followed for conduct not in violation of law. If the offenses are of a critical nature, the Chief of Police may determine that a different sequence is required...The culpable mental state of the member shall also be taken into consideration. Misconduct that occurs through inadvertence or negligence may mitigate the severity of the penalty that may be imposed, **while misconduct that occurs as a result of deliberate intention may indicate that a more severe penalty, up to the maximum penalty, may be imposed.**

**SUMMARY:** As Chief of Police, the aforementioned are based on **events as observed**, not *events as reported*. The observed events indicate to me clear evidence that Officer Coy failed to comply with Rules of Conduct and Division Directives enumerated within this document. The violations of these rules, such as failure to use tactics and training, failure to de-escalate, failure to utilize recording devices provided, and a failure to render aid cumulatively violate Rule of Conduct 1.04 Cause for Dismissal and 1.19 Use of Force.

I find the seven steps of Just Cause have been met. Additionally, progressive discipline is inappropriate in these circumstances because Officer Coy had a culpable mental state, acted with deliberate intention, and/or the offenses are of a critical nature. This case is under active criminal investigation by the Ohio Attorney General's Office of Bureau of Criminal Investigation and upon its completion will be reviewed by the U.S. Attorney and the FBI for federal civil rights violations. Separate from ongoing criminal investigations, Officer Coy is an active member of the Division of Police and as such

subject to the Rules and Regulations of the Department of Public Safety, Division of Police as the Oath of Office he swore to uphold.

Subject to these Rules and Regulations I find Officer Coy engaged in critical misconduct that has irreparably harmed community trust and the trust of his superiors. Therefore I recommend an immediate termination of his employment subject to a hearing before the Director of Public Safety.

Forwarding to Director Pettus, PhD for any action he deems appropriate and supported by the record.

Respectfully Submitted,



**Thomas Quinlan #5000**  
Chief of Police

TQ/tq

December 24, 2020

Officer Adam Coy #2275, Z4E2-8

RE: I.A.B. Database #202012-1029

**Officer Coy:**

Facts have been brought to my attention which indicate that conduct on your part may warrant disciplinary action. Accordingly, you are herewith charged pursuant to Section 1.04 of the Rules of Conduct governing the Division of Police, Department of Public Safety; and Section 108 of the Charter of the City of Columbus, County of Franklin, State of Ohio, with violating the Rules of Conduct of the Division of Police as set forth in **Rules of Conduct 1.04 and 1.19.**

**Charge I:**

You are hereby charged with violating **Rule of Conduct 1.04 "Cause for Dismissal,"** which states, *"Division personnel hold their positions during good behavior and efficient service, but may be suspended or dismissed for incompetence, gross neglect of duty, gross immorality, habitual intoxication, failure to obey orders given by proper authority, misfeasance, malfeasance, nonfeasance, or for any other just and reasonable cause."*

Division Directive 11.07 III.G states in part, *Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of Calls for service and self-initiated activity.*

**Specification I:**

On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. Prior to shooting Mr. Hill, you did not attempt to use trained techniques to deescalate the situation. After shooting Mr. Hill, you did not render medical aid or ensure that others did so. Further you failed to activate your body worn camera while on a call for service. Your actions were a

gross violation of your oath as a Columbus Police Officer and, at a minimum, demonstrate incompetence, gross neglect of duty, misfeasance, malfeasance, and nonfeasance.

**Charge II:**

You are hereby charged with violating **Rule of Conduct 1.19 "Use of Force,"** which states, in part, *"Sworn personnel shall use force only in accordance with law and Division policy and procedures."*

Division Directive 2.01, II.A.3. states, *"Sworn personnel shall not use more force than is reasonable in an incident."*

Division Directive 2.01, II.B.1. states, *"Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm."*

Division Directive 2.01, II.A.1. states, *"Sworn personnel shall attempt to de-escalate a situation by using trained techniques, such as building rapport, communication skills, maintaining a safe distance, utilizing a barrier, etc., when it is safe to do so."*

Division Directive 2.01, III.G.1.a. states, in part, *"Procedures...Use of Force Resulting in Death or Serious Physical Harm Likely to Cause Death...Involved Personnel...Cause any needed medical aid to be rendered."*

**Specification I:**

On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. You failed to de-escalate, and failed to render aid.

Under the Collective Bargaining Agreement between the City of Columbus and the Fraternal Order of Police, departmentally-charged members are only entitled to a hearing before the Chief of Police if the member is to be placed in a leave without pay status pending the Director of Public Safety's hearing. Here, you will continue your regular employment (relieved of assignment) until a departmental hearing before the Director of Public Safety.

Based on the totality of the facts, circumstances and evidence personally known and observed by me, I have decided to forego a hearing at my level and **SUSTAIN** the

above listed charges. I am recommending a **240-hour suspension and termination** for each charge and specification to the Director of Public Safety for violation of Rules of Conduct 1.04 and 1.19.

The Director of Public Safety will inquire further into this matter. You will be notified by the Office of the Director of Public Safety when to appear in his office to facilitate his inquiry. After this inquiry, if the Director of Public Safety sustains the charges, he may suspend you from duty, reduce you in rank, or terminate your employment relationship with the City of Columbus. Should the Director of Public Safety determine that a suspension is the appropriate disposition of this matter, you will be notified at a later date of when your suspension is to be effective, which will be served at the convenience of the Division of Police.



**Thomas Quinlan**  
Chief of Police

TQ/tcm

Copy of the preceding received by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Officer Adam Coy #2275

Copy of the preceding served upon Officer Adam Coy #2275  
by me personally, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Server

**MEMORANDUM**

December 24, 2020

**TO:** Ned Pettus, Jr., Ph.D, Director of Public Safety

**FROM:** Thomas Quinlan, Chief of Police

**SUBJECT:** Report of Disciplinary Findings

**RE:** Officer Adam Coy #2275, Z4E2-8  
IAB Database #202012-1029

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Through information personally known and observed by me, I have determined that Officer Coy violated the following Division Rules of Conduct:

**Charge I:** You are hereby charged with violating **Rule of Conduct 1.04 "Cause for Dismissal,"** which states, *"Division personnel hold their positions during good behavior and efficient service, but may be suspended or dismissed for incompetence, gross neglect of duty, gross immorality, habitual intoxication, failure to obey orders given by proper authority, misfeasance, malfeasance, nonfeasance, or for any other just and reasonable cause."*

Division Directive 11.07 III.G states in part, *Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of Calls for service and self-initiated activity.*

**Specification I:** On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. Prior to shooting Mr. Hill, you did not attempt to use trained techniques to deescalate the situation. After shooting Mr. Hill, you did not render medical aid or ensure that others did so. Further you failed to activate your body worn camera while on a call for service. Your actions were a

gross violation of your oath as a Columbus Police Officer and, at a minimum, demonstrate incompetence, gross neglect of duty, misfeasance, malfeasance, and nonfeasance.

**FINDING: SUSTAINED**

**RECOMMENDATION: 240-HOUR SUSPENSION & TERMINATION**

**Charge II:** You are hereby charged with violating **Rule of Conduct 1.19 "Use of Force,"** which states, in part, *"Sworn personnel shall use force only in accordance with law and Division policy and procedures."*

Division Directive 2.01, II.A.3. states, *"Sworn personnel shall not use more force than is reasonable in an incident."*

Division Directive 2.01, II.B.1. states, *"Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm."*

Division Directive 2.01, II.A.1. states, *"Sworn personnel shall attempt to de-escalate a situation by using trained techniques, such as building rapport, communication skills, maintaining a safe distance, utilizing a barrier, etc., when it is safe to do so."*

Division Directive 2.01, III.G.1.a. states, in part, *"Procedures...Use of Force Resulting in Death or Serious Physical Harm Likely to Cause Death...Involved Personnel...Cause any needed medical aid to be rendered."*

**Specification I:** On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. You failed to de-escalate, and failed to render aid.

**FINDING: SUSTAINED**

**RECOMMENDATION: 240-HOUR SUSPENSION & TERMINATION**

The facts and evidence personally known and observed by me support a finding of **SUSTAINED** for violations of **Rules of Conduct 1.04 and 1.19.**

I recommend a **SUSPENSION OF 240 (TWO HUNDRED FORTY) WORKING HOURS or THIRTY (30) WORKING DAYS AND TERMINATION** as the appropriate level of discipline for the sustained charges cited above. The above referenced suspensions will be considered to be served **concurrently**. Consequently, Officer Coy must attend a hearing at your level.



**Thomas Quinlan**  
Chief of Police

TQ/tcm





# TRAIN TRACK™

## Employee Information and Training Status

Last Name:	Coy	Supervisor:	
First Name:	Adam	Shift:	
ID #:		Location:	
Phone:		Type:	
Email:		Status:	Active
Title:		Start Date:	
Department:		End Date:	
		Other Info.:	

### Trainings Completed

Training:	Number:	Revision:	Score:	Complete:	Expires:	Hours:
	5-2.0067			4/28/2009		8
Bombs/ Explosives/ WMD	9-4.0001			7/30/2007		2
Cruiser Video Systems	10-10.0001			2/18/2008		4
Cruiser Video Systems	10-10.0001			9/22/2009		4
Detective Bureau Training Basic	11-24.0001			2/26/2010		
Driver's Training - Classroom PIT Policy	5-2.0019			4/24/2009		3
Driver's Training -EVO	5-2.0013			4/28/2009		3
Driver's Training -Stop Sticks	8-1.0065			4/28/2009		2
DTU: 2010 Skills Development, Taser Recertification	9-7.0012			12/16/2010		8
DTU-2007 Skills Development & Taser Proficiency	9-7.0002			11/1/2007		8
DTU-2008 Skills Development & Taser Proficiency	9-7.0012			1/7/2009		8
DTU-2008 Skills Development & Taser Proficiency	9-7.0012			1/7/2009		8
DTU-2009 Skills Development & Taser Proficiency	9-4.0012			10/27/2009		8
DTU-High Risk Traffic Stops and Room Clearing	8-5.0018			8/1/2008		8
DTU-QUAD	13-3.0012			8/1/2007		8
Emergency Breaching for Patrol	8-3.0031			2/26/2008		2
Inservice 2007-Victims of Crime/Legal Updates	3-8.0005			8/21/2007		7
Inservice 2008 w/ VOC, EVO and Legal Updates	3-8.0059			5/6/2008		8
Inservice 2009: DNA & CCW	11-2.0094			6/17/2009		4
In-Service 2009-Ethics,Legal, Searches and TEW	3-3.0025			2/11/2009		8
Inservice 2010: Annual 8 Hour Training w/ Lessons Learned,V.O.C. Protection Order and Legal Training	1-1.0081			7/19/2010		8
In-Service 2011: QUAD, Active Shooter, Firearms, Decision Making	8-3.0017			2/22/2011		8
NETRMS Refresher	8-9.0089			2/12/2008		2
OPOTA Instructor Development	1-9.0001			9/2/2008		
OPOTA-Basic Instructor Development-80 Hours	1-9.0003			9/12/2008		80
Patrol Basic Investigators Course	11-00.0001			2/26/2010		
Police Sniper	4-5.0001			8/17/2007		40
Polygraph Refresher	11-1.0028			12/1/2008		8
PPE-First Responder Operations	13-1.0050			10/11/2010		16
RAP ID	8-11.0001			12/5/2006		1
Roll Call-Alzheimer's Disease and Dementia	3-2.0012			3/4/2008		1
Roll Call-Bombs	9-4.0002			6/6/2007		
Roll Call-CALEA	1-6.0018			4/30/2008		1
Roll Call-Crime Scene Management	11-1.0005			8/6/2010		1

Roll Call-Deadly Force and Animals	4-11.0002		12/30/2007	1
Roll Call-Directive 3.40, 3.72 & Laptop Docking	1-1.0048		1/5/2009	1
Roll Call-Directive 3.57: SWAT Policy	1-1.0027		5/26/2010	1
Roll Call-Division Technology Information	1-1.0068		1/5/2009	
Roll Call-Dog Complaints	8-3.0029		9/25/2008	1
Roll Call-EAP	11-1.0037		12/14/2010	1
Roll Call-EARS	1-3.0072		1/11/2010	1
Roll Call-Emergency Operation Plan	13-6.0001		2/18/2008	1
Roll Call-Interacting with Persons who have a Mental Illness	3-11.0045		11/5/2010	1
Roll Call-Mental Health	3-11.0001		2/21/2007	
Roll Call-Obstructing Official Business	2-2.0051		12/1/2009	1
Roll Call-Pandemic Flu	7-3.0001		3/30/2007	
Roll Call-Pandemic Flu	7-3.0001		2/21/2008	
Roll Call-Peace Officer Oaths	2-9.0001		6/30/2007	
Roll Call-Performance Evaluation	1-1.0018		8/6/2010	1
Roll Call-Police Ethics	1-8.0001		2/10/2008	1
Roll Call-Prisoner Processing	8-9.0002		7/30/2007	1
Roll Call-Prisoner Processing Area 2010	8-9.0003		11/25/2010	1
Roll Call-Public Records	2-9.0010		8/30/2007	1
Roll Call-Remote Clerking Protocol	2-10.0001		8/6/2007	1
Roll Call-Rifle Response	4-4.0001	2/1/2008	5/7/2008	1
Roll Call-Seizing Vehicle Box on Impound Slip	10-2.0018		6/8/2010	1
Roll Call-Skid Car	5-3.0019		6/7/2010	1
Roll Call-SOFAST	8-7.0061		6/8/2010	1
Roll Call-Staph Infections	7-2.0001		3/8/2007	1
Roll Call-Trigger Management	4-11.0003		12/19/2007	1
Sniper School-Basic	4-5.0001		8/17/2007	40

Total Trainings: 60

Total Hours: 338



# Employee Training Report

Report Date

Thursday, January 6, 2022

**OFFICER**

**ADAM**

**COY**

**2275**

**ZONE 4 RELIEF EVENING MIDW**

Date	Time	Class Name	Location	Instructor	Course #	Score	Certificate
12/19/2018		2018 Animal Control Pole Training	Roll Call	Electronic Roll Call	955		
12/18/2018		2018 Review of DD 2.01, Use of Force		Electronic Roll Call	954		
12/18/2018		2018 TowXchange	Roll Call	Electronic Roll Call	953		
8/12/2018		2018 Flotation Ring for Water Rescue	Roll Call	Electronic Roll Call	951		
7/16/2018		2018 Review of EOM 3.8 and EOM 2.1	Roll Call	Bureau	939		
7/16/2018		2018 Matrix Crime Interface	Roll Call	Electronic Roll Call	949		
7/16/2018		2018 June 8 Legal Updates Acknowledge	Roll Call	Legal Bureau	948		
7/16/2018		2018 May 17 Legal Updates Acknowledge	Roll Call	Legal Bureau	947		
7/16/2018		2018 May 4 Legal Updates Acknowledgem	Roll Call	Legal Bureau	922		
6/27/2018		2018 Entering Property Dispositions in PI	Roll Call	Bureau	925		
5/29/2018		2018 PH2 Joint Police Fire Lifesaving Tacti	Day 1 Academy, Day 2 4000 E. 5t		896		
5/2/2018		2018 March 24 Legal Advisor Video, Mars	Roll Call	Legal Bureau	926		
3/26/2018		2018 CPD In-service, Day 1	Academy		886		
3/20/2018		2018 March 13 Legal Updates Acknowled	Roll Call	Legal Bureau	924		
3/20/2018		2018 Close the Call	Roll Call	Bureau	923		
2/27/2018		2018 February 21 Legal Advisor Video	Roll Call	Legal Bureau	919		
2/27/2018		2018 February 13 Legal Updates Acknowl	Roll Call	Legal Bureau	918		
2/27/2018		2017 December 30 Material Distribution	Roll Call	Electronic Roll Call	897		

2/27/2018		2018 FBI NCIC Missing Persons File	Roll Call	Bureau	921		
2/27/2018		2017 December 7 Legal Updates Acknowl	Roll Call	Legal Bureau	898		
2/27/2018		2017 Fall LEADing News	Roll Call	Electronic Roll Call	901		
2/27/2018		2017 Acknowledgement of Ethical Condu	Roll Call	Bureau	902		
2/27/2018		2017 Review of JPFLTT PHI	Roll Call	Defensive Tactics Unit	900		
2/12/2018		Body Worn Cameras:Operations,maintan			655		
11/23/2017		2017 Celebrate One Program	Roll Call	Electronic Roll Call	891		
11/23/2017		2017 October 27 Legal Updates Acknowl	Roll Call	Legal Bureau	862		
11/23/2017		2017 October 4(A) Legal Advisor Video,	Roll Call	Legal Bureau	861		
11/23/2017		2017 October 4 Legal Video, Assault on P	Roll Call	Legal Bureau	859		
11/23/2017		2017 Sept 30 MDA (DD, EOM)	Roll Call		860		
11/13/2017		2017 DV Non-Fatal Strangulation Training		Bureau	879		
10/3/2017		2017 Sept 22 Legal Updates Acknowledge	Roll Call	Legal Bureau	858		
10/3/2017		2017 Sept 6 Legal Advisor Video- SB7 Pro	Roll Call	Legal Bureau	857		
10/3/2017		2017 Review of DD 2.02, Discharged Fire	Roll Call	Advanced Training Unit	855		
10/3/2017		2017 Review of DD 2.03, Firearms Regula	Roll Call	Advanced Training Unit	856		
10/3/2017		2017 Review of DD 2.01, Use of Force	Roll Call	Advanced Training Unit	854		
10/3/2017		2017 August 24 Legal Updates Acknowled	Roll Call	Legal Bureau	853		
10/2/2017		2017 CPT DTU Phase Training (7 HRS)	Academy	Defensive Tactics Unit	794		

<b>OFFICER</b>	<b>ADAM</b>	<b>COY</b>	<b>2275</b>	<b>████████</b>	<b>ZONE 4 RELIEF EVENING MIDW</b>
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8/15/2017		2017 Fentanyl Precautions	Roll Call	Advanced Training Unit	812		
8/15/2017		Dose of Reality, Sworn, PT5	Roll Call	City	801		
8/15/2017		Dose of Reality- Sworn, PT2	Roll Call	City	798		
8/15/2017		Dose of Reality, Sworn, PT4	Roll Call	City	800		
8/15/2017		Dose of Reality, Sworn, PT3	Roll Call	City	799		
8/15/2017		2017 June 30 Legal Updates Acknowledge	Roll Call	Legal Bureau	950		
8/15/2017		2017 August 15 MDA (DD)	Roll Call	Electronic Roll Call	810		
8/15/2017		2017 SEATBELTLOCK	Roll Call	Electronic Roll Call	833		
8/15/2017		2017 Welcome to 2017 TAC In-service	Roll Call		831		
8/9/2017		2017 TAC In-service, LEADS security	Roll Call		830		
8/9/2017		2017 July 27 Legal Updates Acknowledge	Roll Call	Legal Bureau	811		
8/9/2017		2017 June 30 MDA (DD, FRM, CCM)	Roll Call	Electronic Roll Call	781		
8/9/2017		Dose of Reality- Sworn, PT1	Roll Call	City	797		
6/28/2017		2017 PHASE I Joint Police Fire Lifesaving	Academy		745		
6/12/2017		2017 Spring LEADIng News	Roll Call	Electronic Roll Call	780		
6/12/2017		2017 June 1 Legal Updates Acknowledge	Roll Call	Legal Bureau	779		
5/31/2017		2017 May Legal Advisor Video, DV and Pr	Roll Call	Legal Bureau	778		
5/31/2017		2017 CRI, First-to-Receive Program	Roll Call	Electronic Roll Call	777		
5/31/2017		2017 Impound Slip Training	Roll Call	Electronic Roll Call	765		

<b>OFFICER</b>	<b>ADAM</b>	<b>COY</b>	<b>2275</b>	<b>██████</b>	<b>ZONE 4 RELIEF EVENING MIDW</b>
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5/31/2017		2017 Gifts and Gratuities	Roll Call	Electronic Roll Call	776		
5/8/2017		2017 OIBRS Paper Form	Roll Call	Electronic Roll Call	764		
5/8/2017		2017 April 20 Legal Updates Acknowledg	Roll Call	Legal Bureau			
5/8/2017		2017 CPD Response to Opiate Overdose	Roll Call	Electronic Roll Call	762		
4/18/2017		2017 Restricted Duty Procedure	Roll Call	Electronic Roll Call	761		
4/18/2017		2017 Seatbelt Use Reminder	Roll Call	Electronic Roll Call	760		
4/6/2017		2017 March 30 MDA (DD,EOM,PSOP,AE	Roll Call	Electronic Roll Call	744		
4/6/2017		2017 Emergency Operations Manual, 3.5	Roll Call	Electronic Roll Call	782		
4/6/2017		2017 March 17 Legal Updates Acknowled	Roll Call	Legal Bureau	752		
4/6/2017		2016 Fall LEADIng News (CPD issue 3/15	Roll Call	Electronic Roll Call	728		
4/5/2017		2017 OHLEG Security Training	Roll Call	Electronic Roll Call	736		
4/5/2017		2017 March 1 Legal Updates Acknowledg	Roll Call	Legal Bureau	735		
3/14/2017		2017 CPD CPT IN-service (14 hr segmen	Academy	Advanced Training Unit	668		
2/27/2017		2017 PremierOne Property Sheet Record	Roll Call	Electronic Roll Call	737		
2/27/2017		2017 Auto Theft Unit Updates	Roll Call	Electronic Roll Call	834		
2/9/2017		2017 January 24 Legal Updates Acknowle	Roll Call	Legal Bureau	720		
1/12/2017		2017 Heliport Stand-by Protocol	Roll Call	Electronic Roll Call	717		
1/12/2017		2016 December 30 MDA (DD, PSOP, FR	Roll Call	Electronic Roll Call	703		
1/12/2017		2016 December 21 Legal Update Acknow	Roll Call	Legal Bureau	702		

12/6/2016		2016 November 30 Legal Updates Ackno	Roll Call	Legal Bureau	671		
12/6/2016		2016 PI Mental Health Contact Form	Roll Call		670		
12/6/2016		2016 November 16 Legal Advisor Video	Roll Call	Legal Bureau	669		
12/6/2016		2016 All Hazards Training	Roll Call	Electronic Roll Call	647		
10/31/2016		2016 Election Law Updates Acknowledge	Roll Call	Electronic Roll Call	645		
10/31/2016		2016 Use of Force Policy Exam Review	Range	Electronic Roll Call	644		
10/26/2016		2016 October 20 Legal Updates Acknowl	Roll Call	Electronic Roll Call	643		
10/26/2016		2016 Long Range Acoustic Device (LRAD	Roll Call	Electronic Roll Call	642		
10/26/2016		2016 Legal Updates Acknowledgement, S	Roll Call	Electronic Roll Call	641		
10/26/2016		2016 September 26 Legal Updates Ackno	Roll Call	Electronic Roll Call	640		
10/26/2016		2016 DTU PHASE II	Academy	Defensive Tactics Unit	623		
9/28/2016		2016 Prisoner Custody and Processing Ro	Roll Call	Electronic Roll Call	638		
9/21/2016		2016 Street Level Narcotics Enforcement	Roll Call	Electronic Roll Call	637		
9/21/2016		2016 Update 2- Syringe Access Program	Roll Call	Electronic Roll Call	636		
9/21/2016		2016 August 24 Legal Updates Acknowled	Roll Call	Legal Bureau	609		
8/17/2016		2016 Fentanyl, Risk to Law Enforcement	Roll Call	Advanced Training Unit	608		
8/17/2016		2016 July 8 Legal Updates Acknowledgem	Roll Call	Legal Bureau	607		
7/17/2016		2016 Recruiting Campaign	Roll Call	Advanced Training Unit	606		
7/17/2016		2016 June MDA (DD,TS, PSOP, AEM, SM)	Roll Call	Electronic Roll Call	598		

**OFFICER**                      **ADAM**                      **COY**                      **2275**                      **████████**                      **ZONE 4 RELIEF EVENING MIDW**

7/17/2016		2016 Social Media and Law Enforcement	Roll Call	Advanced Training Unit	586		
7/17/2016		2016 CPD and CFD Naloxone Pilot Proje	Roll Call	Advanced Training Unit	585		
6/20/2016		2016 Digital Migration Information	Roll Call		584		
6/20/2016		2016 Traffic Direction and Control	Roll Call	Advanced Training Unit	583		
6/20/2016		2016 Update-Syringe Access Program	Roll Call		561		
6/20/2016		2016 May 24 Legal Updates Acknowledg	Roll Call		560		
5/25/2016		2016 Classification of Premier I Reports	Roll Call	Electronic Roll Call	556		
5/11/2016		2015 LEADS TAC In-service (May 2016)	Roll Call	Electronic Roll Call			
5/11/2016		2016 May Legal Updates Acknowledgeme	Roll Call	Electronic Roll Call	555		
4/27/2016		2016 Syringe Access Program	Roll Call	Electronic Roll Call	553		
4/27/2016		2016 April Police Legal- Zone Initiative	Roll Call	Electronic Roll Call			
4/27/2016		2016 Work Life Balance Presentation	Roll Call	Electronic Roll Call			
4/27/2016		2016 March MDA (DD, EOM, SM)	Roll Call	Electronic Roll Call	520		
4/27/2016		2016 Heliport Presentation	Roll Call	Electronic Roll Call	519		
3/24/2016		2016 Police Response to Fire Scenes	Roll Call	Electronic Roll Call	518		
3/7/2016		2016 Counter Terrorism Unit Informatio	Roll Call	Electronic Roll Call	517		
3/1/2016		2016 CPD CPT Mandatory In-service	Academy		497		
2/2/2016		2015 Fall LEADing News	Roll Call	Electronic Roll Call	516		
1/27/2016		2016phase I DTU Basic Skills, Taser Revie	Academy				



1/25/2016		2016 Basic Instructor Update (OPOTA)	Academy		501		
1/14/2016		Dec 2015 Electronic Distribution	Roll Call	Electronic Roll Call	511		
12/14/2015		2015 Rescue Ropes Refresher	Roll Call		486		
12/14/2015		Managing Canine Encounters	Roll Call		484		
11/30/2015		CIT Recruiting Video	Roll Call		483		
11/30/2015		FBI NCIC Missing Person File	Roll Call		482		
11/30/2015		Counter Terrorism Unit	Roll Call	Electronic Roll Call	479		
11/30/2015		2015 Panasonic Arbitrator Classification	Roll Call	Electronic Roll Call	473		
11/16/2015		2015 CIVIL DISORDER TRAINING	Academy		427		
11/9/2015		Premier One Check In-Check out Proces	Roll Call	Electronic Roll Call	466		
11/9/2015		2015 PTV Doors	Roll Call	Electronic Roll Call	467		
11/9/2015		2015 OctoberPolice Legal Update	Roll Call	Electronic Roll Call	465		
11/9/2015		2015 Special Duty Cruiser Rentals	Roll Call	Electronic Roll Call	464		
11/9/2015		2015 Domestic Incident Worksheet	Roll Call	Electronic Roll Call			
11/9/2015		2015 September MDA (DD, PSOP,ATEM)	Roll Call				
9/28/2015		2015 Tourniquet Training Video	Roll Call	Electronic Roll Call	438		
9/28/2015		FOX MK-9 Pistol Grip Fogger Familiarizat	Roll Call	Electronic Roll Call	439		
9/9/2015		2015 RC Netcare Community Crisis Resp	Roll Call		431		
9/6/2015		August 2015 MDA Legal Advisor Update	Roll Call	Legal Bureau	468		

OFFICER	ADAM	COY	2275		ZONE 4 RELIEF EVENING MIDW
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7/13/2015		June 2015 MDA Division Directives	Roll Call	Electronic Roll Call	418		
7/13/2015		July 2015 MDA Legal Advisor Update	Roll Call	Legal Bureau	419		
6/16/2015		The Recruiting Challenge	Roll Call		394		
6/16/2015		DD Chapter System and Electronic Form	Roll Call		393		
6/16/2015		May 2015 MDA Legal Advisor's Update	Roll Call		392		
6/8/2015		PIT ADVANCED & Stopping Tactics			253		
5/24/2015		May 2015 Legal Advisor Video- CCW, Kn	Roll Call	Legal Bureau	373		
5/18/2015		Spring 2015 LEADS Leading News	Roll Call	Electronic Roll Call	372		
5/13/2015		2015 BWC Drug Free Workplace Part 4	Roll Call				
5/13/2015		2015 BWC Drug Free Workplace Part 3	Roll Call				
5/13/2015		2015 BWC Drug Free Workplace Part 2	Roll Call				
5/13/2015		2015 BWC Drug Free Workplace Part 1	Roll Call				
5/13/2015		April 2015 MDA (Patrol SOP, Training Su	Roll Call	Electronic Roll Call			
5/11/2015		2015 MANDATORY IN-SERVICE	Academy		314		
4/9/2015		2015 MDA MARCH (CCM, EOM REVISI	Roll Call	Electronic Roll Call			
4/9/2015		2015 RC DTU BUILDING SEARCHES	Academy	Electronic Roll Call			
4/9/2015		2015 RC DTU TRAFFIC STOPS	Academy	Electronic Roll Call	311		
4/9/2015		2015 RC DTU FOOT PURSUITS	Academy	Electronic Roll Call	313		
4/9/2015		2015 DTU Basic Skills Proficiency & Taser	Academy	Defensive Tactics Unit	307		

<b>OFFICER</b>	<b>ADAM</b>	<b>COY</b>	<b>2275</b>	<b>██████</b>	<b>ZONE 4 RELIEF EVENING MIDW</b>
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3/11/2015		2015 RC MARCH MDA LEGAL ADVISO	Roll Call	Electronic Roll Call			
3/11/2015		2015 RC LOADING AND RELOADING	Roll Call	Electronic Roll Call			
3/11/2015		2015 March Legal Advisor Videos	Roll Call	Legal Bureau			
2/17/2015		2015 Jan CCM Publication Distribution	Roll Call	Electronic Roll Call	326		
2/10/2015		2015 RC Grip Idle	Roll Call	Electronic Roll Call	325		
1/21/2015		2015 RC January Legal Update	Roll Call	Electronic Roll Call			
1/20/2015		2015 RC Peer Assistance Team	Roll Call	Advanced Training Unit	298		
1/20/2015		Division Directive Distribution Dec 2014	Roll Call		289		
1/20/2015		2014 RC Cloned Credit Cards	Roll Call	Electronic Roll Call	310		
12/14/2014		2014 RC Vehicle For Hire	Roll Call	Electronic Roll Call	284		
12/14/2014		2014 LEADS TAC In-Service	Roll Call		270		
12/14/2014		2014 RC LEADS Security Awareness	Roll Call		271		
11/18/2014		2014 RC ID Bureau Processing	Roll Call	Advanced Training Unit	243		
11/18/2014		2014 RC NOVEMBER LEGAL ADVISOR	Roll Call	Electronic Roll Call	299		
11/18/2014		2014 RC LEADS Newsletter #3	Roll Call	Advanced Training Unit	247		
11/18/2014		2014 RC LION Vacation Placeholders	Roll Call	Advanced Training Unit			
11/18/2014		2014 RC Biased Based Profiling	Roll Call	Advanced Training Unit	245		
11/18/2014		2014 Sept.Electronic Directive Distributi	Roll Call		269		
10/8/2014		2014 September Legal Advisor Update	Roll Call	Electronic Roll Call			

OFFICER	ADAM	COY	2275		ZONE 4 RELIEF EVENING MIDW
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9/11/2014		2014 RC OHLEG Security	Roll Call	Electronic Roll Call			
9/11/2014		2014 RC Seizure/Forfeiture	Roll Call	Bureau	262		
8/18/2014		2014 RC LION Basic Training	Roll Call	Advanced Training Unit	177		
7/15/2014		2014 RC Special Victims Bureau	Roll Call	Advanced Training Unit	176		
7/6/2014		2014 RC Prisoner Searches	Roll Call	Advanced Training Unit	175		
6/15/2014		2014 RC LEADS April Newsletter	Roll Call		174		
6/15/2014		2014 RC Leads January Newsletter	Roll Call		173		
6/11/2014		2014 RC Panasonic Arbitrator Training	Roll Call	Advanced Training Unit	170		
6/11/2014		2014 RC Bullet Trap Use	Roll Call	Advanced Training Unit	172		
6/8/2014		2014 RC CANINE ENCOUNTERS	Roll Call	Advanced Training Unit	187		
6/4/2014		2014 RC ATACRAIDS TRAINING	Roll Call	Advanced Training Unit	194		
6/4/2014		2014 RC Mental Illness	Roll Call	Advanced Training Unit	169		
6/4/2014		2014 RC Breaking Down the Language Ba	Roll Call	Advanced Training Unit	171		
6/4/2014		2014 RC RESCUE TOOL	Roll Call	Advanced Training Unit	185		
4/9/2014		2014 RC Diabetes	Roll Call		131		
4/9/2014		2014 RC AED	Roll Call	Advanced Training Unit	67		
4/7/2014		2014 Phase II In-service Training	Academy	Advanced Training Unit	92		
4/7/2014		2014 RC Epilepsy-Seizure	Roll Call	Advanced Training Unit	211		
4/6/2014		2014 RC CALEA On-Site Prep	Roll Call	Advanced Training Unit	65		

**OFFICER**                      **ADAM**                      **COY**                      **2275**                      **██████**                      **ZONE 4 RELIEF EVENING MIDW**

4/1/2014		2014 RC Recovering Stolen Auto	Roll Call	Bureau	64		
3/23/2014		2014 Pursuit and Stopping Tactics Update	Roll Call	Advanced Training Unit	62		
3/2/2014		2014 RC Legal Advisor Training	Roll Call	Advanced Training Unit	60		
3/1/2014		2014 RC Consular Notification	Roll Call	Advanced Training Unit	59		
2/12/2014		2014 DTU Basic Skills Proficiency Review/	Academy	Defensive Tactics Unit	43		
1/31/2014		2014 RC Legal Advisor Training	Roll Call	Advanced Training Unit	60		
11/20/2013		2013 Fall In-Service - 8 Hour	Roll Call	Advanced Training Unit	17		
11/1/2013		2013 All Hazard Training	Roll Call	Advanced Training Unit	28		
10/1/2013		2013 Prisoner Holding Rooms	Roll Call	Advanced Training Unit	29		
7/1/2013		2013 June X26P Taser Transition	Roll Call		33		
6/11/2013		2013 Premeir One	Academy	Advanced Training Unit			
6/3/2013		2013 Drug Field Test Kits	Roll Call	Advanced Training Unit			
6/3/2013		2013 PIT Refresher	Roll Call	Advanced Training Unit	10		
6/1/2013		2013 Seizure Foreiture	Roll Call	Advanced Training Unit			
3/18/2013		2013 Defensive Tactics and Taser	Academy	Defensive Tactics Unit	15		
1/31/2013		2013 Bloodborne Pathogens	Roll Call	Advanced Training Unit			
1/31/2013		2013 Police Response To People with Me	Roll Call	Advanced Training Unit	3		
11/1/2012		2012 Emergency Operations All Hazards	Roll Call	Electronic Roll Call	37		
9/18/2012		2012 In-Service Training : Plain Clothes	Academy	Advanced Training Unit	55		

**OFFICER****ADAM****COY****2275****ZONE 4 RELIEF EVENING MIDW**

4/1/2012		2012 Biased Based Profiling	Roll Call	Electronic Roll Call	41		
3/14/2012		2012 DTU Basic Skills Proficiency Review	Academy	Defensive Tactics Unit	14		
12/10/2011		2011 RC: Ethics, Traffic Stop Data, and Ba	Roll Call	Advanced Training Unit	48		
12/1/2011		2011 RC: SAR All Hazards, Health & Bio-	Roll Call	Electronic Roll Call	38		
11/16/2011		2011 DTU Skills and Taser Proficiency	Academy	Defensive Tactics Unit			
		2013 People with Blindness/Low Vision	Roll Call	Advanced Training Unit	31		
		2013 RC: Driver's License Issues part 2	Roll Call	Advanced Training Unit			
		2013 RC: Driver's License Issue part 1	Academy	Advanced Training Unit	16		
		2013 June Suspicious Packages	Roll Call		34		

Division of Police  
Internal Affairs Bureau  
Employee Report for

COY, ADAM C - [REDACTED]

Citizen Complaints / IAB Internal Investigations

IAB Number	200206-0051	Incident Date	6/7/2002 7:56:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240651
Criminal Charges		Dept Charges	
Allegation	Handling of Prisoner	Disposition	Unfounded
Investigation Type	Citizen Complaint	Complainant	Ketter, Michael
Address	7692 Scofield Ct	City, State, Zip	Dublin, Ohio 43016
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	A - Directly Involved in Incident

IAB Number	200206-0051	Incident Date	6/7/2002 7:56:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240651
Criminal Charges		Dept Charges	
Allegation	Missing or Damaged Property	Disposition	Unfounded
Investigation Type	Citizen Complaint	Complainant	Ketter, Michael
Address	7692 Scofield Ct	City, State, Zip	Dublin, Ohio 43016
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	A - Directly Involved in Incident

IAB Number	200206-0051	Incident Date	6/7/2002 7:56:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240651
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Ketter, Michael
Address	7692 Scofield Ct	City, State, Zip	Dublin, Ohio 43016
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	A - Directly Involved in Incident
IAB Number	200206-0058	Incident Date	6/8/2002 2:00:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240651
Criminal Charges		Dept Charges	
Allegation	<b>Missing or Damaged Property</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Haddix, Robert
Address	396 E. 13th Ave.	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	25	Status	A - Directly Involved in Incident
IAB Number	200208-0195	Incident Date	8/25/2002 11:50:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240409
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Kennedy, Zumo
Address	510 S. Hamilton Rd.	City, State, Zip	Columbus, Ohio 43213
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	42	Status	A - Directly Involved in Incident



IAB Number	200208-0195	Incident Date	8/25/2002 11:50:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240409
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Kennedy, Zumo
Address	510 S. Hamilton Rd.	City, State, Zip	Columbus, Ohio 43213
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	42	Status	A - Directly Involved in Incident
IAB Number	200211-0112	Incident Date	11/9/2002 12:30:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Jackson, Janet T
Address	3074 Janwood Drive	City, State, Zip	Columbus, Ohio 43227
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	38	Status	A - Directly Involved in Incident
IAB Number	200212-0059	Incident Date	12/1/2002 11:00:00 PM
Action	Other	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Review Complete</b>
Investigation Type	Info Only	Complainant	Livingston, Steve Sgt
Address	120 Marconi Blvd.	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

IAB Number	200212-0151	Incident Date	12/17/2002 12:30:00 AM
Action	Processing Prisoner	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Missing or Damaged Property</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Moton, Dennis K
Address	1631 Oakland Park Avenue	City, State, Zip	
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	43	Status	A - Directly Involved in Incident
IAB Number	200212-0188	Incident Date	12/26/2002 1:00:00 AM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Kearns, Bob
Address	RR4, 206684 Meaford Ontario, CAN. N4L1W7	City, State, Zip	
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	C - Witnessed Incident
IAB Number	200212-0188	Incident Date	12/26/2002 1:00:00 AM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Kearns, Bob
Address	RR4, 206684 Meaford Ontario, CAN. N4L1W7	City, State, Zip	
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	C - Witnessed Incident

IAB Number	200212-0188	Incident Date	12/26/2002 1:00:00 AM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Kearns, Bob
Address	RR4, 206684 Meaford Ontario, CAN. N4L1W7	City, State, Zip	
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age		Status	C - Witnessed Incident
IAB Number	200301-0105	Incident Date	1/11/2003 11:46:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Payne, Tamala
Address	3996 Estates Pl	City, State, Zip	Columbus, Ohio 43224
Phone		Phone	
Sex / Race	F /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200302-0073	Incident Date	2/8/2003 1:43:00 AM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Gaerke, Jeremy
Address	2991 Staduim Dr.	City, State, Zip	Columbus, Ohio
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200303-0010	Incident Date	3/1/2003 11:00:00 PM
Action	Other	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Review Complete</b>
Investigation Type	Info Only	Complainant	Livingston, Steve Sgt
Address	120 Marconi Blvd.	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	
IAB Number	200303-0249	Incident Date	3/27/2003 5:20:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Withdrawn</b>
Investigation Type	Citizen Complaint	Complainant	Cain, Ray
Address	151 N. 6th St.	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200306-0025	Incident Date	4/24/2003 9:00:00 AM
Action	Other	Duty Status	own - Unknown
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Unfounded per Article 8.12</b>
Investigation Type	Citizen Complaint	Complainant	Jewell, Terry L.
Address	2009 Bancroft St.	City, State, Zip	Columbus, OH 43219
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200306-0025	Incident Date	4/24/2003 9:00:00 AM
Action	Other	Duty Status	own - Unknown
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Unfounded per Article 8.12</b>
Investigation Type	Citizen Complaint	Complainant	Jewell, Terry L.
Address	2009 Bancroft St.	City, State, Zip	Columbus, OH 43219
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200305-0045	Incident Date	5/6/2003 7:57:29 AM
Action	Other	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Review Complete</b>
Investigation Type	Info Only	Complainant	Livingston, Steve Sgt
Address	120 Marconi Blvd.	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	
IAB Number	200306-0106	Incident Date	6/1/2003 1:00:00 AM
Action	Other	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Review Complete</b>
Investigation Type	Info Only	Complainant	Livingston, Steve Sgt
Address	120 Marconi Blvd	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

IAB Number	200306-0114	Incident Date	6/13/2003 2:20:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Cancelled for Cause</b>
Investigation Type	Citizen Complaint	Complainant	Nedolast, Thomas
Address	1322 Runaway Bay Dr., Apt. #1B	City, State, Zip	Columus, OH 43204
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200306-0218	Incident Date	6/27/2003 5:15:00 AM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Cancelled for Cause</b>
Investigation Type	Citizen Complaint	Complainant	Harris, Lloyd
Address	989 Ellsworth Ave.	City, State, Zip	Columbus, Ohio 43206
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200307-0026	Incident Date	7/1/2003 1:00:00 AM
Action	Other	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Review Complete</b>
Investigation Type	Info Only	Complainant	Kuykendoll, LuEllen
Address	120 Marconi Blvd	City, State, Zip	
Phone		Phone	
Sex / Race	F /	Ethnicity	
Age		Status	

IAB Number	200307-0084	Incident Date	7/14/2003 9:23:00 PM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Kies, Amy
Address	1498 Runaway Bay Dr.	City, State, Zip	Columbus, Ohio 43204
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	29	Status	A - Directly Involved in Incident
IAB Number	200308-0043	Incident Date	8/1/2003 11:00:00 PM
Action	Other	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Review Complete</b>
Investigation Type	Info Only	Complainant	Kuykendoll, LuEllen Sgt.
Address	120 Marconi Blvd.	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	
IAB Number	200308-0133	Incident Date	8/18/2003 12:28:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Corwin, Todd
Address	398 Hearth Stone Dr.	City, State, Zip	Delaware, Oh 43015
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200312-0078	Incident Date	12/1/2003 1:00:00 AM
Action	Other	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Review Complete</b>
Investigation Type	Info Only	Complainant	Kuykendoll, LuEllen Sgt.
Address	120 Marconi Blvd.	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	
IAB Number	200404-0148	Incident Date	4/25/2004 10:56:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Addison, Matthew
Address	3019 Millridge Pl.	City, State, Zip	Dublin, OH 43017
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200407-0111	Incident Date	7/10/2004 9:24:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Spontak, Donna
Address	1280 Indianola Ave.	City, State, Zip	Columbus, Oh. 43201
Phone		Phone	
Sex / Race	F /	Ethnicity	
Age		Status	A - Directly Involved in Incident



IAB Number	200407-0111	Incident Date	7/10/2004 9:24:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Spontak, Donna
Address	1280 Indianola Ave.	City, State, Zip	Columbus, Oh. 43201
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200408-0065	Incident Date	8/4/2004 10:05:01 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Use of Authority or Position</b>	Disposition	<b>Withdrawn</b>
Investigation Type	Citizen Complaint	Complainant	Gerken, Tom
Address	441 Richards Rd.	City, State, Zip	Columbus, Oh.
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	C - Witnessed Incident

IAB Number	200409-0008	Incident Date	9/1/2004 12:50:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Investigative Actions</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Hartshorn, Abigail S
Address	1618 King Ave.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	23	Status	A - Directly Involved in Incident

IAB Number	200409-0008	Incident Date	9/1/2004 12:50:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Hartshorn, Abigail S
Address	1618 King Ave.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	23	Status	A - Directly Involved in Incident

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IAB Number	200409-0008	Incident Date	9/1/2004 12:50:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Hartshorn, Abigail S
Address	1618 King Ave.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	23	Status	A - Directly Involved in Incident

IAB Number	200409-0008	Incident Date	9/1/2004 12:50:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Hartshorn, Abigail S
Address	1618 King Ave.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	23	Status	A - Directly Involved in Incident

IAB Number	200410-0064	Incident Date	10/5/2004 10:30:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Zimmer, Cynthia /see notes
Address	3085 Brightington Dr.	City, State, Zip	Dublin, OH 43017
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200410-0064	Incident Date	10/5/2004 10:30:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Zimmer, Cynthia /see notes
Address	3085 Brightington Dr.	City, State, Zip	Dublin, OH 43017
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200410-0258	Incident Date	10/26/2004 10:30:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Display / Use of Firearms</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Latif, Nasir
Address	3212 Saybrook Lane	City, State, Zip	Dublin, OH 43017
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	47	Status	A - Directly Involved in Incident

IAB Number	200410-0258	Incident Date	10/26/2004 10:30:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Latif, Nasir
Address	3212 Saybrook Lane	City, State, Zip	Dublin, OH 43017
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	47	Status	A - Directly Involved in Incident
IAB Number	200508-0128	Incident Date	8/13/2005 11:00:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Maye, Ricco
Address	1435 N. 4th St.	City, State, Zip	Columbus, Ohio 43219
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	23	Status	A - Directly Involved in Incident
IAB Number	200607-0128	Incident Date	7/22/2006 11:00:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint, Use Of Force	Complainant	Collins, Lori
Address	858 S. High St.	City, State, Zip	Columbus, Ohio 43206
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	C - Witnessed Incident

IAB Number	200609-0007	Incident Date	9/2/2006 8:30:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Taflinger, Nicholas
Address	4661 McClain Road	City, State, Zip	Lima, Ohio 45806
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	A - Directly Involved in Incident

IAB Number	200609-0007	Incident Date	9/2/2006 8:30:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Taflinger, Nicholas
Address	4661 McClain Road	City, State, Zip	Lima, Ohio 45806
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	A - Directly Involved in Incident

IAB Number	200610-0020	Incident Date	10/2/2006 9:17:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Threats or Harassment</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Fuller, Paul
Address	173 E. 14th Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	30	Status	A - Directly Involved in Incident

IAB Number	200610-0025	Incident Date	10/2/2006 10:57:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Jallaq, Abed
Address	1280 Lane on the Lakes Apt. A	City, State, Zip	Columbus, Ohio 43235
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200610-0099	Incident Date	10/22/2006 1:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Use of Authority or Position</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint, Use Of Force, Use Of Mace	Complainant	Morando, Valerie
Address	1517 Aschinger Blvd.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	22	Status	A - Directly Involved in Incident

IAB Number	200610-0099	Incident Date	10/22/2006 1:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Use of Authority or Position</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint, Use Of Force, Use Of Mace	Complainant	Morando, Valerie
Address	1517 Aschinger Blvd.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	22	Status	A - Directly Involved in Incident

IAB Number	200705-0076	Incident Date	5/1/2007 9:50:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Pope, Jason/see notes
Address	7949 Corsham Ct.	City, State, Zip	Dublin, OH 43016
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	A - Directly Involved in Incident

IAB Number	200705-0076	Incident Date	5/1/2007 9:50:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Pope, Jason/see notes
Address	7949 Corsham Ct.	City, State, Zip	Dublin, OH 43016
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	A - Directly Involved in Incident

IAB Number	200705-0076	Incident Date	5/1/2007 9:50:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Threats or Harassment</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Pope, Jason/see notes
Address	7949 Corsham Ct.	City, State, Zip	Dublin, OH 43016
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	A - Directly Involved in Incident



IAB Number	200708-0107	Incident Date	8/6/2007 10:23:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Investigative Actions</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Knipp, James
Address	7801 Stoneforrd Dr	City, State, Zip	Columbus, Ohio 43235
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200708-0308	Incident Date	8/28/2007 1:03:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Burns, Tara
Address	5955 Tara Hill Drive	City, State, Zip	Dublin, Ohio 43017
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	48	Status	D - Did not Witness Incident
IAB Number	200708-0308	Incident Date	8/28/2007 1:03:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Burns, Tara
Address	5955 Tara Hill Drive	City, State, Zip	Dublin, Ohio 43017
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	48	Status	D - Did not Witness Incident

IAB Number	200710-0311	Incident Date	9/10/2007 10:54:00 PM
Action	Conversing / Corresponding	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Shah, Ali
Address	59 Garrison Avenue Suite 3	City, State, Zip	Jersey City, New Jersey
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200710-0311	Incident Date	9/10/2007 10:54:00 PM
Action	Conversing / Corresponding	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Threats or Harassment</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Shah, Ali
Address	59 Garrison Avenue Suite 3	City, State, Zip	Jersey City, New Jersey
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200710-0248	Incident Date	10/16/2007 11:13:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Johnson, Ralph
Address	266 E. Main Street #310	City, State, Zip	Columbus, Ohio 43215
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200710-0248	Incident Date	10/16/2007 11:13:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Johnson, Ralph
Address	266 E. Main Street #310	City, State, Zip	Columbus, Ohio 43215
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200711-0233	Incident Date	11/20/2007 1:20:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	McKenna, Kristen
Address	1243 Pennsylvania Av	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200802-0065	Incident Date	2/11/2008 12:30:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Williams, Ron
Address	2342 Sandman Dr.	City, State, Zip	Dublin, Ohio 43235
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200802-0065	Incident Date	2/11/2008 12:30:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Williams, Ron
Address	2342 Sandman Dr.	City, State, Zip	Dublin, Ohio 43235
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200802-0065	Incident Date	2/11/2008 12:30:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Missing or Damaged Property</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Williams, Ron
Address	2342 Sandman Dr.	City, State, Zip	Dublin, Ohio 43235
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200802-0065	Incident Date	2/11/2008 12:30:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Missing or Damaged Property</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Williams, Ron
Address	2342 Sandman Dr.	City, State, Zip	Dublin, Ohio 43235
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident

IAB Number	200802-0065	Incident Date	2/11/2008 12:30:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Williams, Ron
Address	2342 Sandman Dr.	City, State, Zip	Dublin, Ohio 43235
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200803-0186	Incident Date	3/15/2008 6:30:00 PM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Internal Investigation	Complainant	Quinlan, Thomas LT
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	H - Chain of Command
IAB Number	200803-0186	Incident Date	3/15/2008 6:30:00 PM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Internal Investigation	Complainant	Quinlan, Thomas LT
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	H - Chain of Command

IAB Number	200803-0186	Incident Date	3/15/2008 6:30:00 PM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Internal Investigation	Complainant	Quinlan, Thomas LT
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	H - Chain of Command
IAB Number	200803-0186	Incident Date	3/15/2008 6:30:00 PM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Internal Investigation	Complainant	Quinlan, Thomas LT
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	H - Chain of Command
IAB Number	201007-0065	Incident Date	7/5/2010 10:00:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Neroni, Kyle
Address	7321 Fall Creek Lane	City, State, Zip	Columbus, Ohio 43235
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	23	Status	A - Directly Involved in Incident

IAB Number	201102-0088	Incident Date	2/9/2011 3:35:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner	Complainant	Meade, Dejuan
Address	1074 Seymour Ave.	City, State, Zip	Columbus, OH 43206
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	31	Status	A - Directly Involved in Incident

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IAB Number	201102-0088	Incident Date	2/9/2011 3:35:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Operation of Vehicle</b>	Disposition	<b>Misconduct not based on original complaint - Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner	Complainant	Meade, Dejuan
Address	1074 Seymour Ave.	City, State, Zip	Columbus, OH 43206
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	31	Status	A - Directly Involved in Incident

IAB Number	201102-0088	Incident Date	2/9/2011 3:35:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Misconduct not based on original complaint - Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner	Complainant	Meade, Dejuan
Address	1074 Seymour Ave.	City, State, Zip	Columbus, OH 43206
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	31	Status	A - Directly Involved in Incident

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IAB Number	201102-0088	Incident Date	2/9/2011 3:35:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Misconduct not based on original complaint - Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner	Complainant	Meade, Dejuan
Address	1074 Seymour Ave.	City, State, Zip	Columbus, OH 43206
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	31	Status	A - Directly Involved in Incident



IAB Number	201102-0215	Incident Date	2/20/2011 7:50:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Lambrecht, James
Address	1753 Oakland Park Ave.	City, State, Zip	Columbus, OH 43224
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	201201-0157	Incident Date	1/10/2012 10:39:18 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Unfounded</b>
Investigation Type	Citizen Complaint	Complainant	Holstein, Deborah
Address	1300 Fountaine Dr.	City, State, Zip	Upper Arlington, OH 43221
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	D - Did not Witness Incident
IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Actions Taken / Not Taken</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Force</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

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IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201208-0502	Incident Date	8/8/2012 12:24:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint	Complainant	Gilmore, Stephanie
Address	2379 Linden Avenue	City, State, Zip	Columbus, Ohio 43211
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	52	Status	A - Directly Involved in Incident

IAB Number	201210-0198	Incident Date	10/16/2012 3:35:14 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	ROC 1.19
Allegation	<b>Force</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner, Use Of Force	Complainant	Arch, Daniel
Address	130 East Lane Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	C - Witnessed Incident

IAB Number	201210-0198	Incident Date	10/16/2012 3:35:14 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	ROC 1.19
Allegation	<b>Force</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner, Use Of Force	Complainant	Arch, Daniel
Address	130 East Lane Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	C - Witnessed Incident

IAB Number	201210-0198	Incident Date	10/16/2012 3:35:14 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	ROC 1.19
Allegation	<b>Rude or Discourteous Language or Actions</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner, Use Of Force	Complainant	Arch, Daniel
Address	130 East Lane Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	C - Witnessed Incident

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IAB Number	201210-0198	Incident Date	10/16/2012 3:35:14 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	ROC 1.19
Allegation	<b>Violation of City Work Rule</b>	Disposition	<b>Not Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner, Use Of Force	Complainant	Arch, Daniel
Address	130 East Lane Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	C - Witnessed Incident

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IAB Number	201210-0198	Incident Date	10/16/2012 3:35:14 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	ROC 1.19
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Sustained</b>
Investigation Type	Citizen Complaint, Injury To Prisoner, Use Of Force	Complainant	Arch, Daniel
Address	130 East Lane Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	C - Witnessed Incident

## Use of Force / Chain of Command Investigations

IAB Number	200210-0286	Incident Date	10/18/2002 1:30:00 AM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Nanthavongdouvansgy, Veokham /c-notes
Address	2430 Shore Blvd. APT-1	City, State, Zip	Columbus, Ohio 43232
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	29	Status	

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IAB Number	200212-0194	Incident Date	10/31/2002 5:15:00 AM
Action	Processing Prisoner	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Winston, Tony Bernard
Address	Streets Of Columbus	City, State, Zip	
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	42	Status	

IAB Number	200302-0188	Incident Date	2/21/2003 11:50:00 PM
Action	Processing Prisoner	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Long, Eric M.
Address	16 W. Long Street	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	34	Status	

IAB Number	200306-0163	Incident Date	4/11/2003 1:21:00 AM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240403
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Neff, Matthew Victor
Address	1721 Red Robin Dr.	City, State, Zip	Columbus, Ohio 43229
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	

IAB Number	200309-0241	Incident Date	9/28/2003 2:22:00 AM
Action	Observing	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Davis, Reginald T.
Address	2922 Ruhl Ave.	City, State, Zip	Columbus, Ohio 43209
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	



IAB Number	200312-0028	Incident Date	10/18/2003 2:20:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Tanner, Jarod M.
Address	2134 Sunshine	City, State, Zip	Columbus, Ohio 43232
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	22	Status	

IAB Number	200401-0098	Incident Date	11/23/2003 3:36:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Mace	Complainant	Schaeper, Joseph J.
Address	548 Bridgeside Drive	City, State, Zip	Avon Lake, Ohio 44012
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	

IAB Number	200401-0098	Incident Date	11/23/2003 3:36:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Mace	Complainant	Schaeper, Joseph J.
Address	548 Bridgeside Drive	City, State, Zip	Avon Lake, Ohio 44012
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	

IAB Number	200402-0123	Incident Date	1/25/2004 12:01:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Richardson, Rodney C.
Address	2171 Hedgerow Road APT-D	City, State, Zip	Columbus, Ohio 43220
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	37	Status	

IAB Number	200403-0015	Incident Date	2/14/2004 3:02:00 AM
Action	Processing Prisoner	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	McDowell, Brian D.
Address	5661 Cabot Cove Drive	City, State, Zip	Hilliard, Ohio 43206
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	21	Status	

IAB Number	200404-0029	Incident Date	3/6/2004 10:10:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Hunt, Scott B.
Address	4553 Coolbrook Drive	City, State, Zip	Hilliard, Ohio 43026
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	18	Status	

IAB Number	200406-0020	Incident Date	5/4/2004 4:00:00 AM
Action	Transporting	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Myers, Jamie D.
Address	7573 Tyjon Circle	City, State, Zip	Columbus, Ohio 43235
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	36	Status	

IAB Number	200406-0022	Incident Date	5/18/2004 2:35:00 AM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Mace	Complainant	Ziobin, Maxim M./see notes field
Address	49 Oakland Ave.	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	

IAB Number	200406-0022	Incident Date	5/18/2004 2:35:00 AM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Injury during contact with officers, no arrest made</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Mace	Complainant	Ziobin, Maxim M./see notes field
Address	49 Oakland Ave.	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	

IAB Number	200409-0128	Incident Date	7/9/2004 11:47:00 PM
Action	Transporting	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Striking Weapon</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force, Use Of Mace	Complainant	Harris, Steven A.
Address	4621 Refugee Road APT-3C	City, State, Zip	Columbus, Ohio 43232
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	

IAB Number	200409-0128	Incident Date	7/9/2004 11:47:00 PM
Action	Transporting	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force, Use Of Mace	Complainant	Harris, Steven A.
Address	4621 Refugee Road APT-3C	City, State, Zip	Columbus, Ohio 43232
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	

IAB Number	200411-0207	Incident Date	8/17/2004 9:00:00 AM
Action	Other	Duty Status	Off Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Within Policy</b>
Investigation Type	Internal Investigation	Complainant	Kuykendoll, LuEllen Sgt.
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	F - Immediate Supervisor

IAB Number	200412-0040	Incident Date	10/5/2004 11:25:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner	Complainant	DFavis-Zimmer, Cynthia Ann
Address	3085 Brightington Drive	City, State, Zip	Dublin, Ohio 43017
Phone		Phone	
Sex / Race	F /	Ethnicity	
Age	46	Status	

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IAB Number	200411-0076	Incident Date	10/30/2004 2:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	UnKnown
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

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IAB Number	200411-0077	Incident Date	10/30/2004 2:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Kochan, David T.
Address	1461 Valentine Circle NW	City, State, Zip	Canton, Ohio 44708
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	23	Status	

IAB Number	200505-0005	Incident Date	2/28/2005 2:10:00 AM
Action	Other	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Crowd
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

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IAB Number	200505-0104	Incident Date	5/8/2005 2:30:00 AM
Action	Other	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Crowd
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

IAB Number	200508-0097	Incident Date	6/26/2005 2:31:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Dyer, Jason C.
Address	11910 State Rt. 204 NW LOT-11	City, State, Zip	Thornville, Ohio 43076
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	

IAB Number	200508-0097	Incident Date	6/26/2005 2:31:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Dyer, Jason C.
Address	11910 State Rt. 204 NW LOT-11	City, State, Zip	Thornville, Ohio 43076
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	

IAB Number	200508-0097	Incident Date	6/26/2005 2:31:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Dyer, Jason C.
Address	11910 State Rt. 204 NW LOT-11	City, State, Zip	Thornville, Ohio 43076
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	

IAB Number	200508-0097	Incident Date	6/26/2005 2:31:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Dyer, Jason C.
Address	11910 State Rt. 204 NW LOT-11	City, State, Zip	Thornville, Ohio 43076
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	



IAB Number	200508-0178	Incident Date	7/10/2005 10:40:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Best, Eric
Address	5674 Langhorn Drive	City, State, Zip	Columbus, Ohio 43206
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	

IAB Number	200512-0096	Incident Date	9/16/2005 9:12:00 PM
Action	Processing Prisoner	Duty Status	On Duty
		Assignment	5240620
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Rhoads, Samuel A.
Address	5026 Dierker Road APT-27	City, State, Zip	Columbus, Ohio 43220
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	22	Status	

IAB Number	200606-0009	Incident Date	4/14/2006 12:01:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Stanisic, Alexander
Address	2220 Surreygate Drive	City, State, Zip	Columbus, Ohio 43235
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	18	Status	

IAB Number	200607-0032	Incident Date	6/9/2006 8:35:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Injury after arrest (transporting / processing)</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner	Complainant	McCarthy, Julie
Address	1802 Wetherburn Drive	City, State, Zip	Columbus, Ohio 43235
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	39	Status	

IAB Number	200606-0175	Incident Date	6/17/2006 11:10:00 PM
Action	Patrolling	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	UnKnown
Address		City, State, Zip	
Phone		Phone	
Sex / Race	U /	Ethnicity	
Age		Status	

IAB Number	200608-0168	Incident Date	6/27/2006 10:25:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Wilkins, Angelique
Address	2680 Southridge Drive	City, State, Zip	Columbus, Ohio 43224
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	36	Status	

IAB Number	200607-0128	Incident Date	7/22/2006 11:00:00 PM
Action	Directing Traffic	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Force	Complainant	Collins, Lori
Address	858 S. High St.	City, State, Zip	Columbus, Ohio 43206
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	C - Witnessed Incident

IAB Number	200607-0128	Incident Date	7/22/2006 11:00:00 PM
Action	Directing Traffic	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Force	Complainant	Collins, Lori
Address	858 S. High St.	City, State, Zip	Columbus, Ohio 43206
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	C - Witnessed Incident

IAB Number	200608-0064	Incident Date	7/22/2006 11:15:00 PM
Action	Directing Traffic	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	UnKnown
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

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IAB Number	200710-0032	Incident Date	7/28/2006 8:55:00 PM
Action	Tactical Entry	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Info Only	Complainant	Carter,Joseph
Address	2452 Sawmill Village Ct.	City, State, Zip	Columbus OH 43235
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	35	Status	

IAB Number	200608-0297	Incident Date	7/29/2006 3:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240629
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Cobbs, Darweshi
Address	5019 Garden Hill Lane /see notes	City, State, Zip	Dublin, Ohio 43016
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	28	Status	

IAB Number	200609-0007	Incident Date	9/2/2006 8:30:00 PM
Action	Processing Prisoner	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Taflinger, Nicholas
Address	4661 McClain Road	City, State, Zip	Lima, Ohio 45806
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	24	Status	A - Directly Involved in Incident

IAB Number	200610-0099	Incident Date	10/22/2006 1:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Force, Use Of Force	Complainant	Morando, Valerie
Address	1517 Aschinger Blvd.	City, State, Zip	Columbus, Ohio 43212
Phone	[REDACTED]	Phone	
Sex / Race	F /	Ethnicity	
Age	22	Status	A - Directly Involved in Incident

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IAB Number	200610-0099	Incident Date	10/22/2006 1:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Force, Use Of Force	Complainant	Morando, Valerie
Address	1517 Aschinger Blvd.	City, State, Zip	Columbus, Ohio 43212
Phone	[REDACTED]	Phone	
Sex / Race	F /	Ethnicity	
Age	22	Status	A - Directly Involved in Incident

IAB Number	200610-0099	Incident Date	10/22/2006 1:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Force, Use Of Mace	Complainant	Morando, Valerie
Address	1517 Aschinger Blvd.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	22	Status	A - Directly Involved in Incident

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IAB Number	200610-0099	Incident Date	10/22/2006 1:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Force, Use Of Mace	Complainant	Morando, Valerie
Address	1517 Aschinger Blvd.	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age	22	Status	A - Directly Involved in Incident



IAB Number	200701-0019	Incident Date	12/10/2006 9:50:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Cruz, Alex Mendez
Address	3119 Cleveland Avenue	City, State, Zip	Columbus, Ohio
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	22	Status	

IAB Number	200701-0297	Incident Date	1/8/2007 11:00:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Moore, Marcus A.
Address	2652 Petzinger Road	City, State, Zip	Columbus, Ohio 43212
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	23	Status	

IAB Number	200704-0102	Incident Date	4/1/2007 1:40:00 AM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Yeck, Charles J.
Address	3670 McCarley Drive S.	City, State, Zip	Columbus, Ohio 43228
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	30	Status	
IAB Number	200705-0233	Incident Date	4/28/2007 7:45:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner	Complainant	Sokolov, Vladimir/see notes
Address	7414 Chaparral Road	City, State, Zip	Columbus, Ohio 43235
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	30	Status	
IAB Number	200705-0171	Incident Date	5/7/2007 9:43:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner	Complainant	Yarbrough, Melvin
Address	2560 Sandbury Blvd.	City, State, Zip	Columbus, Ohio 43235
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	45	Status	

IAB Number	200705-0309	Incident Date	5/8/2007 10:08:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Chansady, Southon
Address	1847 Ormond Avenue	City, State, Zip	Columbus, Ohio 43224
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	37	Status	

IAB Number	200706-0233	Incident Date	6/19/2007 3:50:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Lause, Bradly E.
Address	866 1/2 Dennison Avenue	City, State, Zip	Columbus, Ohio 43215
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	22	Status	

IAB Number	200710-0246	Incident Date	10/13/2007 11:00:00 PM
Action	Other	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Martin, Alexander
Address	318.5 E. 15th Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	21	Status	A - Directly Involved in Incident

IAB Number	200804-0225	Incident Date	1/7/2008 10:20:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Bowman, Clayton
Address	9002 Beatty Street	City, State, Zip	Massilon, Ohio 44646
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	

IAB Number	200805-0143	Incident Date	1/21/2008 3:30:00 AM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Within Policy</b>
Investigation Type	Internal Investigation	Complainant	Decker, Kenneth Sgt.
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	F - Immediate Supervisor
IAB Number	200802-0065	Incident Date	2/11/2008 12:30:00 AM
Action	Processing Prisoner	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Use Of Mace	Complainant	Williams, Ron
Address	2342 Sandman Dr.	City, State, Zip	Dublin, Ohio 43235
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age		Status	A - Directly Involved in Incident
IAB Number	200803-0060	Incident Date	3/4/2008 3:00:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Hoffman, Paul
Address	40 W. Long Street	City, State, Zip	Columbus, Ohio 43215
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	33	Status	

IAB Number	201001-0013	Incident Date	10/25/2009 2:00:00 AM
Action	Transporting	Duty Status	On Duty
		Assignment	5240628
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Outside of Policy</b>
Investigation Type	Internal Investigation	Complainant	Bray, Scott Sgt.
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	F - Immediate Supervisor
IAB Number	201008-0224	Incident Date	6/21/2010 11:46:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Info Only	Complainant	Corey, McCarthy Anne
Address	1864 Shadow Creek Court	City, State, Zip	Powell, Ohio 43065
Phone		Phone	
Sex / Race	F /	Ethnicity	
Age	30	Status	
IAB Number	201010-0114	Incident Date	10/10/2010 11:30:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Sparkes, Anthony A.
Address	920 Racine Avenue	City, State, Zip	Columbus, Ohio 43204
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	21	Status	

IAB Number	201102-0070	Incident Date	12/13/2010 11:05:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Gordon, Kevin
Address	3777 Amwell Drive	City, State, Zip	Columbus, Ohio 43207
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	30	Status	

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IAB Number	201102-0070	Incident Date	12/13/2010 11:05:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Gordon, Kevin
Address	3777 Amwell Drive	City, State, Zip	Columbus, Ohio 43207
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	30	Status	

IAB Number	201102-0070	Incident Date	12/13/2010 11:05:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Force	Complainant	Gordon, Kevin
Address	3777 Amwell Drive	City, State, Zip	Columbus, Ohio 43207
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	30	Status	

IAB Number	201102-0210	Incident Date	1/12/2011 9:47:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Force	Complainant	Spurlock, Thomas M.
Address	1647 Northridge Road	City, State, Zip	Columbus, Ohio 43224
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	51	Status	



IAB Number	201102-0088	Incident Date	2/9/2011 3:35:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Citizen Complaint, Injury To Prisoner	Complainant	Meade, Dejuan
Address	1074 Seymour Ave.	City, State, Zip	Columbus, OH 43206
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	31	Status	A - Directly Involved in Incident

IAB Number	201109-0140	Incident Date	9/19/2011 9:37:00 PM
Action	Issue Citation	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Info Only	Complainant	Sylvia, Rebecca
Address	2901 N. High St. #E	City, State, Zip	Columbus, Ohio 43202
Phone	██████████	Phone	
Sex / Race	F /	Ethnicity	
Age		Status	

IAB Number	201111-0227	Incident Date	11/1/2011 11:52:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force	Complainant	Henley, Troy D.
Address	Streets of Columbus	City, State, Zip	
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	40	Status	

IAB Number	201111-0227	Incident Date	11/1/2011 11:52:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force	Complainant	Henley, Troy D.
Address	Streets of Columbus	City, State, Zip	
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	40	Status	

IAB Number	201203-0393	Incident Date	3/20/2012 10:10:00 PM
Action	Other	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Crowd
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

IAB Number	201204-0260	Incident Date	4/10/2012 8:00:00 AM
Action	Other	Duty Status	Off Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Violation of Police Rules, Orders, Etc</b>	Disposition	<b>Outside of Policy</b>
Investigation Type	Internal Investigation	Complainant	Bray, Scott Sgt.
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	F - Immediate Supervisor
IAB Number	201208-0035	Incident Date	5/20/2012 1:45:00 AM
Action	Other	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Chemical Agent ordnance (Field Force)</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Crowd
Address		City, State, Zip	
Phone		Phone	
Sex / Race	/	Ethnicity	
Age		Status	

IAB Number	201208-0375	Incident Date	6/27/2012 1:48:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Irwin, Oran W
Address	264 Cullman Road	City, State, Zip	Columbus, Ohio 43207
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	18	Status	

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IAB Number	201208-0375	Incident Date	6/27/2012 1:48:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Irwin, Oran W
Address	264 Cullman Road	City, State, Zip	Columbus, Ohio 43207
Phone	[REDACTED]	Phone	
Sex / Race	M /	Ethnicity	
Age	18	Status	

IAB Number	201208-0375	Incident Date	6/27/2012 1:48:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force, Use Of Mace	Complainant	Irwin, Oran W
Address	264 Cullman Road	City, State, Zip	Columbus, Ohio 43207
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	18	Status	

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IAB Number	201209-0176	Incident Date	6/27/2012 1:48:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Kamberling Dominick
Address	2975 Azelda Street	City, State, Zip	43224
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	16	Status	

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IAB Number	201209-0176	Incident Date	6/27/2012 1:48:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Individual Issued Mace</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Use Of Mace	Complainant	Kamberling Dominick
Address	2975 Azelda Street	City, State, Zip	43224
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	16	Status	

IAB Number	201210-0034	Incident Date	8/15/2012 9:00:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Special Ordinance</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force	Complainant	Linn Christopher Todd
Address	64 East Royal Forst Blvd	City, State, Zip	
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	42	Status	

IAB Number	201210-0034	Incident Date	8/15/2012 9:00:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Injury To Prisoner, Use Of Force	Complainant	Linn Christopher Todd
Address	64 East Royal Forst Blvd	City, State, Zip	
Phone		Phone	
Sex / Race	M /	Ethnicity	
Age	42	Status	

IAB Number	201210-0198	Incident Date	10/16/2012 3:35:14 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	ROC 1.19
Allegation	<b>Striking Hands / Feet</b>	Disposition	<b>Officers Actions outside Policy</b>
Investigation Type	Citizen Complaint, Injury To Prisoner, Use Of Force	Complainant	Arch, Daniel
Address	130 East Lane Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	C - Witnessed Incident

---

IAB Number	201210-0198	Incident Date	10/16/2012 3:35:14 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	ROC 1.19
Allegation	<b>Injury during arrest</b>	Disposition	<b>Officers Actions outside Policy</b>
Investigation Type	Citizen Complaint, Injury To Prisoner, Use Of Force	Complainant	Arch, Daniel
Address	130 East Lane Avenue	City, State, Zip	Columbus, Ohio 43201
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	19	Status	C - Witnessed Incident

IAB Number	201401-0025	Incident Date	12/17/2013 12:54:00 AM
Action	Operating Vehicle	Duty Status	On Duty
		Assignment	4435108
Criminal Charges		Dept Charges	
Allegation	<b>Info Only</b>	Disposition	<b>Officers Actions within Policy</b>
Investigation Type	Info Only	Complainant	Skunda, Andrew
Address	4417 Olentangy Blvd.	City, State, Zip	43214
Phone	██████████	Phone	
Sex / Race	M /	Ethnicity	
Age	23	Status	

Admin Folder	IA150001266	Incident Date	5/27/2015 10:45:00 PM
Action	Performing Routine Duties	Duty Status	On Duty
		Assignment	Patrol
Nature of Investigation	<b>Use of Taser</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	Porter, Brandon
Address	451 E Weber Rd #D	City, State, Zip	Columbus, OH 43224
Phone	██████████	Phone	
Sex	M	Race	White
Age	29	Status	Treated By Squad / Medic

Admin Folder	IA160004002	Incident Date	7/31/2016 9:48:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Use of Mace</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	THOMPSON, JAMES
Address	1358 INDIANOLA AVE	City, State, Zip	Columbus, OH 43201
Phone		Phone	
Sex	M	Race	White
Age	27	Status	No Injury



Admin Folder	IA160004002	Incident Date	7/31/2016 9:48:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Use of Mace</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	WAYMAN, DYLAN
Address	1040 N HIGH ST	City, State, Zip	Columbus, OH 43201
Phone		Phone	
Sex	M	Race	White
Age	35	Status	No Injury
Admin Folder	IA160004002	Incident Date	7/31/2016 9:48:00 PM
Action	Investigating and / or Questioning	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Use of Mace</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	SPIERS, JOSHUA
Address	1442 W 3RD AVE	City, State, Zip	Columbus, OH 43212
Phone		Phone	
Sex	M	Race	White
Age	34	Status	No Injury
Admin Folder	IA170005565	Incident Date	3/22/2017 9:39:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Advanced Physical Control</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	Gunn, Jeremy
Address	1784 E Dunedin rd	City, State, Zip	Columbus, OH 43224
Phone	██████████	Phone	
Sex	M	Race	White
Age	41	Status	

Admin Folder	IA170006068	Incident Date	5/2/2017 2:10:00 AM
Action	Making Arrest	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Use of Mace</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	Pyles, Maxwell
Address	5515 Classics Ct.	City, State, Zip	Dublin, OH 43017
Phone		Phone	
Sex	M	Race	White
Age	24	Status	Treated By Squad / Medic
Admin Folder	IA180006616	Incident Date	12/4/2017 11:00:00 PM
Action	Making Arrest	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Use of Taser</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	Fleitz, Shane
Address	2560 N 4th St	City, State, Zip	Columbus, OH 43201
Phone		Phone	
Sex	M	Race	White
Age	30	Status	No Injury
Admin Folder	IA190008448	Incident Date	8/5/2018 8:43:00 PM
Action	Directing Traffic	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Use of Mace</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	Williams, Kevin A.
Address	2595 Milverton Way	City, State, Zip	Columbus, OH 43224
Phone		Phone	
Sex	M	Race	Black
Age	19	Status	No Injury

Admin Folder	IA190008448	Incident Date	8/5/2018 8:43:00 PM
Action	Directing Traffic	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Internal Investigation</b>	Disposition	<b>Outside Policy</b>
Incident Classification	Internal Investigation	Suspect	
Address		City, State, Zip	
Phone		Phone	
Sex		Race	
Age		Status	
Admin Folder	IA190008448	Incident Date	8/5/2018 8:43:00 PM
Action	Directing Traffic	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Use of Mace</b>	Disposition	<b>Within Policy</b>
Incident Classification	Action - Response - Level: 2-8	Suspect	Turner, Aaron K. III
Address	2595 Milverton Way	City, State, Zip	Columbus, OH 43224
Phone		Phone	
Sex	M	Race	Black
Age	40	Status	No Injury
Admin Folder	IA190009243	Incident Date	6/12/2019 1:18:00 AM
Action	Unknown	Duty Status	On Duty
		Assignment	Z4E2-8
Nature of Investigation	<b>Information Only</b>	Disposition	<b>Information Only</b>
Incident Classification	Information Only	Suspect	
Address		City, State, Zip	
Phone		Phone	
Sex		Race	
Age		Status	

FRATERNAL ORDER OF POLICE,  
CAPITAL CITY LODGE No. 9  
DIVISION OF POLICE

AND

THE CITY OF COLUMBUS,  
CAPITAL CITY LODGE No. 9

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GRIEVANCE No. 13-13  
OFFICER ADAM COY


### SETTLEMENT AGREEMENT

The City of Columbus ("City"), the Fraternal Order of Police, Capital City Lodge No. 9 ("FOP") and Officer Adam Coy (Grievant), hereby agree to settle the above referenced grievance pursuant to the following terms:

1. The 160 hour suspension served by Officer Coy on Charge I, Rule of Conduct 1.19 "Use of Force," shall remain in full force and effect.
2. The City agrees to rescind Charge II and the 40 hour suspension related to Charge II, Rule of Conduct 1.03 "Violation of Rules or Division Directives".
3. Officer Coy's pay, personnel, seniority and disciplinary records will be adjusted to reflect this modification.
4. Grievance No. 13-13 is hereby withdrawn.
5. Officer Coy acknowledges that he was offered an opportunity to consult with a Lodge Representative or attorney about the settlement offer.
6. Officer Coy waives his right to appeal the disciplinary decision to any other form or tribunal.
7. Officer Coy acknowledges that he was not pressured or coerced into signing this settlement agreement by any person, and that the acceptance of this settlement agreement offer is voluntary.
8. The parties agree to split all fees and expenses related to cancellation of the arbitration for the above noted grievance.
9. The parties agree that this Disciplinary Settlement Agreement shall not be precedent-setting in any other matter, and shall not be introduced into any other form or tribunal except as may be necessary to enforce this agreement or to demonstrate the disciplinary record of Officer Coy.

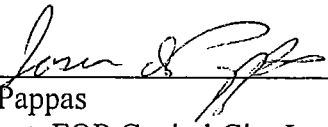
WHEREFORE, this Disciplinary Settlement Agreement is signed by the authorized representatives of the parties as follows:

**FOR THE CITY:**

  
\_\_\_\_\_  
Mitchell Brown  
Director of Public Safety

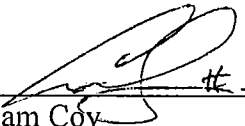
Date: 8-13-14

**FOR THE FOP:**

  
\_\_\_\_\_  
Jason Pappas  
President, FOP Capital City Lodge #9

Date: 7/24/14

**GRIEVANT:**

  
\_\_\_\_\_  
Adam Coy #2275

Date: 8-4-14



## Legislation Details (With Text)

**File #:** 2260-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/18/2013      **In control:** Public Safety & Judiciary Committee

**On agenda:** 9/30/2013      **Final action:** 10/1/2013

**Title:** To authorize and direct the City Attorney to compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of Nathan Sidesinger; to authorize the transfer of funds within the Division of Police's General Fund budget; to authorize the expenditure of Forty-five Thousand Dollars from the General Fund; and to declare an emergency. (\$45,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/1/2013	1	CITY CLERK	Attest	
10/1/2013	1	MAYOR	Signed	
9/30/2013	1	COUNCIL PRESIDENT	Signed	
9/30/2013	1	Columbus City Council	Approved	Pass

On October 16, 2012, Mr. Sidesinger was stopped by a Columbus Police Officer for driving under the influence. Mr. Sidesinger was arrested and taken into police custody. During the process of arrest, Mr. Sidesinger was handcuffed and placed in a prone position over the hood of the police vehicle. Mr. Sidesinger alleges that excessive force was used in his arrest.

**Fiscal Impact:** Funds were not specifically budgeted for this settlement, however sufficient monies are available in the Division of Police's General Fund. Funds will be transferred from the Division of Police's transfer line to the Division of Police's claims line and Forty-five Thousand Dollars (\$45,000.00) will be expended from the Division of Police's claims line.

To authorize and direct the City Attorney to compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of Nathan Sidesinger; to authorize the transfer of funds within the Division of Police's General Fund budget; to authorize the expenditure of Forty-five Thousand Dollars from the General Fund; and to declare an emergency. (\$45,000.00)

**WHEREAS**, on October 16, 2012, Nathan Sidesinger was stopped by a Columbus Police officer and arrested and taken into custody for driving under the influence; and,

**WHEREAS**, Mr. Sidesinger has presented a claim to the City of Columbus asserting that excessive force was used in his arrest; and,

**WHEREAS**, the City Attorney has conducted an investigation and evaluated the claim of Nathan Sidesinger and the parties were able to reach a settlement in the total amount of Forty-five Thousand Dollars (\$45,000.00) to resolve all

claims, including attorney fees; and,

**WHEREAS**, sufficient funds are available within the General Fund to cover the settlement; and,

**WHEREAS**, an emergency exists in the usual daily operations of the City in that it is immediately necessary to enable the City Attorney to settle this claim at the earliest possible date, avoiding the possibility of litigation, and for the protection of the public peace, property, health, safety and welfare; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** That the City Attorney is authorized to settle the claim of Nathan Sidesinger in the total amount of Forty-five Thousand Dollars (\$45,000.00).

**SECTION 2.** That the City Auditor be and hereby is authorized and directed to transfer One Hundred Five Thousand Dollars (\$105,000) within the general fund, 010, from the Division of Police, Department/Division 30-03, object level one -10, object level three - 5501, OCA 900076 to the Department of Public Safety, Division of Police, Department/Division 30-03, object level one - 05, object level three - 5573, OCA 301382.

**SECTION 3.** That for the purpose of paying this settlement there is and authorized to be expended by the City of Columbus from Department of Public Safety, Division of Police Division No. 30-03, Fund 010, OCA code 301382, object level 1-05, object level 3-5573, the total sum of Forty-five Thousand Dollars (\$45,000.00).

**SECTION 4.** That the City Auditor be and hereby is authorized to draw a warrant upon the receipt of a voucher and release approved by the City Attorney in the amount of Forty-five Thousand Dollars (\$45,000.00) payable to:

Nathan Sidesinger and his attorney,  
Edward R. Forman  
MARSHALL & MORROW LLC  
250 Civic Center Drive  
Suite 480  
Columbus, OH 43215-5086

**SECTION 5.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after passage if the Mayor neither approves nor vetoes same.

# DIVISION OF POLICE

Intra—Divisional

September 04, 2008

**TO:** Deputy Chief Stephen Gammill #5009  
Patrol West Subdivision

**FROM:** Lieutenant Thomas Quinlan #5066  
Patrol West, Zone 4, L-4-C

**SUBJECT: ADMINISTRATIVE INVESTIGATION OF OFFICER ADAM COY #2275, R-167-EMW**

---

Sir,

Attached is the investigation conducted by the Chain-of-Command as directed by your office, re: **IAB #200803 – 0186**.

Based on the facts of the investigation, I am making the following recommendations regarding this investigation. Please evaluate and classify each specific allegation and additional recommendation below:

**Focus: Adam Coy #2275, R-167-EMW**

## **Allegation #1**

**OFFICER ADAM COY HAS EXHIBITED A LACK OF SOUND JUDGMENT AND DECISION MAKING DURING RECENT CITIZEN INTERACTIONS.**

Investigator Recommendation:  
Policy/Procedure Followed:  
Rule Violated:

SUSTAINED  
N/A  
1.04 – Cause for Dismissal

Deputy Chief's determination:

Corrective Action:

---

---

## **Allegation #2**

**OFFICER ADAM COY HAS CONDUCTED HIMSELF IMPLICITLY AND EXPLICITLY IN A MANNER THAT HAS IMPAIRED THE OPERATION OR EFFICIENCY OF THE DIVISION AND HIMSELF.**

Investigator Recommendation:

SUSTAINED



**Administrative Investigation of PO Coy**

Cover Letter

Policy/Procedure Followed:

N/A

Rule Violated:

1.36 – Unbecoming Conduct

Deputy Chief's determination:

\_\_\_\_\_

Corrective Action:

\_\_\_\_\_

**Allegation #3**

**OFFICER ADAM COY VIOLATED DIVISION DIRECTIVES AIMED AT ENSURING PROPER INTERACTION WITH THE PUBLIC AND HAS FAILED TO DEMONSTRATE A WILLINGNESS TO CHANGE IN RESPONSE TO VALID CRITICISM.**

Investigator Recommendation:

SUSTAINED

Policy/Procedure Followed:

N/A

Rule Violated:

1.03 – Violation of Rules or Directives

Deputy Chief's determination:

\_\_\_\_\_

Corrective Action:

\_\_\_\_\_

**Allegation #4 – Misconduct Not Based Upon Original Allegation:**

**OFFICER ADAM COY FAILED TO OBEY ORDERS GIVEN BY PROPER AUTHORITY WHEN HE FAILED TO ACTIVATE HIS CRUISER VIDEO SYSTEM DURING A CITIZEN INTERACTION ON FEBRUARY 11, 2008.**

Investigator Recommendation:

SUSTAINED

Policy/Procedure Followed:

N/A

Rule Violated:

1.04 – Cause for Dismissal

Deputy Chief's determination:

\_\_\_\_\_

Corrective Action:

\_\_\_\_\_

**Deputy Chief's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Respectfully Submitted,

**LIEUTENANT THOMAS QUINLAN #5066, L-4-C**

TAQ/taq

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# DIVISION OF POLICE

Intra—Divisional

September 04, 2008

**TO:** James G. Jackson, Chief of Police

**FROM:** Lieutenant Thomas Quinlan #5066, Patrol Zone 4, L-4-C

**SUBJECT:** ADMINISTRATIVE INVESTIGATION BY CHAIN-OF-COMMAND, **IAB #200803 – 0186**

**RE:** FOCUS OF INVESTIGATION: OFFICER ADAM COY #2275, R-167-EMW

---

Investigator: **Lieutenant Thomas Quinlan #5066**

Sir,

Officer Adam Coy has been the focus of repeated and continual criticism by his Chain-of-Command virtually his entire career. Officer Coy entered the Division on July 8, 2001 and released from probation on July 8, 2002. Officer Coy within weeks began receiving constructive criticism from his superiors recommending improvements with his citizen interactions. This occurred after the Chain-of-Command learned of alleged rude behavior. Officer Coy dismissed the criticism as misperceptions based on his military bearing. Officer Coy has not relented in his unwavering military demeanor despite years of counseling, coaching, mentoring, monitoring, and confronting.

The entire Chain-of-Command took note of his seemingly unwillingness to change in response to constructive criticism. While a recent series of investigations individually prove Officer Coy was lacking sound judgment, collectively the investigations formed a solid foundation to pursue a formal investigation into his conduct which can only be viewed as deliberate. I was assigned to conduct a Chain-of-Command investigation by Commander Shafer, who viewed many of Officer Coy's citizen interactions as troubling and willful. The investigation revealed the following facts and outlines my findings and recommendations.

## **CIRCUMSTANCES OF INCIDENT(S)**

Officer Coy became the focus of six nearly simultaneous internal investigations within a very condensed time period. These investigations had been immediately preceded by recent and persistent demands he improve his citizen interactions. The entire Chain-of-Command became alarmed by this string of investigations. Each supported a finding that Officer Coy used poor judgment and failed to comply with improvement plans set in place designed to rectify his behavior. The Chain-of-Command has over the years

clearly outlined the Division's expectations and Officer Coy has thus far been unable to perform his assignment within the constraints the Division mandates.

The following six investigations, along with Officer Coy's own remarks highlighted below, brought this matter to a pinnacle requiring intervening actions be taken:

- January 7, 2008      Sgt. Kirk forwarded an investigative letter involving a Use of Taser / drive stun. The investigation determined the action-response was reasonable but the officer exercised poor judgment in his application of the technique. (p. 226)
- January 21, 2008      Sgt. Kirk forwarded an investigative letter detailing a 7<sup>th</sup> sick mark-off by Officer Coy resulting in him being AWOL for 10 hours. (p. 241)
- February 11, 2008      The Chain-of-Command became aware of a Citizens Complaint (IAB #200802 – 0065) making multiple allegations of misconduct against Officer Coy related to his interaction with citizens, specifically alleging a misuse of force and alleging use of profanity and abusive language. (p. 255)
- February 20, 2008      Sgt. Decker forwarded an investigative letter involving the forced entry by Officer Coy into an abandoned vehicle which again found Officer Coy used "exceptionally poor judgment" by using his bare elbow to repeatedly strike a shatter-resistant window to gain entry. (p. 293)
- February 25, 2008      Sgt. Bray forwarded an investigative letter involving the Use of Mace on a Handcuffed Prisoner where once again the investigation revealed poor discretion in handling the incident. (Note: this investigation stemmed from the same incident leading to IAB #200802 – 0065 highlighted above.) (p. 315)
- March 4, 2008      Sgt. Lokai reviewed an Action – Response by Officer Coy at the YMCA at 40 W. Long Street. Sgt. Lokai was reviewing one of his very first ARR's as a supervisor and unaware of the concerns over Officer Coy's interactions with citizens or use of judgment issues. I was at the scene and only later learned of Officer Coy's ARR and upon further review find the response by Officer Coy to be outside the constraints set by the Division. (p. 331)

Becoming aware of the numerous questionable actions by Officer Coy amassed from the above investigations I instructed Sgt. Bray to sit Officer Coy down and get a handle on why he has failed to respond to the performance improvement plans set in place by his Chain-of-Command. Sgt. Bray met with Officer Coy on February 24, 2008 and questioned his judgment and decision making, and asked Officer Coy why he believes

citizens continue to complain about his behavior. Sgt. Bray advised Officer Coy his recent complaint history far exceeds his peers and asked why Officer Coy believes he is the recipient of scores of complaints. Officer Coy stated he does not feel his complaint history is outside the norm for his assignment or when compared to his peers. Officer Coy challenged Sgt. Bray to review the complaint history of his peers and compare their histories to Officer Coy's. (p. 139). Officer Coy has consistently identified his military bearing and rigid upbringing as being a proximate cause for the manner he interacts with citizens. (p. 336)

Sgt. Bray informed me verbally that Officer Coy does not believe there is a problem in how he conducts himself and has challenged the Chain-of-Command to prove otherwise by comparing his record with his peers. I instructed Sgt. Bray to review the IAB records of Officer Coy's peers for a baseline and planned a more in-depth review soon afterwards. Subsequent to conducting a review of Officer Coy's history, at his request, and comparing his history with his peers, it became immediately apparent that an intervening action be taken while the Chain-of-Command investigates further.

On March 15, 2008 Officer Coy was re-assigned from his prescribed patrol duties and placed in an office-only environment until a decision could be reached regarding the subsequent actions required to make a permanent and definitive correction to Officer Coy's citizen interactions.

Upon reviewing all the investigations highlighted above, considering his history of complaints and the nature of the allegations, and need to re-assign him from patrol duties, Commander Shafer found Officer Coy's actions "indicate improper judgment and/or possible violations of Division Policy"...and ordered "an in-depth investigation into Officer Coy's overall work history." Further, final dispositions for the investigations highlighted above have been held in abeyance pending the global recommendations made at the conclusion of this investigation. (pp. 227, 242, 294, 316)

It is important to first describe what this investigation will not do. This investigation will not attempt to undo any previous disposition regarding past citizen complaints nor consider previous investigations for future corrective action. The investigation will review the officers overall work history and consider **records of counseling** the officer has received to determine whether a willing modification of behavior has occurred.

**SCOPE:** The Administrative Investigation conducted by the Chain-of-Command identifies specific allegations, that if true, involve violations of Rule of Conduct 1.04 CAUSE FOR DISMISSAL (further described in DIVISION DEFINITION TITLED INCOMPETENCE – A LACK OF SOUND JUDGMENT AND DECISIVENESS), Rule of Conduct 1.36 UNBECOMING CONDUCT, AND Rule of Conduct 1.03 VIOLATION OF RULES OR DIVISION DIRECTIVES (FURTHER DESCRIBED IN DIVISION DIRECTIVE 3.26(III)(B) AND THE DIVISION'S VALUE STATEMENT, CODE OF ETHICS, AND OPERATING PRINCIPLES.) The scope of the investigation is subject to being expanded based on MISCONDUCT NOT BASED UPON THE ORIGINAL ALLEGATION. These violations by a Division of Police employee, if true, constitute serious misconduct.

### **ALLEGATION # 1**

**OFFICER ADAM COY HAS EXHIBITED A LACK OF SOUND JUDGMENT AND DECISION MAKING DURING RECENT CITIZEN INTERACTIONS.**

### **RESPONSE TO ALLEGATION # 1**

**Officer Adam Coy** confirmed the accuracy of the records that repeatedly directed him to use the equipped CVS when available. Officer Coy also admits his recognition citizens have objected to the manner in which he interacted with them. Officer Coy further acknowledged being on notice he was digressing in his communication skills with the public. (p. 112) When asked about statements Officer Coy made regarding his belief there is a complete lack of respect by citizens towards officers which he finds unacceptable he replied it was only his personal feeling. (p. 116)

Despite the repeated directions given to Officer Coy regarding his requirement to use a video camera Officer Coy replied he was unable to “carry the car” with him and complained the audio mike went out of range within 15 feet from the car. (p. 136) [Sgt. Sowards notes the microphone will operate outdoors up to 500 feet away.] Officer Coy also claims he believes the CVS was only for traffic stops despite documents to the contrary and his admissions he was told to use the camera at all times. Officer Coy agrees he has worked a cruiser equipped with a CVS but does not always activate the camera.

Officer Coy admits he asked the Division to be patient while he works to change his personality. (p. 115) While admitting receipt of training Officer Coy says it was inaccurate training. Officer Coy admits numerous counseling sessions by his supervisors but recalls being told “it’s a big thing above you, it’s not that big of a deal, they’re making a big deal about it” meaning the Division. (p. 151)

**Sergeant Steve Livingston** provided corroboration that Officer Coy has been put on notice that the Chain-of-Command does not support his negative interactions with citizens. Sgt. Livingston also confirmed Officer Coy has been clearly advised of the Division’s expectations for service to the public. Sgt. Livingston was able to support the allegation by lending a historical view of counseling he provided to Officer Coy and some insight into Officer Coy’s thinking about the service he provides the public.

Sgt. Livingston states Officer Coy spoke about his transitioning from military to civilian life and policing, which was something that Officer Coy believed was affecting his number of complaints. Officer Coy believed that he was having difficulty transitioning from the military-strictness to civilian-friendly policing. (p. 174) Sgt. Livingston in fact was the first to determine a pattern was developing regarding actions taken or not taken by Officer Coy that contributed to his rudeness. (p. 176) Sgt. Livingston found Officer Coy’s delivery and approach to citizens problematic and determined Officer Coy needed to improve his police-citizen interactions.

Sgt. Livingston acknowledged as far back as 2003 Officer Coy was blaming his difficulties on being slow to transition from military life to the civilian world. Sgt. Livingston agreed adequate time and training had been provided for a reasonable officer to succeed in his transition. Sgt. Livingston also agreed it would be unrealistic in routine situations to direct a citizen one time only and failure to obey that direction resulted in an arrest.

Sgt. Livingston did not support a decision Officer Coy lacked sound judgment or was unwilling to change. Sgt. Livingston based this decision on the fact Officer Coy attended everything recommended for him.

**Lieutenant LuEllen Kuykendoll** (PO Coy's **sergeant** during the period in review) states she has discussed numerous times with Officer Coy that his citizen interactions (judgment and decision making) was not supported by his Chain-of-Command. (p. 186) Officer Coy acknowledged to Lt. Kuykendoll he knows the Chain-of-Command does not support his interactions. Lt. Kuykendoll recalls being present during a January 4, 2005 meeting when Officer Coy admitted *a problem did exist* and he was working to correct his deficiencies; deficiencies Officer Coy blamed on his military bearing. (p. 186)

Lt. Kuykendoll recollects during the 1/4/05 meeting when Officer Coy stated he feels citizens show a complete lack of respect towards officers and he demands the same respect of citizens he expects to encounter in a military environment. (p. 187) It was clearly explained to Officer Coy at that time this was an unrealistic expectation. Lt. Kuykendoll acknowledged her view of Officer Coy included he lacks sound judgment and exercises poor decision making, adding "obviously there is a problem." (p. 188)

Lt. Kuykendoll described behaviors Officer Coy uses that she feels contributes to his negative impressions left with citizens during his interactions. Lt. Kuykendoll explained Officer Coy has a low tolerance for people who are confrontational with him, and may be taking the public's behavior / actions as personally disrespecting him and the Division of Police. (p. 189)

Lt. Kuykendoll added Officer Coy did make the statement that his rigid demeanor / interaction with the public could be attributed to his military training and experience. Officer Coy also admitted to Lt. Kuykendoll in the past that his expectations of the public are high, and the public's disrespect for police and the law is something for which he has a low tolerance. (p. 190) Lt. Kuykendoll recalls differently how Officer Coy linked his military bearing to his deficiencies. Lt. Kuykendoll says Officer Coy has not blamed his difficulty transitioning from military life to civilian life for his deficiencies, but rather blamed his extremely high expectations of people on his military background. Lt. Kuykendoll states Officer Coy transferred to an EMW assignment in hopes that a change of work environment may help his complaint situation.

**Sergeant Michael Kirk** described Officer Coy's view of policing as very black and white, right or wrong, with little grey area. (p. 194). Officer Coy works at a high productive level but this method brings him into conflict sometimes resulting in Action Responses or Citizens' Complaints. Sgt. Kirk further clarified Officer Coy's methodology is very direct



and his actions are more often than not per directive but limited to a personal view of each event rather than an organizational view seeing the larger picture. (p. 198)

Sgt. Kirk notes when someone challenges Officer Coy's authority the usual response Sgt. Kirk has witnessed is strict enforcement, meaning physical control and arrest. (p. 201)

**Sergeant Richard Hogue** describes Officer Coy as having a strict adherence to the law and not allowing for much flexibility. Officer Coy sees unlawfulness as a black and white issue, if you are wrong, you are wrong. When Officer Coy is confronted with conflict situations which stem out of an unlawful incident, Officer Coy's course of action is to arrest and take whatever action is necessary to make the arrest. (p. 205 & 207)

**Sergeant Scott Bray** recalled Officer Coy making unsolicited statements while being relieved of duty that brings the officer's judgment and decision making under scrutiny. Officer Coy said he tells people to do something one time and that's it, he expects it to be done. (p. 212) Officer Coy said that's the way he does everything, that's the way he was raised and that's the way he raises his kids, he only tells his kids once to do something and if it's not done he smacks their ass. (p. 213) In fact, Officer Coy added officers who fail to arrest a person who do not immediately obey the officer's directions are not doing their jobs. Therefore, Sgt. Bray concluded as Officer Coy's immediate and present supervisor that he exercises poor judgment and decision making when interacting with citizens. (p. 216)

**Sergeant Steve Walter** finds Officer Coy exercises poor judgment and decision making when interacting with citizens based on recent interactions he's had with Officer Coy.

#### **INVESTIGATOR COMMENTS**

Officer Coy has received frequent and ongoing feedback from many sources giving him clear notices his interactions with members of the public is troublesome. These sources have included his immediate supervisors, the EARS committee, and his entire Chain-of-Command as documented within this investigation. Moreover, Officer Coy has received much more feedback informally from his supervisors and peers that has not been documented. The aggregate sum between the formal documented counseling records along with the perpetual informal counseling has undoubtedly provided Officer Coy with an overwhelming indication he needs to improve his judgment and decision making. Officer Coy despite this record has continued to draw negative attention from citizens, peers, and supervisors throughout his career. Officer Coy even transferred to one of the least active parts of town on his own accord in hopes of reducing these negative interactions.

Officer Coy has failed to demonstrate any sustained improvements in his conduct even after being counseled, coached, mentored, monitored, confronted, trained, and at times disciplined. For instance, Officer Coy has been formally directed no less than nine times to use the cruiser equipped CVS not some of the time but all the time, yet has documented instances where he failed to use the equipment when available. Officer Coy has used as a crutch his military demeanor and strict upbringing as an excuse not

to take responsibility for his actions. Without an exact count it is certainly likely the Division employs hundreds of current reservists and prior military personnel, many with strict upbringings, and many more with actual wartime experience. Officer Coy is not a veteran of a foreign war and not battled fatigued. It would be an insult to all the members of the Division with military experience to blame one's poor work performance on their military training or bearing. Yet when Officer Coy has been confronted regarding unacceptable judgment and decision making he routinely blames his military demeanor.

Particularly troubling is how Officer Coy rationalizes his military bearing as a pretext for his treatment of citizens. Officer Coy has repeatedly made statements that he finds citizens lack of respect for police unacceptable and that he feels he should only tell a person one time to follow his directions or they risk going to jail. However, after being directed by his sergeants, lieutenants, and commanders to use his CVS, to change how he talks to citizens, to improve his listening skills, has yet to follow these directions with any regularity. It seems hypocritical that Officer Coy is willing to take citizens to jail for not obeying his orders yet Officer Coy feels it is unfair to him when he is confronted by his Chain-of-Command to follow orders.

### **SUPPORTING DOCUMENTATION**

Documentation in support of the allegation is located under Informational Summary #5. The documentation highlights Alert Letters, EARS reviews, documented records of counseling, and multiple ongoing Performance Improvement Plans.

### **FINDING**

There is sufficient evidence to support the allegation; therefore, I recommend a finding of **SUSTAINED**. This recommendation is based upon ample documentation and statements to demonstrate Officer Coy has performed his assigned duties without exercising sound judgment or decision making. Further, the investigation establishes the fact this is not a single event but a persistent pattern that has gone uncorrected despite positive corrective counseling thereby amounting to critical misconduct.

### **ALLEGATION # 2**

**OFFICER ADAM COY HAS CONDUCTED HIMSELF IMPLICITLY AND EXPLICITLY IN A MANNER THAT HAS IMPAIRED THE OPERATION OR EFFICIENCY OF THE DIVISION AND HIMSELF.**

### **RESPONSE TO ALLEGATION # 2**

**Officer Adam Coy** says he's always been told he's doing something wrong but not what specifically is wrong. Officer Coy states, "I'm very good at following orders. Tell me what that something is and I won't do it." (p. 125) When provided training Officer Coy finds Citywide Training inadequate adding, "From the beginning I have said if you can show me, I will do it...not with these crappy free classes." (p. 148)

Officer Coy admits he has been referred to EAP but did not utilize this resource except when directed to do so by Sgt. Livingston. Officer Coy acknowledges receiving informal recommendations from friends, co-workers, and peers but the investigation reveals he has not acted on any of the advice. Officer Coy agrees he has received many detailed Performance Improvement Plans and has been closely monitored. (p. 142)

Officer Coy says he voluntarily left 16 Precinct for 17 Precinct because downtown was a non-working unit which made him stand out due to his high productivity. (p. 106) This is completely contrary to Sgt. Livingston's & Lt. Kuykendoll's recollections. (p. 177 / 183)

**Sergeant Steve Livingston** determined Officer Coy needed to improve his police-citizen interaction and required he attend a session with the Employee Assistance Program. (p. 175) Sgt. Livingston sent Officer Coy to training titled "Dealing with Difficult People". Sgt. Livingston did conduct no less than four Alert Letters investigations on Officer Coy, was required to ride-along with the officer, was required to closely monitor the officers activities, repeatedly counseled Officer Coy without having a sustained impact on his performance. (p. 181)

**Lieutenant LuEllen Kuykendoll** acknowledged a plethora of positive corrective actions taken to correct deficiencies in Officer Coy's conduct. Despite all the attempts taken Lt. Kuykendoll noted a pattern of unacceptable performance persists. Lt. Kuykendoll states it was determined that Officer Coy's progress with dealing with the public had digressed (p. 185), even after an intense and interactive plan was implemented. Lt. Kuykendoll found Officer Coy required close monitoring and ordered he work with a mentor officer, James Morrow.

Lt. Kuykendoll after all the intense and interactive plans have been exhausted still finds as recently as the interview for this investigation that Officer Coy requires additional training with great emphasis on dealing with the public. Lt. Kuykendoll also found while supervising Officer Coy that he did have difficulty interacting with citizens. Lt. Kuykendoll concluded in her interview that her belief is it truly offends Officer Coy when people disrespect the Division and its officers and he needs to find some way to change his expectations of people in order to succeed.

**Sergeant Michael Kirk** acknowledged Officer Coy has been subjected to numerous action plans designed to impact his interactions with citizens. Specifically, Sgt. Kirk recalls Officer Coy being required to work with a mentor officer and utilize a CVS as often as available. (p. 200) Officer Coy was required to continue to use a CVS as a one officer unit when not paired with a mentor officer.

**Sergeant Scott Bray** finds Officer Coy requires a high level of supervision. (p. 215) Sgt. Bray also finds Officer Coy at times conducts himself in a manner that does not reflect favorably on the Division. (p. 216)

**Sergeant Steve Walter** finds Officer Coy requires direct supervision in the performance of his duties. (p. 223)

### **INVESTIGATOR COMMENTS**

The mere fact Officer Coy has been required to work in a continually supervised environment establishes proof the Division's efficiency has been impaired. Officer Coy has consumed the time and attention of his superiors disproportionately.

By requiring Officer Coy only work in a cruiser equipped with a CVS and/or work with a senior officer has impaired the operation and efficiency of the Division and its members. To accomplish this requirement oftentimes an officer regularly assigned to a patrol unit had to be re-assigned to a different unit, disrupting his/her schedule, so that Officer Coy could have a car with a CVS. Partners had to be split up to allow for the accommodation of Officer Coy's needs. The short-term requirement is one the Division gladly engaged. However, years after beginning these schedule and equipment disruptions the Division still has to make special arrangements for a single officer at the expense of the rest of his peers with no promise of change.

The need to pair Officer Coy with mentor officers for such a lengthy time without sustained growth is further evidence of a loss of efficiency and effectiveness. Whereas normally the officers would be assigned as one-officer units, permitting multiple calls for service to be simultaneously dispatched; now there is only one car to respond.

Officer Coy's behavior has impaired sergeants' efficiency that continually must document and develop Performance Improvement Plans then oversee whether they are effective, i.e. direct supervision, bordering on micromanagement. Per Chief Jackson Officer Coy is currently only permitted to work with a Division Sworn Supervisor, an additional inefficiency and a continued disservice to the public.

All supervisors have been trained by the Public Agency Training Council in *Mastering Performance Management, Supervision, and Leadership Skills* (hereafter cited as Westfall). This training specifically focused on the Hersey & Blanchard model known as Situational Leadership. This model teaches the style of leadership utilized is based on two conditions, a) the situation and b) the follower readiness.

- ☒ The four leadership styles are 1) Telling, 2) Selling, 3) Participating, & 4) Delegating in ascending order.
- ☒ The four readiness levels are 1) Unable and Unwilling or Insecure, 2) Unable but Willing or Confident, 3) Able but Unwilling or Insecure, & 4) Able and Willing; each level corresponds to the appropriate leadership style respectively.
- ☒ Consistent with this training the Chain-of-Command first used a "Selling" style of leadership as evidenced by the training, modeling behavior, and mentoring provided. Next, a "Participating" leadership style was used as evidenced by the unique training opportunities made available to Officer Coy, like Westfall training, receiving a patrol rifle, and allowing PO Coy to act as a mentor to junior officers. And lastly a "Telling" approach is now needed. Officer Coy now works strictly

under the direct guidance of a patrol sergeant. This impacts supervisors and scheduling daily.

The Chain-of-Command ran the full gamut of leadership approaches to match the best style with PO Coy's readiness level. Selecting the appropriate style was not arbitrary as demonstrated above, but done with a specific focus.

Why have the performance improvement plans been unsuccessful? The investigation points to the fact Officer Coy feels he's done nothing wrong since the majority of his complaints in his words have been Not Sustained. "Not Sustained" only means "unable to prove" the allegation (for or against) as it's *written*. It does not mean the Chain-of-Command approved of Officer Coy's behavior or that the behavior alleged did not occur. This is abundantly clear when Unfounded or Not Sustained investigations are accompanied by a detailed action plan to modify the officer's behavior. Had the Chain-of-Command agreed with Officer Coy's actions repeated performance improvement plans would not have been implemented.

The preponderance of evidence establishes Officer Coy has impaired the operation of the Division. The frequency of this impairment rises to the level of critical misconduct.

### **SUPPORTING DOCUMENTATION**

The job description manual for the position of Columbus Police Officer lists as a **job requirement**: BE ABLE TO **INDEPENDENTLY** PERFORM OR ACCOMPLISH ALL OF THE BELOW LISTED ESSENTIAL JOB FUNCTIONS. The pertinent essential job functions include: HEAR AND UNDERSTAND ORAL INSTRUCTION, DIRECTIONS AND OTHER COMMUNICATIONS GIVEN IN PERSON OR BY ANY OTHER MEANS; DEAL EFFECTIVELY AND PROFESSIONALLY WITH ALL PERSONS...; AND OBSERVE WORK OF AND LISTEN TO PEERS, INSTRUCTORS AND SUPERVISORS TO LEARN THE PROPER METHOD OF HANDLING SITUATIONS DURING ON-THE-JOB TRAINING AND AT OTHER TIMES. (p.468)

### **FINDING**

There is sufficient evidence to support the allegation; therefore, I recommend a finding of **SUSTAINED**. This recommendation is based upon ample documentation to demonstrate Officer Coy through his need for perpetual Performance Improvement Plans designed to remedy his poor job performance has not produced any sustained results and he continues to require constant and increasingly direct supervision. The need for numerous investigations into his performance and requirement for daily one-on-one supervision has directly impaired the operation and efficiency of Officer Coy and the Division of Police. It is also a disservice to the Community.

### **ALLEGATION # 3**

**OFFICER ADAM COY VIOLATED DIVISION DIRECTIVES AIMED AT ENSURING PROPER INTERACTION WITH THE PUBLIC AND HAS FAILED TO DEMONSTRATE A WILLINGNESS TO CHANGE IN RESPONSE TO VALID CRITICISM.**

### **RESPONSE TO ALLEGATION # 3**

**Officer Adam Coy** feels it was mutually agreed with his supervisors that his military bearing may be key to his behaviors. (pp. 105, 150, 154, ++). Officer Coy denies being the primary broker of that message. [Despite this statement the records reflect Officer Coy either offered this excuse or agreed with this explanation during each and every counseling session.] Officer Coy readily admits receiving counseling on improving communication skills, requirement to work a cruiser equipped with a CVS, and working with mentors who can provide suggestions on alternative methods of exercising his police authority. Officer Coy openly acknowledges after the investigations, the training, counseling, mentoring, and CVS use he continued to experience difficulties interacting with citizens.

Officer Coy confirmed that positive corrective action he received included instructions on increasing his listening skills. (p. 123). Officer Coy says he did not see the routing sheet comments about a continuing pattern of failing to listen. Officer Coy does not deny receiving counseling on the issues however. When pinned down on the issues, Officer Coy, in response to whether a problem existed has acknowledged “something existed” and that it could be his personality which he is working to correct. Then Officer Coy says “you’ve got to tell me what I’m doing wrong in order for me to correct it. This is going to take time.” (p. 115)

Officer Coy was again questioned about training he received. Officer Coy states the courses were completely not police based and that he took nothing away from these courses. (p. 119). When pressed on the issues of the courses geared towards improving his listening skills, improve his interactions with the public, Officer Coy agreed there was material he could learn from in the classes offered. Furthermore, Officer Coy agrees past counseling sessions included an in-depth discussion on how to improve his listening skills. (p. 123). Ultimately Officer Coy concluded despite receiving training, the training provided was not the schooling he needed. Officer Coy says he asked numerous times for specific OPOTA training (p. 132) but also agreed due to an oversight, purely his own fault, he missed the one training that was approved for him to attend at OPOTA, that being Human Relations and Conflict Management.

Officer Coy recalls after reviewing the documents provided that services from the EAP and Dr. Douglas was recommended to him but he did not take advantage of the services offered. Further, Officer Coy admits discussing his shortcomings with Sgt. Walter, Sgt. Morrow, Sgt. Ayers, and Officer Lingofelter. (p. 142). Officer Coy when asked whether he told Sgt. Bray he admits problems dealing with citizens but doesn’t know how to change said, “I would say that I probably said something to that effect because I’m getting a lot of complaints but someone’s got to tell me how to do it different.” (p. 153)

Officer Coy complains he was not sent to the right schools adding it may require months or years of training to affect the needed changes. Officer Coy confirmed he successfully completed the training academy, is OPOTA certified, and received three full term coaching phases and was released as able to function as a one-officer unit. (p. 149)

**Sergeant Steve Livingston** feels Officer Coy has been willing to change, but did not observe a modification in his behavior while under his supervision. Officer Coy voluntarily transferred to 17 Precinct EMW from 16 Precinct 3<sup>rd</sup> Watch. Officer Coy hoped a change in environment from the bars, intoxicated people, and situations he was encountering on 16 Precinct to a much slower area might improve his situation. (p. 177) Sgt. Livingston agreed Officer Coy has difficulty interacting with citizens when his authority is challenged. (p. 181) Sgt. Livingston also believed Officer Coy complied with performance improvement plans while under his supervision, but noted the compliance did not result in a modification of behavior. (p. 181)

**Lieutenant LuEllen Kuykendoll** states during discussions with Officer Coy while under her supervision, Officer Coy indicated that citizens' misperceptions of his presentation while communicating with the public may be attributed to his prior law enforcement work experience in the military. (p. 184) Officer Coy was subjected to an intense action plan designed to assist Officer Coy improve his communication skills. The plan required Officer Coy always be assigned a cruiser with a fully functional video system, randomly reviewed by Lt. Kuykendoll. Also, Officer Coy was assigned to work with officers several days per week serving as mentors to develop his skills in dealing with the public. (p. 184) Lt. Kuykendoll periodically rode with Officer Coy herself for evaluation purposes and randomly responded to runs he was handling. Despite all these requirements Lt. Kuykendoll noted Officer Coy digressed in his dealing with the public. (p. 185)

Lt. Kuykendoll required Officer Coy attend training with a goal to modify his interaction with the public. Officer Coy was encouraged to utilize the services of EAP and Dr. Douglas. Lt. Kuykendoll was present during the 1/4/05 meeting when Officer Coy was specifically counseled on his need to improve his listening skills when interacting with the public. Lt. Kuykendoll agrees Officer Coy has been unable or unwilling to improve his listening skills. (p. 187) Lt. Kuykendoll explained further she recalls Officer Coy always saying he is willing to modify his behavior and at all times acknowledging there were issues. Officer Coy has been willing to modify his behavior but according to Lt. Kuykendoll he does not know how to make the necessary desired changes. Therefore, Lt. Kuykendoll does not feel Officer Coy is unwilling to respond to valid criticism, just that he does not know what to do differently.

Lt. Kuykendoll has made Officer Coy aware of the problematic behaviors and offered solutions or remedies to correct his conduct. There have been several discussions with Officer Coy regarding plans to correct his interpersonal communication skills with the public. Officer Coy is aware his performance fails to meet the standards of the Division. However, as recently as March 2008, Officer Coy once again explains that his expectations come from his upbringing and military training/experience. Officer Coy explains he holds his children to the same standards. If Officer Coy tells his children to do something, they are expected to do what is requested at once.

In short, Lt. Kuykendoll says Officer Coy has expressed in the past a willingness to change, but she does not believe he knows how to change. Lt. Kuykendoll summarizes Officer Coy's high standards and expectations for the public, although unreasonable,

are deeply embedded from his upbringing and military experience. (p. 191) Lt. Kuykendoll has taken the following actions to remedy Officer Coy's conduct. Lt. Kuykendoll has required re-training, required use of a CVS, offered EAP, issued discipline, mentored, and closely monitored Officer Coy.

**Sergeant Michael Kirk** notes that there has been some modification of behavior but the success has been followed by periods of relapse. (p. 199) Sgt. Kirk acknowledged various action plans were implemented to improve Officer Coy's conduct and each was successful for a time. After initial success Sgt. Kirk states each was followed by a rise again in the questioned behavior. (p. 200) According to Sgt. Kirk, a reasonable officer should have been on notice his behavior was not condoned by his Chain-of-Command.

**Sergeant Richard Hogue** states Officer Coy explains his demeanor as a result of his military background and his upbringing. (p. 205) Sgt. Hogue finds that Officer Coy is willing to modify his behavior if he can clearly be shown how he is wrong and given the right way to do it. Sgt. Hogue notes that Officer Coy explains his upbringing has strongly influenced his behavior. Sgt. Hogue points out an officer may be "weaned off" the military bearing, but to change his personality requires more time. (p. 207)

Sgt. Hogue concluded that Officer Coy has blamed his performance deficiencies on his difficulty transitioning from military to civilian life. Sgt. Hogue says Officer Coy may change his actions if he could be shown how he is wrong. Officer Coy has difficulty with his authority being challenged and responding to any type of criticism is hard when a person believes he is right. (p. 207)

**Sergeant Scott Bray** was asked whether Officer Coy responds to criticism or argues the complaints he's received have not proven any misconduct. Sgt. Bray recalls Officer Coy saying the majority of his complaints were unfounded so he did not understand what he was doing wrong. Officer Coy did affirm his understanding the Chain-of-Command does not support the manner in which he carries out his duties.

Officer Coy continues to push his position that due to his rigid upbringing and military experiences he only knows how to operate one way. (p. 213) Officer Coy did not voice an interest in seeking assistance from EAP or Dr. Douglas despite recommendations he utilize these resources. Officer Coy cites a perceived negative stigma that attaches to an officer who relies on such assistance. (p. 214)

Sgt. Bray says he's sat down and talked to Officer Coy and Officer Coy has admitted that he has problems dealing with citizens but he does not know how to change because he does not feel he is violating any Directive or Policy. (p. 214) Sgt. Bray finds Officer Coy to be willing to change, but says he does not know how. Sgt. Bray confirmed he has outlined the Division's expectations to him.

**Sergeant Steve Walter**, at Officer Coy's request, has met to discuss possible ideas to improve his performance after he was relieved of his regular assignment. Sgt. Walter found Officer Coy blamed his deficiencies on his very rigid upbringing saying it has affected his style of policing, meaning he demands instant, unquestioned, obedience. (p. 220)



Sgt. Walter was advised of the multiple action plans the officer benefited from, such as re-training, counseling, mentoring, and direction by the entire Chain-of-Command. Sgt. Walter was asked whether the investment in Officer Coy should have produced sustained results in Officer Coy being able to distinguish the two professions apart and behave appropriately in a police environment. Sgt. Walter, having 25 years experience in the Marine Corps and 42 years police experience finds not only would a reasonable officer be able to, he would have to. (p. 221) Also, Sgt. Walter says he has personal knowledge of plenty of officers that currently serve in both capacities and can effectively separate the two occupations and behave in a manner appropriate to each mission.

Sgt. Walter concludes based on his recent interactions with Officer Coy and knowledge of the scope of this investigation he finds Officer Coy has not demonstrated a willingness to change in response to valid criticism. (p. 223)

### **INVESTIGATOR COMMENTS**

Rule of Conduct 1.03 Violation of Rules or Division Directives states (A) Division personnel shall not commit or omit acts in violations of the explicit or implicit purpose of the Rules of Conduct, Policies, Directives, or orders of the Division. It is not necessary that every specific act which would constitute a violation be expressly prohibited in written form.

Officer Coy violated this Rule of Conduct by violating the following rules: (p. 470)

- The Division's Mission and Value Statements read in pertinent part: WILLINGNESS TO CHANGE IN RESPONSE TO VALID CRITICISM.
- The Division of Police Code of Ethics states in pertinent part: ALL DIVISION EMPLOYEES SHALL FOLLOW THE DIVISION OF POLICE CODE OF ETHICS...(6) WORK ETHIC – MATURITY AND PROFESSIONALISM DEMONSTRATED BY PUTTING FOR THE EFFORT WITHOUT THE NEED FOR DIRECT SUPERVISION; & (11) EMPOWERMENT – MAKING COMMON SENSE AN INTEGRAL PART OF DECISION MAKING.
- The Division of Police Operating Principles state in pertinent part: (6) RESPONSIBILITY FOR PERSONAL ACTIONS AND THE DUTIES ASSOCIATED WITH OUR POSITION AND A DEMONSTRATED WILLINGNESS TO CHANGE IN RESPONSE TO VALID CRITICISM; & (11) OPEN INTERNAL AND EXTERNAL COMMUNICATION FACILITATING INDIVIDUAL GROWTH, ORGANIZATIONAL EFFECTIVENESS, AND SERVICE TO THE PUBLIC.
- Rule of Conduct 1.15 General Requirements (A-6) CARRY OUT SUCH ORDERS AND DIRECTIVES AS MAY BE GIVEN THEM BY SUPERIORS.
- Division Directive 3.26 (III)(B) WHILE THE DIVISION CANNOT DICTATE HOW A PERSON MUST FEEL ABOUT ANOTHER INDIVIDUAL OR GROUP AND MAY NOT BE ABLE TO CHANGE NEGATIVE ATTITUDES, IT DOES INSIST ON PROPER **BEHAVIOR** [EMPHASIS ADDED] ON THE PART OF ITS EMPLOYEES TOWARD BOTH THE PUBLIC AND OTHER EMPLOYEES.

There are rules governing an officer's behavior. Officer Coy has notice of these rules. The rules are reasonably related to the operation of the Division. An investigation established by a preponderance of evidence a violation of these rules. Officer Coy has been treated fairly by receiving six years of documented positive corrective action to comply with these rules.

Officer Coy has been the focus of several documented Performance Improvement Plans providing valid criticism for his lack of judgment and decision making. Officer Coy has not shown a willingness to change in response to this valid criticism. A few witnesses when interviewed stated it was their opinion Officer Coy was not unwilling to change, rather it was that he did not know *h o w* to change. I note Officer Coy has benefited from several years of mentoring and modeling the desired behavior and has been shown "HOW" to change.

Officer Coy has received training on interpersonal communications but says the training was of no value. Officer Coy has repeatedly been recommended for the Employee Assistance Program but has not exercised the recommendation except when ordered to do so. Officer Coy says he does not feel his negative interactions with the public are out of line with his peers yet a review of his work history demonstrated otherwise. Officer Coy says no one has proven to him what he is doing wrong and if the Chain-of-Command can specifically identify what he's doing wrong then he will make the necessary improvements. Had Officer Coy routinely utilized the CVS as ordered the Chain-of-Command would have obtained the specific feedback Officer Coy requests.

Much of this investigation highlights the numerous performance improvement plans developed and alleges Officer Coy has been unresponsive to criticism. Considering the disposition of complaints and Action Responses has not sustained misconduct, why have performance improvement plans still been developed? A measure of Performance can more clearly be described using a mathematical equation:

$$\text{Performance} = f(\text{Ability} \times \text{Motivation})$$

*[Performance is a function of both ability and motivation]*

This model may be used to describe officers performance in the areas of Ability and in Motivation using a scale from (1) one to (10) ten. This model closely correlates to the Situational Leadership Model of 'Able and Willing'. When an officer rates 10 on each dimension performance equals 100 percent. Doing the math it is evident when an officer is evaluated low in either Ability or in Motivation Performance is negatively affected. A low score in either dimension will dramatically affect the officer's overall Performance; the two dimensions are therefore interdependent.

All officers being released from the FTO program are released based on the opinion the officer can function effectively as a one-officer unit. Officer Coy has rarely been able to function as a one-officer unit. The officer spends most of his time working with senior officers and under the watchful eye of a video camera lenses. Currently Officer Coy is not permitted to work patrol unless he is under the direct supervision of a sergeant.

Management has worked with Officer Coy to improve both his ability and his motivation as documented with the multiple Performance Improvement Plans. (p. 336).

Clearly the Performance Improvement Plans were designed around a specific focus on improving both the officer's *ability* and *motivation* with the intent of realizing a corresponding improvement in Performance. The result however was each time the intense improvement plans were relaxed performance declined.

The idea Officer Coy does not know how to change is without merit also. The Division employs many military minded individuals who exceed performance standards. Officer Coy always uses his rigid demeanor as a crutch and dares the Division to prove to him his judgment is below expectations. Officer Coy was discharged from the military approximately 8 years ago. The officer has since received 26 weeks of academy training, 15 weeks of field training, annual advanced training, specialized outside training, direct supervisory training and feedback, mentoring from peers, and 6 years OJT.

Officer Coy admits he has trouble interacting with citizens. Officer Coy insists his troubles rest in his inflexible personality and explains he cannot change overnight. Officer Coy has asked the Division to be patient with him. (p. 148) The Division has been patient for six years: six years of re-training, six years of coaching, six years of counseling, six years of confronting, six years of verbal warnings, six years of Positive Corrective Action. The patience game must end and a demand for sustained permanent corrections be demonstrated in response to valid criticisms.

Sgt. Walter perhaps summed it up best when he said: **DURING MY 32 YEARS AS A SERGEANT, 31 OF WHICH HAVE BEEN IN A PATROL CAPACITY, I CONCLUDE THAT THERE COMES A TIME WHEN THE RESPONSIBILITY OF THE CHAIN-OF-COMMAND ENDS AND THAT OF THE OFFICER BEGINS. IN THE CASE OF OFFICER COY THAT TIME IS NOW.** (p. 224)

### **SUPPORTING DOCUMENTATION**

Refer to Informational Summary #5, summary of Performance Improvement Plans and counseling. Particular notice must be given to the sheer volume of occurrences Officer Coy has been subjected to Improvement Plans despite complaint dispositions. These records of counseling and continual oversight are highly atypical compared with other sworn members of the Division including his peers who share his work environment.

### **FINDING**

There is sufficient evidence to support the allegation; therefore, I recommend a finding of **SUSTAINED**. This recommendation is based upon ample documentation to demonstrate Officer Coy has failed to make required changes in response to valid criticism. An officer needs to work autonomously as a one-officer patrol unit having limited supervision. Officer Coy requires continual direct supervision. This requires the Chain-of-Command effectively micromanage Officer Coy by now utilizing a 'telling' style of leadership due to an apparent inability and an unwillingness to change.

**ALLEGATION # 4 – MISCONDUCT NOT BASED UPON THE ORIGINAL ALLEGATION**

**OFFICER ADAM COY FAILED TO OBEY ORDERS GIVEN BY PROPER AUTHORITY WHEN HE FAILED TO ACTIVATE HIS CRUISER VIDEO SYSTEM DURING A CITIZEN INTERACTION ON FEBRUARY 11, 2008.**

**RESPONSE TO ALLEGATION # 4**

**Officer Adam Coy** says it was his understanding he only had to use the CVS on traffic stops and this incident did not begin as a traffic stop. When asked whether he could have moved Ms. Dy to a position within view of the CVS or activate at least the audio portion during the Field Sobriety Tests Officer Coy agreed he could have. When asked whether he could have activated the equipment while Ms. Dy was being disruptive in the rear of the cruiser Officer Coy admits he could have. (p. 137) When asked whether he received notice from the Prosecutor that it would be very beneficial to the case to have the behaviors caught on tape he admits he did receive such an email. (pg.138) When asked why he did not use his camera Officer Coy says he did not think it was necessary at the time.

**Sergeant Scott Bray** prepared a written summary of his findings prior to the investigation being held in abeyance. Sgt. Bray's findings and comments can be reviewed on pages 250 to 252 of the attachments.

**INVESTIGATOR COMMENTS**

Officer Coy has been repeatedly ordered to operate the CVS in his cruiser if so equipped. The explanation here for not using a camera may be reasonable when officers have never been ordered to use a camera at all times. Officer Coy has repeatedly been ordered to use a CVS at all times. Even though the contact was not through a traditional traffic stop, based on all the past demands he record his interactions with the public, the officer should have exercised proper judgment and discretion by turning the camera on manually and recording the FST's and recording the driver while under arrest in the back seat. This would have corroborated much of the allegations one way or the other but Officer Coy failed both to use the judgment to activate the camera and failed to follow multiple directions he record his interactions.

The result of his nonfeasance is evidenced in the attached email exchange by the prosecutor assigned the case who expresses a dire need for the CVS to support the elements of the crimes charged. (p. 255) Here the defendant has a prior conviction and was operating drunk while under an OVI suspension from a previous case. There has been a series of incidents where PO Coy may have benefited from activating a camera, had the camera equipped in the car, but has failed to act as he's been directed by the Chain-of-Command. Officer Coy's response to the prosecutor's request: "We prosecuted many of these before we ever had CVS's. I think that the prosecutor, mainly, wants it to make their job easier sir." (p. 138)

### **SUPPORTING DOCUMENTATION**

Refer to Informational Summary # 5 documenting the frequency Officer Coy has been directed to activate his CVS when the equipment is available.

### **FINDING**

There is sufficient evidence to support the allegation; therefore, I recommend a finding of **SUSTAINED**. This recommendation is based upon ample documentation to demonstrate Officer Coy violated Rule of Conduct 1.04 by engaging in nonfeasance when he failed to obey orders given by proper authority.

### **ADDITIONAL INFORMATION**

Officer Coy complains he's never been told specifically what he is doing wrong or what to do differently. However, Officer Coy has repeatedly received counseling focusing specifically on improving communication and listening skills. Officer Coy has therefore been told what he is doing wrong and what he needs to do to improve. Officer Coy has failed to hear the advice he's received many times. The following is provided to permanently document the counseling Officer Coy has received.

Interpersonal communication techniques are a process. Understanding how the process is broken down may clarify why Officer Coy receives Not Sustained findings only to be followed by counseling and mandatory performance improvement plans. The communication process is merely 7% verbal, *the actual words spoken*. More important is that paralanguage makes up 28% of communication and that is '*how the words are spoken*', the voice pitch, inflection, and tone. The most significant portion (65%) of the communication process is the *non-verbal language*. Officer Coy asked the Chain-of-Command to prove to him what he's doing wrong and he will change. Officer Coy fails to use the CVS when available and since supervisors do not have direct observations of officers when performing their duties it is difficult to provide him with direct, specific observations that can definitively prove to him where he is wrong. While examples are plentiful in the citizen interviews during complaint investigations these records are not permitted to be cited as examples in this investigation due to contractual time limits. Even so through extensive mentoring Officer Coy has been the recipient of an abundance of 'model behavior'.

The previous IAB investigations only addressed 7% of the citizen interaction, i.e. the actual words spoken. The IAB investigator summarized the 'actual words spoken' so the Chain-of-Command had effectively less than 7% of the communication between PO Coy and the complainant for evaluation, oftentimes reaching a Not Sustained finding. Had video evidence been available to determine the other parts of the communication process or to witness Officer Coy's performance prior to the interaction going awry many investigations may have been more definitive, i.e., Unfounded, Exonerated, or Sustained.

The standard used to gauge reasonableness is based on the citizens *Actions* and the officers *Response*, or ARR. In the future, a paradigm shift is necessary and the

reasonableness test must first consider Officer Coy's Actions that may have triggered the citizens Response, ultimately resulting in either an ARR or Citizen Complaint. In Officer Coy's case the Division needs to begin its review with what was the officer doing before the facts or allegations under investigation; an assessment ideally suited for video review.

The officer has been counseled that his delivery in what he says, his voice pitch, inflection, and tone is a primary factor in citizens complaining about his behavior but not his peers who were equally involved in the citizen contact. The officer has been counseled on his non-verbal skills that citizens find needlessly confrontational ultimately resulting in complaints of misconduct. The officer's posture, facial expressions, proxemic behaviors, body tension, and eye contact trigger adverse responses from citizens he interacts with. Officer Coy has been counseled on improving his communication patterns and failed to demonstrate sustained progress. Officer Coy has also been counseled on improving his listening skills. (p. 394, 414+)

Nonetheless, Officer Coy voluntarily admitted he instructs someone one time and expects immediate compliance, only later reversing this statement claiming it was only his belief. (p. 146) Officer Coy has stated during previous counseling sessions he believes citizens fail to show police officers the level of respect officers deserve. Officer Coy's personal beliefs may be contributing to his citizen interactions declining. Moreover, many of the instances where Officer Coy used an ARR or received a Citizen Complaint originated during an incident when he was dealing with an intoxicated person.

### **RECOMMENDATIONS**

#### **RE: IAB #200803 – 0186**

**Allegation #1:** I recommend a finding of **Sustained** for violating ROC 1.04 Cause for Dismissal.

**Specification # 1:** In lieu of any disciplinary action against Officer Coy for this violation, since the ultimate goal is to remedy his ability and motivation, I recommend instead enacting the recommended actions and training requirements outlined below. While it may be difficult to teach judgment the Division can provide Officer Coy with the tools to self correct his decision making. Subsequent violations will then result in progressive action, i.e. discipline.

**Allegation #2:** I recommend a finding of **Sustained** for violating ROC 1.36 Unbecoming Conduct. Sgt. Bray is directed to forward disciplinary recommendations.

**Specification # 1:** Officer Coy has impaired the operation of the Division and himself from January 2005 until the present by requiring extensive and extended periods of direct supervision and re-scheduling of assignments to accommodate his needs which prove he is unable to independently perform the essential job functions.

**Specification # 2:** Officer Coy has failed to demonstrate sustained improvements since January 2005 despite observing the work of his peers and supervisors and failing to learn the proper method of handling situations using acceptable communication skills.

**Allegation #3:** I recommend a finding of **Sustained** for violating ROC 1.03 Violation of Rules or Directives. Sgt. Bray is directed to forward disciplinary recommendations.

**Specification # 1:** Officer Coy violated the Police Code of Ethics on 2-20-08 and on 3-4-08 when he failed to make common sense an integral part of decision making. Note: the incident on 3-4-08 was not held in abeyance and I recommend no disciplinary action for the 3-4-08 incident as explained below.

**Specification # 2:** Officer Coy has violated the Operating Principles since 3-28-07 when he has failed to take responsibility for his personal actions or demonstrate a willingness to change in response to valid criticism. Officer Coy continues to blame his inflexibility as a root cause for his negative citizen interactions; fails to use the CVS when available; fails to utilize EAP; fails to respond to training, mentoring, and modeling behaviors from supervisors and peers now claiming he's never been shown what he is doing wrong or how to act properly.

**Allegation #4:** I recommend a finding of **Sustained** for violating ROC 1.04 Cause for Dismissal.

**Specification # 1:** Officer Coy engaged in nonfeasance when he failed to follow orders given by proper authority. Most recently Officer Coy was formally ordered on 1-4-05, 3-28-07, and 2-6-08 to use a CVS at all times. On 2-11-08 Officer Coy failed to use his CVS which was available. I recommend bypassing progressive discipline and issuing a written reprimand.

As a member of the officer's Chain-of-Command I am withholding disciplinary recommendations on IAB #200803 – 0186 as indicated above until the officer's immediate supervisor, Sgt. Scott Bray, reviews the investigation, adds recommended findings, and dispositions each allegation.

Reference Allegation #1 – I am recommending remedial actions in lieu of discipline for the sustained misconduct. Reference Allegation #4 – Sgt. Bray has already rendered his disposition as to this investigation, therefore I have attached my recommendations. Further detailed recommendations can be found by reviewing the letter attached to Citizen Complaint #200802 – 0065. (Also located at p. 250 – 254)

**In advance of Sgt. Bray's review I do recommend the following actions:**

- ☒ I recommend a digital video system be equipped on a Zone 4 EMW cruiser and Officer Coy be ordered to operate only this cruiser. Further, Officer Coy be ordered to activate both audio and video any time he is interacting with a citizen in an enforcement role. This requirement will apply even when operating outside the cameras video view to record at a minimum the audio portions. Each and every violation merits progressive action, i.e., discipline.
- ☒ I recommend Officer Coy work solely as a one officer unit unless assigned to a special event. Officer Coy has spent a vast portion of his career with the luxury of a mentor officer present who modeled the desired behavior. As a job requirement Officers are expected to function as a one-officer unit and Officer Coy is to work in this capacity and demonstrate progress or face additional progressive action.
- ☒ I recommend future IAB investigations into allegations of misconduct and all supervisors investigating Officer Coy's reported Action-Responses expand the scope of the investigation to include a review of what Officer Coy was doing immediately prior to the actions giving rise to the investigation. The question to answer is whether Officer Coy actions may have triggered the citizen's response.
- ☒ I also recommend future IAB investigations that would merit only a Not Sustained disposition held in abeyance for 3 months to watch for like behavior in subsequent complaints that will more accurately provide evidence of a Sustained or an Unfounded disposition. The Chain-of-Command will need this time to watch for patterns or clusters of inappropriate behavior.
- ☒ I recommend Officer Coy be ordered to meet with the Division's Psychologist to evaluate his cognitive skills.
- ☒ I directed Sgt. Bray provide Officer Coy a 90-day notification of "Development Needed" in the areas of Oral Communication and Judgment/Decision Making for his upcoming Annual Performance Evaluation. (p. 169)

**I recommend Officer Coy be required to attend the following outside advanced training:** (p. 452)

- Stan Walters Practical Kinesic Roadside and Field Interview course. This is a 2 day course designed to teach officers verbal cues, body language cues, and evaluate other nonverbal communications. It also exposes an officer to the realization he needs to be cognizant of the image he's projecting as well. – Undetermined Cost.
- OPOTA – 1) Crisis Intervention – 6 hours of instruction @ \$65.00
  - 2) Human Relations & Conflict Management – two-day course @ \$130.00
  - 3) Interview & Interrogation – three-day program @ \$195.00
- Verbal Judo – a 2 day course designed to teach officers communication principles and tactics that enable the user to generate cooperation and gain voluntary compliance in others under stressful conditions and geared primarily to law enforcement situations.



## Re: Investigations held in abeyance

- 1/7/08 Use of Taser – no recommended changes to original findings of reasonable, but poor judgment requiring officer to be monitored for decision making abilities when under stressful conditions. (p. 226)
- 1/21/08 7<sup>th</sup> Mark-Off – no recommended changes to original findings. (p. 241)
- 2/20/08 Forced Entry – recommend minor modifications to the original findings. While the forced entry was reasonable, but perhaps unnecessary, the manner of entry was unreasonable and a clear demonstration of the officers lack of sound judgment and decision making. (p. 293)
- 2/25/08 Mace Handcuffed Prisoner – recommend minor modifications to the original findings. The use of mace was reasonable when judged by the suspect's actions and the officer's response, ARR. However, the investigation indicates the suspect was cooperative until placed under arrest. The suspect said, "I think I said something to offend him (Officer Coy)" when asked why she misbehaved.

The question becomes what were the officer's actions that caused the suspects response, ultimately leading to the officer's use of mace? Since the CVS was not used these questions remain unanswered. I am recommending misconduct regarding the failure to use the CVS which has been detailed in Allegation #4 above. While the relief sergeant investigating the incident did not believe the officer violated any directive for not taping the incident, he was unaware of previous orders Officer Coy was given that deviated from the directive. And the sergeant clearly indicated better judgment would have been to use the camera and record the suspect's actions. (p. 255, 315)

- 3/4/08 Incident @ the YMCA – several officers protecting a crime scene encountered an intoxicated and belligerent individual. Six other sworn personnel separately encountered the man and each controlled his errant behaviors without incident and each were able to effectively protect their crime scene and deal with the persistent intoxicated man simultaneously. This is the YMCA; officers routinely encounter intoxicated and mentally unbalanced individuals at this location which usually amounts to little more than a distraction or a nuisance. Here a lieutenant, two sergeants, and three officers were able to deal with this distraction without incident.

Then the male encounters Officer Coy. Officer Coy gave him an order to go back into his room and when the man did not obey his order Officer Coy acted as he admits he routinely does, he arrests the man. Officer Coy left his guard post to engage the man. When the man poked his head out in the hallway Officer Coy moved in for the arrest because the man disobeyed his

order. The facts show Officer Coy tackled the man on his bed, maced him, and arrested him.

The reality is everyone else tolerated this man's inconvenient distractions while remaining focused on the assignment at hand. Officer Coy conversely chased the man into his bedroom to arrest him. Judgment and decision making was sorely missing. Sgt. Lokai reviewed only the man's actions and the officer's response and forwarded the ARR without further review.

Had these facts been made known earlier to the Chain-of-Command a finding Officer Coy acted unreasonably would have been determined. However, since the sergeant already dispositioned the ARR forwarding it directly to IAB for filing I recommend no discipline be issued. But I do advocate the officer's actions be recorded as Unreasonable and progressive discipline to follow for subsequent violations. (p. 331)

**Re: IAB #200802 – 0065 [Pending Citizen Complaint] Held in Abeyance** (p. 257)

The findings and recommendations regarding this investigation held in abeyance are outlined in detail and attached to the IAB folder containing the original investigation. Copies of the investigation along with Sgt. Bray's findings are located under Informational Summary #4. (pp. 250 - 254)

**SUMMARY**

This is a comprehensive investigation that took into consideration Officer Coy's actions and work history to determine whether Officer Coy performs his duties using poor judgment, impairs the operation of the Division, and fails to respond to performance improvement plans. An exhaustive search of Division records and investigative interviews establishes a preponderance of evidence to indicate misfeasance.

Officer Coy's current and previous supervisors found that Officer Coy has difficulty communicating with the public or correcting his behaviors. Officer Coy admits he has trouble dealing with citizens when they do not obey his lawful orders. Officer Coy has been trained and re-trained. Officer Coy has been provided extensive opportunities to improve his citizen interactions using Positive Corrective Action.

Officer Coy's behaviors continue to be the focus on ongoing concerns by the officers Chain-of-Command. Using mentoring, the desired behaviors have been modeled for Officer Coy. Despite the energy spent and special efforts made by the Division Officer Coy can now only work under the direct supervision of a patrol sergeant. Sustained growth has not been demonstrated.

Officer Coy says if he is only shown what he's doing wrong he will correct it. The constraints of the Collective Bargaining Agreement prevent the investigator from introducing the bulk of the facts known that will detail to Officer Coy his deficiencies. In short, his problem is in communications, mainly with persons under the influence of alcohol

or who defy his orders. Officer Coy does not listen effectively and is needlessly confrontational in his paralanguage and non-verbal communications.

While the contract prevents introducing evidence to support the communication failures the end result is now only Officer Coy has the ability to fix **his** problems or bring his behaviors in line with the Division's expectations.

### **CONCLUSION**

It is a widely accepted management philosophy that the best predictor of future behavior is past behavior. Here exists a documented work history of unacceptable behavior and despite the best of efforts devoid of change. Absent substantial intervention by the Division and acceptance of responsibility by Officer Coy history is not only certain to repeat itself, performance will progressively decline. Based on the premise of negligent retention and negligent supervision decisive action is now mandated. This investigation places the Division, the Union, and Officer Coy himself on notice, defines his problem, and requires Officer Coy take responsibility to remedy his performance.

After providing Officer Coy this concentrated training regiment and corrective action it is imperative to closely monitor and document both successes and failures. I welcome all successes and hope the actions taken here provide a permanent remedy. However, if sustained improvements are not fully realized a decision whether Officer Coy is salvageable must follow. Should the interventions described above not produce the desired results a shift towards termination would be warranted, as Officer Coy's service to the Division of Police will have lost all future value.

Respectfully Submitted,

**LIEUTENANT THOMAS QUINLAN #5066**  
Patrol West Subdivision, Zone 4, L-4-C

/taq

**Re: IAB #200802 – 0065 [Citizen Complaint] Held in Abeyance** (p. xx)

The following is based on a summary already prepared by Sgt. Bray. Refer to Sgt. Bray's Written Summary of Findings & Recommendations. (p. xx)

I share Sgt. Bray's concerns regarding Officer Coy's actions during this arrest and make the following findings and recommendations.

**Allegation #1:** Officer Coy deliberately pushed Ron Williams to the Ground.

Officer Coy did deliberately push Mr. Williams and as a result Mr. Williams did collide with the ground. It is more likely than not when you deliberately push an intoxicated person backwards that person is likely to fall to the ground. The intent of the allegation is that Officer Coy pushed Mr. Williams on purpose and as a result he fell to the ground. I find the allegation **Sustained**. No one disputed that Officer Coy pushed Mr. Williams or that Mr. Williams fell to the ground. Officer Coy suggests he merely extended his arm and when Mr. Williams ran into his arm he took 2-3 steps backwards and due to his level of intoxication lost his balance and fell. It is evident Officer Coy pushed Mr. Williams, as described by Officer Allen, and the result of that push is Mr. Williams fell to the ground. [Note: An Exonerated finding (actions lawful and no misconduct substantiated) does not apply as misconduct was discovered and outlined below.]

Misconduct not based on the original allegation: Officer Coy failed to complete an ARR for this Action Response as required by DD 3.25 when PO Coy exerted energy upon Mr. Williams to direct or control his movements. I recommend a DCC for failing to report an ARR as required. The attached email also indicates Officer Coy himself described incident as involving a "Use of Force". (p. xx)

**Allegation #2:** Officer Coy used profanity.

Officer Coy has a number of past recent allegations alleging he used profanity or was rude during his contact with citizens. Many of the previous allegations when viewed in the vacuum of that particular complaint was often the citizen's word against the officer's word and thereby determined the allegation was not sustained, or unable to be proven. However, it is impossible to ignore that the officer has repeatedly been accused of rude behavior or profanity and it is more likely than not based on the history of complaints alleging similar misconduct that PO Coy did make rude and unnecessary remarks. A Not Sustained disposition requires giving the officer the benefit of the doubt as being his word against other citizens. Based on the sheer number of different people that have never met or even aware of the history of allegations all reporting similar conduct I find the officer did make inappropriate remarks during the contact. I recommend amending the allegation from 'use of profanity' to "made a rude reply" as described by the complainants and **Sustain** the allegation in violation of ROC 1.15A1.

**Allegation #3:** Officer Coy took \$178 from Mr. Williams' wallet. **Unfounded**

**Allegation #4:** Officer Coy took Shannon Bouaroy's identification and did not return it. I recommend a finding of **Not Sustained** on this allegation.

**Allegation #5:** Officer Coy slammed Ms. Bouaroy's head against a vehicle. I find insufficient evidence to either prove or disprove the allegations and recommend a finding of **Not Sustained**.

I further concur with Sgt. Bray that Officer Coy routinely escalates his actions when a citizen challenges his authority or offers any resistance and Officer Coy seemingly is unable to diffuse the situation verbally.

I recommend no further action on the IAB #200802 – 0065 investigation. I do note the reason for not concurring with Sgt. Bray on the recommended level of discipline is that he based his recommendations on his knowledge of Officer Coy after only one month's supervision. The recommendations I made are based on Officer Coy's work record and knowledge of the frequency in which he's been directed to use the CVS equipped in his cruiser, information unknown to Sgt. Bray.

In summary, Re: IAB #200802 – 0065, I recommend Allegation # 1 be Sustained to include failing to complete an ARR and issuance of a **DCC, (DD3.25.III.B)**.; Allegation # 2 be amended to read PO Coy made a rude reply and be Sustained and issued a **DCC (ROC 1.15(A)(1))**; Allegation # 3 – Unfounded; Allegation #4 – Not Sustained, and Allegation #5 – Not Sustained. **Misconduct not based on the original allegation:** Recommend bypassing progressive discipline and issuing a **Written Reprimand** for violating **ROC 1.04** for failing to obey orders given by proper authority and nonfeasance.

# COLUMBUS DIVISION OF POLICE

## Notification of Internal Investigation and Notification of Rights

**Personnel Involved:** Officer Adam Coy

The Columbus Division of Police is conducting an Internal Investigation in regard to:

Allegation of:

**BASIC KNOWN FACTS:** Officer Adam Coy is the recipient of a disproportionate number of citizen complaints alleging among other things rude and discourteous behavior. Further, Officer Coy has a disproportionate number of Action/Responses when compared with his peers. Officer Coy's current chain-of-command has recognized trends or similar patterns of reactions Officer Coy uses when his authority is challenged. The conduct of Officer Coy when weighed on the merits of each individual incident oftentimes has been ruled reasonable. When comparing these incidents collectively a common view is formed, that Officer Coy exercises a lack of sound judgment and decision making. While this pattern has been developing and being documented over a period of six years the breadth and scope of its pervasiveness is newly realized. If true, it will constitute a violation of Rule of Conduct 1.04 as it pertains to Incompetence based on Division Definition which states in pertinent part: a lack of...sound judgment & decisiveness; ROC 1.36 Unbecoming Conduct; and Rule of Conduct 1.03 as it applies to DD 3.26(III)(B) stating in pertinent parts: "While the Division...may not be able to change negative attitudes, it does insist on proper behavior on part of its employees towards both the public and other employees; and the Division's Value Statement (Willingness to Change in Response to Valid Criticism), Code of Ethics, and Operating Principles, supported by Central Work Rule #7 Neglect of Duty (...failing to meet work standards or comply with performance improvement plans).

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(Investigator's Signature)

I, Officer Adam Coy #2275, have been informed of the nature of this investigation prior to being questioned on July 21, 2008, by Lt. Thomas Quinlan #5066. I understand I am being questioned as the FOCUS to the above allegation. I have also been advised that there is a potential for Departmental charges; and according to the current F.O.P. agreement, I have the right to contact a Lodge representative and to have the representative accompany me during all interview sessions. The term "Lodge representative" refers to a Lodge Officer, grievance liaison representative, or Lodge-designated attorney.

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(Officer's Signature)

Witnessed by:

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Prepare in duplicate  
Original to case file  
Copy to officer

# DIVISION OF POLICE

Intra—Divisional

April 11, 2009

**TO:** Officer Adam Coy #2275  
**FROM:** Lieutenant Thomas Quinlan #5066  
**SUBJECT:** NOTIFICATION OF CHANGE IN DUTY STATUS

Officer Coy,

Effective Sunday, April 12, 2009 Commander Shafer has released your restrictions requiring you work under the direct supervisor of a sergeant at all times.

As part of the release of these restrictions I am issuing you the following instructions and a direct order:

You are to work as a one-officer unit at all times unless tasked to a special event requiring you work in pairs. You are not to work as a two-officer unit any other time unless you have received prior permission for the supervisor assigned to the shift. Should a supervisor other than Sgt. Bray or Sgt. Hogue be assigned to EMW on a particular shift and he/she assigns you as a two-officer unit you are to respectfully inform the sergeant per Lt. Quinlan you are to be assigned a one-officer unit. Once notifying the sergeant of the conflicting order you are to obey the assigned supervisor's decision. The supervisor deviating from my instructions will discuss the conflicting order with me at their earliest convenience.

Further, you are hereby ordered to work at all times with an operational audio and video CVS recording your interactions with the public. Regardless whether the video portion is aimed in the direction to capture your activities, you are still to activate the CVS and record the audio portions of your citizen contacts. This order is not limited to merely traffic violators, but all citizen interactions where you are engaged in your official duties. For example, if you go through a drive thru for a cup of coffee you are not required to record the interaction since it is not part of an official duty. Any time you are interacting with the public on a call for service, self-initiated activity, or an enforcement role, you are to activate your CVS, both video and audio. When in doubt whether to activate the CVS, error on the side of recording the interaction. If you believe you are outside of the range

of the receiver, activate the CVS anyways. If the range exceeds the equipments capabilities the equipment is to blame. If you fail to activate the equipment because you believe you may be outside the range you are in violation of this order.

Any questions or clarifications to this order, ask me promptly.

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I received and read the instructions and order outlined above and will comply.

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Date

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Order Issued by Lt. Thomas Quinlan #5066



## Work Assignment History – PO Coy

Date	Assignment	Date	Assignment
7/8/2001	Hire Date	7/6/2003	R 176 EMW
2/3/2002	FTO Period	5/9/2004	179 EMW
5/26/2002	GR 17 EMW	1/15/2006	R 17 EMW
6/9/2002	GR 16 3 <sup>rd</sup>	9/24/2006	R 167 EMW
8/18/2002	R 162 3 <sup>rd</sup>		

## PO Coy's Supervisors Assignment History

Date From	Date to	Length of Supervision	Supervisor
6/9/2002	7/6/2003	11 months	Sgt. Livingston
7/6/2003	1/30/2005	18 months	Sgt. Kuykendoll
1/30/2005	2/24/2008	25 months	Sgt. Kirk
7/6/2003	2/24/2008	54 months	Sgt. Hogue
2/24/2008	Present	1 month	Sgt. Bray

## Alert Letter / EARS Investigations & Records of Documented Counseling

Date / Supervisor	Findings	Officer Coy's Response	Chain-of-Command Response
<b>1 – 23 – 03</b> <b>Sgt. Livingston</b>	<ul style="list-style-type: none"> <li>Sgt. Livingston does not find a problem developing but will monitor performance</li> </ul>	Officer Coy is aware that his number of complaints will continue to be monitored	<ul style="list-style-type: none"> <li>Lt. Henterly – no indication of a pattern of problematic behavior; continue to monitor performance</li> </ul>
<b>3 – 21 – 03</b> <b>Sgt. Livingston</b>	<ul style="list-style-type: none"> <li>Counseled Officer Coy at length to improve citizen interactions</li> <li>Require "Dealing with Difficult People" training</li> </ul>	...feels the complaints are from difficulties he's having adjusting from a ' <b>military mindset</b> ' to a 'civilian mindset'	<ul style="list-style-type: none"> <li>Lt. Henterly – require close monitoring</li> <li>Cmdr. Curmode – require monitoring, supervisory ride-alongs to <b>ensure appropriate behavior and interactions with citizens and training</b></li> </ul>
<b>6 – 03 – 03</b> <b>Sgt. Livingston</b>	<ul style="list-style-type: none"> <li>Officer adjusted better now</li> <li>Training provided</li> <li><b>EAP</b> suggested</li> <li>Not observed major problems; interactions improving as officer becomes more diplomatic</li> <li>Continued monitoring</li> </ul>	...feels the complaints are from difficulties he's having adjusting from a ' <b>military mindset</b> ' to a 'civilian mindset'	<ul style="list-style-type: none"> <li>Lt. Henterly – continue to closely monitor and ride with PO Coy on a regular basis</li> <li>Cmdr. Curmode – monitoring of performance and ride-alongs to continue</li> </ul>

	needed		
6 – 26 – 03 Sgt. Livingston	<ul style="list-style-type: none"> <li>• Counseled at length</li> <li>• Pattern developing of multiple complaints of Actions Taken and Rudeness</li> <li>• Compliant related to delivery &amp; approach to the citizen</li> <li>• Recommend additional training in Conflict Management</li> <li>• Refer to EAP</li> <li>• CVS always seems to be malfunctioning</li> <li>• Transfer pending to a less confrontational work environment</li> </ul>	...feels the complaints are not inter-related but has voluntarily elected to transfer to a less confrontational environment on 17 precinct EMW	<ul style="list-style-type: none"> <li>• Lt. Henterly – close monitoring, notes transfer to EMW, requires ride-alongs and citizen follow-ups</li> <li>• Cmdr. Curmode – interaction with public closely monitored, ride-alongs, citizen contacts, and training</li> <li>• DC Gammill – increase citizen follow-ups &amp; verify CVS operational</li> </ul>
8 – 5 – 03 Sgt. Kuykendoll	<ul style="list-style-type: none"> <li>• Discussed with Officer Coy misperceptions of his presentation while communicating with the public may be attributed to his military experience</li> <li>• Counseled Officer Coy on how to deal with citizens' in a less authoritative manner and improve communication skills</li> <li>• Must be assigned a cruiser with a fully functional video system</li> <li>• Require Officer Coy to work mostly in a two officer car with a mentor officer</li> <li>• Require supervisory ride-alongs and citizen follow-ups</li> </ul>	Officer Coy receptive to the idea of learning how to deal with citizens' in a less authoritative manner	<ul style="list-style-type: none"> <li>• Lt. Henterly – discussed course of action at length</li> <li>• A/Cmdr. Puls – concur with course of action and require training in Meeting the Challenge of the Difficult Customer</li> </ul>
12 – 17 – 03 Sgt. Kuykendoll	<ul style="list-style-type: none"> <li>• Continue with previous plan to offer Officer Coy every opportunity to continue to improve his skills dealing with the public</li> </ul>	Communication skills attributed to his prior military work experience	<ul style="list-style-type: none"> <li>• Lt. Henterly – continue plan dated 8/5/03</li> <li>• Cmdr. Curmode – continue with current plan of action</li> <li>• A/DC Mattei – continue development plan</li> </ul>
10 – 25 – 04 Lt. Quinlan	<ul style="list-style-type: none"> <li>• Officer Coy required to attend training in "Creating Win-Win Dialogues" and "Hello, How May I Help You?"</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• Referenced only as it applies to training requirements, not to be considered relative to complaint findings</li> </ul>
11 – 13 – 04 Sgt. Kuykendoll	<ul style="list-style-type: none"> <li>• Zone 4 COC has worked with Officer Coy and afforded him the opportunity to improve his interpersonal skills</li> <li>• Problem in Officer Coy's delivery and approach to citizens</li> <li>• Noted training and EAP</li> </ul>	...he indicated that the perception by the public might have been attributed to his prior military experience	<ul style="list-style-type: none"> <li>• Sgt. Kuykendoll states its obvious Officer Coy has digressed in his communication skills with the public and every attempt has been made to aid Officer Coy</li> <li>• Lt. Quinlan – concur with Sgt. Kuykendoll a</li> </ul>

	<ul style="list-style-type: none"> <li>provided</li> <li>Change in working environment</li> <li>Counseled that his <b>communication skills</b> needs improved</li> <li>Again ordered to use a car with a <b>CVS</b></li> <li>Assigned to work with mentors</li> <li>Required training</li> <li>COC discussed the seriousness of the situation and implement action plan with the intentions that his contacts with the citizens of Columbus improve</li> </ul>		<p>continued pattern of unacceptable job performance continues and positive corrective action required</p> <ul style="list-style-type: none"> <li>Cmdr. Curmode – require regular updates on additional training and remedial actions</li> </ul>
<p>12 – 15 – 04</p> <p>Sgt. Kirk</p>	<ul style="list-style-type: none"> <li>Five officers present, only Officer Coy's actions questioned</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Lt. Quinlan – require positive corrective counseling advising Officer Coy to increase <b>his listening skills</b> during citizen contacts</li> <li>Cmdr. Curmode – monitor citizen interactions and continue plan of action to observe his behavior with citizens</li> </ul>
<p>12 – 30 – 04</p> <p>Sgt. Kirk</p>	<ul style="list-style-type: none"> <li>Three officers present, only Officer Coy's actions questioned</li> <li>An officer exercising sound judgment based on training and directive...</li> <li>Separate from discipline notes poor judgment used</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Continuing pattern demonstrated by Officer Coy, that being a <b>failure to listen</b></li> </ul>
<p>1 – 4 – 05</p> <p>Lt. Quinlan</p>	<ul style="list-style-type: none"> <li>PO Coy has attended <b>EAP</b>, Citywide Training, and subjected to EARS reviews</li> <li>Required working conditions: <ul style="list-style-type: none"> <li>Assigned to a mentor</li> <li>Use of a <b>CVS</b></li> <li>Subject to ride-alongs and frequent citizen follow-ups</li> <li>Required to attend more training</li> <li>Referred to EAP and/or Dr. Douglas</li> <li>Ordered to improve his listening skills</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>...acknowledged a problem existed and says he's working hard to correct the problem. Added he can not change his personality overnight asking for the Division's patience while he works through difficulties he may be having. Believes the main problem is one of perception of citizens that no not care for him <b>military bearing</b>.</li> <li>PO Coy presented a die-hard attitude of a firm military demeanor that seemed unwavering</li> <li>PO Coy complained there is a complete lack of respect by citizens towards officers and that is unacceptable to him</li> <li>PO Coy demands the same respect of citizens he</li> </ul>	<ul style="list-style-type: none"> <li>Refer to actual letter</li> </ul>

		expects in a military environment	
10 – 17 – 05 Sgt. Kirk	<ul style="list-style-type: none"> <li>Missed OPOTA training resulting in failure to complete action plan</li> </ul>	N/A	<ul style="list-style-type: none"> <li>N/A</li> </ul>
1 – 19 – 06 Sgt. Kirk	<ul style="list-style-type: none"> <li>Focus on Officer Coy's rude/discourteous behavior</li> </ul>	Officer Coy actively participated in the required action plan to corrective his perceived behavioral problem	<ul style="list-style-type: none"> <li>Lt. Quinlan – Comprehensive action plan in place to correct deficiencies and strong evidence of positive change, BUT required monitoring for continued progress</li> <li>Cmdr. Jacobs – require continue monitoring</li> </ul>
2 – 13 – 06 Sgt. Kirk	<ul style="list-style-type: none"> <li>EARS Review based on behavior...find no further need to be concerned with this issue</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Not Available</li> </ul>
4 – 29 – 06 Lt. Quinlan	<ul style="list-style-type: none"> <li>Officer Coy acted outside policy during a use of chemical mace</li> </ul>		<ul style="list-style-type: none"> <li>Sergeant is to monitor Officer Coy's arrests for signs of improved decision making in tactical situations</li> </ul>
1 – 29 – 07 Sgt. Kirk	<ul style="list-style-type: none"> <li>EARS Review – lengthy dissertation on each incident giving rise to the review and notes a finding there is not a pattern of malice or need for further corrective action, but notes multiple discussions on issues and monitoring needed</li> </ul>	N/A	<ul style="list-style-type: none"> <li>N/A</li> </ul>
3 – 28 – 07 Lt. Quinlan	<ul style="list-style-type: none"> <li>Note past plan required PO Coy work a two officer car with a senior officer and <b>only in a car equipped with an operable video camera</b></li> <li>New plan requires: use of <b>CVS</b>, review alternative approaches to the same situation, offer <b>EAP</b>, require PO Coy write a letter explaining how his actions conform to policy, attend Westfall training, use a mentoring style to correct PO Coy's unacceptable performance struggles by allowing him to reverse roles and act as a trainer versus a trainee</li> </ul>		<ul style="list-style-type: none"> <li>Lt. Quinlan – 'outside the box approach'</li> <li>Cmdr. Shafer - ...excellent job developing a plan to help PO Coy grow and learn more effective ways of doing his job.</li> </ul>
5 – 1 – 07 Sgt. Kirk	<ul style="list-style-type: none"> <li>Update to previous EARS review: Officer Coy rather than being relegated to a subordinate role was given the opportunity to take responsibility for his actions</li> </ul>	PO Coy described the classes he completed as not very positive and not very effective; just ' <b>gripe sessions</b> ', and the leadership course he attended was a very positive experience	<ul style="list-style-type: none"> <li>Lt. Quinlan – action plan to continue, PO Coy open to training and skills development but <b>argues he's not been advised specifically what he is</b></li> </ul>

			doing wrong.
5 – 9 – 07 Lt. Quinlan	<ul style="list-style-type: none"> <li>Met with Officer Coy and Sgt. Kirk to discuss performance and give notice behaviors not supported by the COC. EARS review noted above prompted counseling session. PO Coy informed of <b>communication skills</b> needed for improvement and recommended <b>EAP</b></li> </ul>	PO Coy stated the basic issue was the COC obviously was taking issue with his performance but the COC could not demonstrate to him or <b>identify specifically what he is doing wrong</b> or what he can do to fix it.	N/A
2 – 6 – 08 Lt. Quinlan	<ul style="list-style-type: none"> <li>Re: IAB#2007110—0233</li> <li>Officer Coy was involved in a Level 1 ARR and received a complaint for excessive force. PO Coy was operating a car with a functioning <b>CVS</b> and did not turn the audio or video on.</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Lt. Quinlan – Ordered counseling for Officer Coy to ensure <b>CVS</b> is being operated with both audio and video</li> <li>Cmdr. Shafer – Counseling as indicated by Lt. Quinlan</li> <li>DC Gammill – Officer has been counseled on use of <b>CVS</b></li> </ul>
3 – 10 – 08 Sgt. Bray	<ul style="list-style-type: none"> <li>Officer Coy counseled his IAB history was significantly higher than any other officer on his unit.</li> </ul>	Officer Coy insisted his complaints were not that out of line with his peers and challenged Sgt. Bray to review his history with his peers	<ul style="list-style-type: none"> <li>Required a more in-depth look into the overall work history and need for a formal investigation</li> </ul>
3 – 15 – 08 Lt. Quinlan	<ul style="list-style-type: none"> <li>Officer Coy is relieved of his regular assignment</li> </ul>	Officer Coy insisted his IAB history is a result of his rigid upbringing and <b>military demeanor</b>	<ul style="list-style-type: none"> <li>Formal investigation is initiated to focus on judgment and decision making</li> </ul>
6 – 30 – 08	<ul style="list-style-type: none"> <li>[Grievance hearing]</li> </ul>	Officer Coy again blames his <b>military bearing</b> and upbringing for his current situation	<ul style="list-style-type: none"> <li>Investigation continues; Chief permits Officer Coy to return to uniform patrol but requires he work at all times with a supervisor; requires Cmdr. Shafer counsel him to performance</li> </ul>

None of this should be a surprise to Officer Coy. He's been counseled by Sergeants Livingston, Kuykendoll, Kirk, Hogue, & Bray, Lieutenants Henterly & Quinlan, Commanders Curmode, Jacobs, & Shafer, plus the Deputy Chief. Officer Coy has been subjected to multiple EARS reviews, relentless training, mentoring, CVS mandates, and close monitoring. The table outlines documented counseling but it is important to note there has been extensive non-documented oral counseling as well. Officer Coy has been referred repeatedly to EAP and Dr. Douglas. All the while Officer Coy reverts back to his central theme from 2003 until the present, his military experience and upbringing.

## PO Coy Citizen Complaint IAB History – Sorted by DATE

DATE	Action	Allegation	Disposition	IAB #
11/20/2007	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200711 – 0233
10/16/2007	Investigating	CC – Force	Unfounded	200710 – 0248
9/10/2007	Conversing	CC – Rude, Discourteous, Actions	Not Sustained	200710 – 0311
9/10/2007	Conversing	CC – Threats/Harassment	Unfounded	200710 – 0311
8/28/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200708 – 0308
8/6/2007	Investigating	CC – Investigative Actions	Unfounded	200708 – 0107
5/1/2007	Investigating	CC – Force	Unfounded	200705 – 0076
5/1/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200705 – 0076
5/1/2007	Investigating	CC – Threats/Harassment	Unfounded	200705 – 0076
10/22/2006	Making Arrest	CC – Use of Authority or Position	Unfounded	200610 – 0099
10/2/2006	Issue Citation	CC – Force	Unfounded	200610 – 0025
10/2/2006	Investigating	CC – Threats/Harassment	Unfounded	200610 – 0020
9/2/2006	Making Arrest	CC – Force	Unfounded	200609 – 0007
9/2/2006	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200609 – 0007
7/22/2006	Making Arrest	CC – Force	Unfounded	200607 – 0128
8/13/2005	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200508 – 0128
10/26/2004	Issue Citation	CC – Rude, Discourteous, Actions	Sustained	200410 – 0258
10/26/2004	Issue Citation	CC – Display of Firearms	Not Sustained	200410 – 0258
10/5/2004	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200410 – 0064
10/5/2004	Making Arrest	CC – Force	Unfounded	200410 – 0064
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200409 – 0008
9/1/2004	Investigating	CC – Investigative Actions	Sustained	200409 – 0008
9/1/2004	Investigating	CC – Violations of Rules	Sustained	200409 – 0008
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Sustained	200409 – 0008
8/4/2004	Making Arrest	CC – Use of Authority or Position	Withdrawn	200408 – 0065
7/10/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200407 – 0111
7/10/2004	Investigating	CC – Actions Taken/Not Taken	Sustained	200407 – 0111
4/25/2004	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200404 – 0148
8/13/2003	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200308 – 0133
7/14/2003	Routine Duties	CC – Rude, Discourteous, Actions	Not Sustained	200307 – 0084
3/27/2003	Making Arrest	CC – Rude, Discourteous, Actions	Withdrawn	200303 – 0249
2/8/2003	Issue Citation	CC – Actions Taken/Not Taken	Unfounded	200302 – 0073
1/11/2003	Making Arrest	CC – Rude, Discourteous, Actions	Unfounded	200301 – 0105
12/26/2002	Issue Citation	CC – Force	Unfounded	200212 – 0188
12/26/2002	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200212 – 0188
12/26/2002	Issue Citation	CC – Actions Taken/Not Taken	Not Sustained	200212 – 0188
12/17/2002	Prisoner Processing	CC – Missing / Damaged Property	Sustained	200212 – 0151
11/9/2002	Making Arrest	CC – Actions Taken/Not Taken	Unfounded	200211 – 0112
8/25/2002	Investigating	CC – Actions Taken/Not Taken	Unfounded	200208 – 0195
8/25/2002	Investigating	CC – Force	Unfounded	200208 – 0195
6/8/2002	Making Arrest	CC – Missing/Damaged Property	Not Sustained	200206 – 0058
6/7/2002	Issue Citation	CC – Missing/Damaged Property	Unfounded	200206 – 0051
6/7/2002	Issue Citation	CC – Rude, Discourteous, Actions	Unfounded	200206 – 0051
6/7/2002	Issue Citation	CC – Handling of Prisoner	Unfounded	200206 – 0051



## PO Coy Citizen Complaint IAB History – Sorted by ACTION

Date	ACTION	Allegation	Disposition	IAB #
9/10/2007	Conversing	CC – Rude, Discourteous, Actions	Not Sustained	200710 – 0311
9/10/2007	Conversing	CC – Threats/Harassment	Unfounded	200710 – 0311
10/16/2007	Investigating	CC – Force	Unfounded	200710 – 0248
8/28/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200708 – 0308
8/6/2007	Investigating	CC – Investigative Actions	Unfounded	200708 – 0107
5/1/2007	Investigating	CC – Force	Unfounded	200705 – 0076
5/1/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200705 – 0076
5/1/2007	Investigating	CC – Threats/Harassment	Unfounded	200705 – 0076
10/2/2006	Investigating	CC – Threats/Harassment	Unfounded	200610 – 0020
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200409 – 0008
9/1/2004	Investigating	CC – Investigative Actions	Sustained	200409 – 0008
9/1/2004	Investigating	CC – Violations of Rules	Sustained	200409 – 0008
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Sustained	200409 – 0008
7/10/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200407 – 0111
7/10/2004	Investigating	CC – Actions Taken/Not Taken	Sustained	200407 – 0111
8/13/2003	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200308 – 0133
8/25/2002	Investigating	CC – Actions Taken/Not Taken	Unfounded	200208 – 0195
8/25/2002	Investigating	CC – Force	Unfounded	200208 – 0195
10/2/2006	Issue Citation	CC – Force	Unfounded	200610 – 0025
10/26/2004	Issue Citation	CC – Rude, Discourteous, Actions	Sustained	200410 – 0258
10/26/2004	Issue Citation	CC – Display of Firearms	Not Sustained	200410 – 0258
4/25/2004	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200404 – 0148
2/8/2003	Issue Citation	CC – Actions Taken/Not Taken	Unfounded	200302 – 0073
12/26/2002	Issue Citation	CC – Force	Unfounded	200212 – 0188
12/26/2002	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200212 – 0188
12/26/2002	Issue Citation	CC – Actions Taken/Not Taken	Not Sustained	200212 – 0188
6/7/2002	Issue Citation	CC – Missing/Damaged Property	Unfounded	200206 – 0051
6/7/2002	Issue Citation	CC – Rude, Discourteous, Actions	Unfounded	200206 – 0051
6/7/2002	Issue Citation	CC – Handling of Prisoner	Unfounded	200206 – 0051
11/20/2007	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200711 – 0233
10/22/2006	Making Arrest	CC – Use of Authority or Position	Unfounded	200610 – 0099
9/2/2006	Making Arrest	CC – Force	Unfounded	200609 – 0007
9/2/2006	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200609 – 0007
7/22/2006	Making Arrest	CC – Force	Unfounded	200607 – 0128
8/13/2005	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200508 – 0128
10/5/2004	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200410 – 0064
10/5/2004	Making Arrest	CC – Force	Unfounded	200410 – 0064
8/4/2004	Making Arrest	CC – Use of Authority or Position	Withdrawn	200408 – 0065
3/27/2003	Making Arrest	CC – Rude, Discourteous, Actions	Withdrawn	200303 – 0249
1/11/2003	Making Arrest	CC – Rude, Discourteous, Actions	Unfounded	200301 – 0105
11/9/2002	Making Arrest	CC – Actions Taken/Not Taken	Unfounded	200211 – 0112
6/8/2002	Making Arrest	CC – Missing/Damaged Property	Not Sustained	200206 – 0058
12/17/2002	Prisoner Processing	CC – Missing / Damaged Property	Sustained	200212 – 0151
7/14/2003	Routine Duties	CC – Rude, Discourteous, Actions	Not Sustained	200307 – 0084

## PO Coy Citizen Complaint IAB History – Sorted by ALLEGATION

Date	Action	ALLEGATION	Disposition	IAB #
7/10/2004	Investigating	CC – Actions Taken/Not Taken	Sustained	200407 – 0111
2/8/2003	Issue Citation	CC – Actions Taken/Not Taken	Unfounded	200302 – 0073
12/26/2002	Issue Citation	CC – Actions Taken/Not Taken	Not Sustained	200212 – 0188
11/9/2002	Making Arrest	CC – Actions Taken/Not Taken	Unfounded	200211 – 0112
8/25/2002	Investigating	CC – Actions Taken/Not Taken	Unfounded	200208 – 0195
10/26/2004	Issue Citation	CC – Display of Firearms	Not Sustained	200410 – 0258
10/16/2007	Investigating	CC – Force	Unfounded	200710 – 0248
5/1/2007	Investigating	CC – Force	Unfounded	200705 – 0076
10/2/2006	Issue Citation	CC – Force	Unfounded	200610 – 0025
9/2/2006	Making Arrest	CC – Force	Unfounded	200609 – 0007
7/22/2006	Making Arrest	CC – Force	Unfounded	200607 – 0128
10/5/2004	Making Arrest	CC – Force	Unfounded	200410 – 0064
12/26/2002	Issue Citation	CC – Force	Unfounded	200212 – 0188
8/25/2002	Investigating	CC – Force	Unfounded	200208 – 0195
6/7/2002	Issue Citation	CC – Handling of Prisoner	Unfounded	200206 – 0051
8/6/2007	Investigating	CC – Investigative Actions	Unfounded	200708 – 0107
9/1/2004	Investigating	CC – Investigative Actions	Sustained	200409 – 0008
12/17/2002	Prisoner Processing	CC – Missing / Damaged Property	Sustained	200212 – 0151
6/8/2002	Making Arrest	CC – Missing/Damaged Property	Not Sustained	200206 – 0058
6/7/2002	Issue Citation	CC – Missing/Damaged Property	Unfounded	200206 – 0051
11/20/2007	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200711 – 0233
9/10/2007	Conversing	CC – Rude, Discourteous, Actions	Not Sustained	200710 – 0311
8/28/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200708 – 0308
5/1/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200705 – 0076
9/2/2006	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200609 – 0007
8/13/2005	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200508 – 0128
10/26/2004	Issue Citation	CC – Rude, Discourteous, Actions	Sustained	200410 – 0258
10/5/2004	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200410 – 0064
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200409 – 0008
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Sustained	200409 – 0008
7/10/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200407 – 0111
4/25/2004	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200404 – 0148
8/13/2003	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200308 – 0133
7/14/2003	Routine Duties	CC – Rude, Discourteous, Actions	Not Sustained	200307 – 0084
3/27/2003	Making Arrest	CC – Rude, Discourteous, Actions	Withdrawn	200303 – 0249
1/11/2003	Making Arrest	CC – Rude, Discourteous, Actions	Unfounded	200301 – 0105
12/26/2002	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200212 – 0188
6/7/2002	Issue Citation	CC – Rude, Discourteous, Actions	Unfounded	200206 – 0051
9/10/2007	Conversing	CC – Threats/Harassment	Unfounded	200710 – 0311
5/1/2007	Investigating	CC – Threats/Harassment	Unfounded	200705 – 0076
10/2/2006	Investigating	CC – Threats/Harassment	Unfounded	200610 – 0020
10/22/2006	Making Arrest	CC – Use of Authority or Position	Unfounded	200610 – 0099
8/4/2004	Making Arrest	CC – Use of Authority or Position	Withdrawn	200408 – 0065
9/1/2004	Investigating	CC – Violations of Rules	Sustained	200409 – 0008



## PO Coy Citizen Complaint IAB History – Sorted by DISPOSITION

Date	Action	Allegation	DISPOSITION	IAB #
11/20/2007	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200711 – 0233
9/10/2007	Conversing	CC – Rude, Discourteous, Actions	Not Sustained	200710 – 0311
8/28/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200708 – 0308
5/1/2007	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200705 – 0076
9/2/2006	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200609 – 0007
8/13/2005	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200508 – 0128
10/26/2004	Issue Citation	CC – Display of Firearms	Not Sustained	200410 – 0258
10/5/2004	Making Arrest	CC – Rude, Discourteous, Actions	Not Sustained	200410 – 0064
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200409 – 0008
7/10/2004	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200407 – 0111
4/25/2004	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200404 – 0148
8/13/2003	Investigating	CC – Rude, Discourteous, Actions	Not Sustained	200308 – 0133
7/14/2003	Routine Duties	CC – Rude, Discourteous, Actions	Not Sustained	200307 – 0084
12/26/2002	Issue Citation	CC – Rude, Discourteous, Actions	Not Sustained	200212 – 0188
12/26/2002	Issue Citation	CC – Actions Taken/Not Taken	Not Sustained	200212 – 0188
6/8/2002	Making Arrest	CC – Missing/Damaged Property	Not Sustained	200206 – 0058
10/26/2004	Issue Citation	CC – Rude, Discourteous, Actions	Sustained	200410 – 0258
9/1/2004	Investigating	CC – Investigative Actions	Sustained	200409 – 0008
9/1/2004	Investigating	CC – Violations of Rules	Sustained	200409 – 0008
9/1/2004	Investigating	CC – Rude, Discourteous, Actions	Sustained	200409 – 0008
7/10/2004	Investigating	CC – Actions Taken/Not Taken	Sustained	200407 – 0111
12/17/2002	Prisoner Processing	CC – Missing / Damaged Property	Sustained	200212 – 0151
10/16/2007	Investigating	CC – Force	Unfounded	200710 – 0248
9/10/2007	Conversing	CC – Threats/Harassment	Unfounded	200710 – 0311
8/6/2007	Investigating	CC – Investigative Actions	Unfounded	200708 – 0107
5/1/2007	Investigating	CC – Force	Unfounded	200705 – 0076
5/1/2007	Investigating	CC – Threats/Harassment	Unfounded	200705 – 0076
10/22/2006	Making Arrest	CC – Use of Authority or Position	Unfounded	200610 – 0099
10/2/2006	Issue Citation	CC – Force	Unfounded	200610 – 0025
10/2/2006	Investigating	CC – Threats/Harassment	Unfounded	200610 – 0020
9/2/2006	Making Arrest	CC – Force	Unfounded	200609 – 0007
7/22/2006	Making Arrest	CC – Force	Unfounded	200607 – 0128
10/5/2004	Making Arrest	CC – Force	Unfounded	200410 – 0064
2/8/2003	Issue Citation	CC – Actions Taken/Not Taken	Unfounded	200302 – 0073
1/11/2003	Making Arrest	CC – Rude, Discourteous, Actions	Unfounded	200301 – 0105
12/26/2002	Issue Citation	CC – Force	Unfounded	200212 – 0188
11/9/2002	Making Arrest	CC – Actions Taken/Not Taken	Unfounded	200211 – 0112
8/25/2002	Investigating	CC – Actions Taken/Not Taken	Unfounded	200208 – 0195
8/25/2002	Investigating	CC – Force	Unfounded	200208 – 0195
6/7/2002	Issue Citation	CC – Missing/Damaged Property	Unfounded	200206 – 0051
6/7/2002	Issue Citation	CC – Rude, Discourteous, Actions	Unfounded	200206 – 0051
6/7/2002	Issue Citation	CC – Handling of Prisoner	Unfounded	200206 – 0051
8/4/2004	Making Arrest	CC – Use of Authority or Position	Withdrawn	200408 – 0065
3/27/2003	Making Arrest	CC – Rude, Discourteous, Actions	Withdrawn	200303 – 0249

## PO Coy ARR IAB History – Sorted by DATE

DATE	Application	Actions		IAB #
10/13/2007	Use of <b>Mace</b>	Crowd		200710 – 0246
6/19/2007	Use of <b>Mace</b>	Making Arrest		200706 – 0233
5/8/2007	Use of <b>Force</b>	Making Arrest		200705 – 0309
5/7/2007	Injury to Prisoner	Making Arrest		200705 – 0171
4/28/2007	Injury to Prisoner	Making Arrest		200705 – 0233
4/1/2007	Use of <b>Mace</b>	Investigating		200704 – 0102
1/8/2007	Use of <b>Force</b>	Investigating		200701 – 0297
12/10/2006	Use of <b>Force</b>	Making Arrest		200701 – 0019
10/22/2006	Use of <b>Force/Mace</b>	Making Arrest		200610 – 0099
9/2/2006	Use of <b>Mace</b>	Prisoner Processing		200609 – 0007
7/29/2006	Use of <b>Force</b>	Making Arrest		200608 – 0297
7/22/2006	Use of <b>Force</b>	Directing Traffic		200608 – 0064
7/22/2006	Use of <b>Force</b>	Directing Traffic		200607 – 0128
6/27/2006	Use of <b>Mace</b>	Making Arrest		200608 – 0168
6/17/2006	Use of <b>Force</b>	Patrolling		200606 – 0175
6/9/2006	Injury to Prisoner	Investigating		200607 – 0032
4/14/2006	Use of <b>Force</b>	Making Arrest		200606 – 0009
9/16/2005	Use of <b>Force</b>	Prisoner Processing		200512 – 0096
7/10/2005	Use of <b>Force</b>	Making Arrest		200508 – 0178
6/26/2005	Use of <b>Mace</b>	Making Arrest		200508 – 0097
6/26/2005	Use of <b>Force</b>	Making Arrest		200508 – 0097
6/26/2005	Injury to Prisoner	Making Arrest		200508 – 0097
5/8/2005	Use of <b>Mace</b>	Other – Crowd		200505 – 0104
2/28/2005	Use of <b>Mace</b>	Other – Crowd		200505 – 0005
10/30/2004	Use of <b>Mace</b>	Making Arrest		200411 – 0076
10/30/2004	Use of <b>Mace</b>	Making Arrest		200411 – 0077
10/5/2004	Injury to Prisoner	Making Arrest		200412 – 0040
7/9/2004	Use of <b>Mace</b>	Transporting		200409 – 0128
7/9/2004	Use of <b>Force</b>	Transporting		200409 – 0128
5/18/2004	Injury to Prisoner	Routine Duties		200406 – 0022
5/18/2004	Use of <b>Mace</b>	Routine Duties		200406 – 0022
5/4/2004	Use of <b>Mace</b>	Transporting		200406 – 0020
3/6/2004	Use of <b>Mace</b>	Investigating		200404 – 0029
2/14/2004	Use of <b>Mace</b>	Processing Prisoner		200403 – 0015
1/25/2004	Use of <b>Force</b>	Making Arrest		200402 – 0123
11/23/2003	Use of <b>Mace</b>	Making Arrest		200401 – 0098
11/23/2003	Injury to Prisoner	Making Arrest		200401 – 0098
10/18/2003	Use of <b>Mace</b>	Investigating		200312 – 0028
9/28/2003	Use of <b>Mace</b>	Observing		200309 – 0241
4/11/2003	Use of <b>Force</b>	Routine Duties		200306 – 0163
2/21/2003	Use of <b>Mace</b>	Processing Prisoner		200302 – 0188
10/31/2002	Use of <b>Mace</b>	Processing Prisoner		200212 – 0194
10/18/2002	Use of <b>Mace</b>	Routine Duties		200210 – 0286

## PO Coy ARR IAB History – Sorted by APPLICATION

Date	APPLICATION	Actions		IAB #
5/7/2007	Injury to Prisoner	Making Arrest		200705 – 0171
4/28/2007	Injury to Prisoner	Making Arrest		200705 – 0233
6/9/2006	Injury to Prisoner	Investigating		200607 – 0032
6/26/2005	Injury to Prisoner	Making Arrest		200508 – 0097
10/5/2004	Injury to Prisoner	Making Arrest		200412 – 0040
5/18/2004	Injury to Prisoner	Routine Duties		200406 – 0022
11/23/2003	Injury to Prisoner	Making Arrest		200401 – 0098
5/8/2007	Use of Force	Making Arrest		200705 – 0309
1/8/2007	Use of Force	Investigating		200701 – 0297
12/10/2006	Use of Force	Making Arrest		200701 – 0019
7/29/2006	Use of Force	Making Arrest		200608 – 0297
7/22/2006	Use of Force	Directing Traffic		200608 – 0064
7/22/2006	Use of Force	Directing Traffic		200607 – 0128
6/17/2006	Use of Force	Patrolling		200606 – 0175
4/14/2006	Use of Force	Making Arrest		200606 – 0009
9/16/2005	Use of Force	Prisoner Processing		200512 – 0096
7/10/2005	Use of Force	Making Arrest		200508 – 0178
6/26/2005	Use of Force	Making Arrest		200508 – 0097
7/9/2004	Use of Force	Transporting		200409 – 0128
1/25/2004	Use of Force	Making Arrest		200402 – 0123
4/11/2003	Use of Force	Routine Duties		200306 – 0163
10/22/2006	Use of Force/Mace	Making Arrest		200610 – 0099
10/13/2007	Use of Mace	Crowd		200710 – 0246
6/19/2007	Use of Mace	Making Arrest		200706 – 0233
4/1/2007	Use of Mace	Investigating		200704 – 0102
9/2/2006	Use of Mace	Prisoner Processing		200609 – 0007
6/27/2006	Use of Mace	Making Arrest		200608 – 0168
6/26/2005	Use of Mace	Making Arrest		200508 – 0097
5/8/2005	Use of Mace	Other – Crowd		200505 – 0104
2/28/2005	Use of Mace	Other – Crowd		200505 – 0005
10/30/2004	Use of Mace	Making Arrest		200411 – 0076
10/30/24	Use of Mace	Making Arrest		200411 – 0077
7/9/2004	Use of Mace	Transporting		200409 – 0128
5/18/2004	Use of Mace	Routine Duties		200406 – 0022
5/4/2004	Use of Mace	Transporting		200406 – 0020
3/6/2004	Use of Mace	Investigating		200404 – 0029
2/14/2004	Use of Mace	Processing Prisoner		200403 – 0015
11/23/2003	Use of Mace	Making Arrest		200401 – 0098
10/18/2003	Use of Mace	Investigating		200312 – 0028
9/28/2003	Use of Mace	Observing		200309 – 0241
2/21/2003	Use of Mace	Processing Prisoner		200302 – 0188
10/31/2002	Use of Mace	Processing Prisoner		200212 – 0194
10/18/2002	Use of Mace	Routine Duties		200210 – 0286

## PO Coy ARR IAB History – Sorted by ACTIONS

Date	Application	ACTIONS	IAB #
10/13/2007	Use of <b>Mace</b>	<b>Crowd</b>	200710 – 0246
7/22/2006	Use of <b>Force</b>	<b>Directing Traffic</b>	200608 – 0064
7/22/2006	Use of <b>Force</b>	<b>Directing Traffic</b>	200607 – 0128
4/1/2007	Use of <b>Mace</b>	<b>Investigating</b>	200704 – 0102
1/8/2007	Use of <b>Force</b>	<b>Investigating</b>	200701 – 0297
6/9/2006	Injury to Prisoner	<b>Investigating</b>	200607 – 0032
3/6/2004	Use of <b>Mace</b>	<b>Investigating</b>	200404 – 0029
10/18/2003	Use of <b>Mace</b>	<b>Investigating</b>	200312 – 0028
6/19/2007	Use of <b>Mace</b>	<b>Making Arrest</b>	200706 – 0233
5/8/2007	Use of <b>Force</b>	<b>Making Arrest</b>	200705 – 0309
5/7/2007	Injury to Prisoner	<b>Making Arrest</b>	200705 – 0171
4/28/2007	Injury to Prisoner	<b>Making Arrest</b>	200705 – 0233
12/10/2006	Use of <b>Force</b>	<b>Making Arrest</b>	200701 – 0019
10/22/2006	Use of <b>Force/Mace</b>	<b>Making Arrest</b>	200610 – 0099
7/29/2006	Use of <b>Force</b>	<b>Making Arrest</b>	200608 – 0297
6/27/2006	Use of <b>Mace</b>	<b>Making Arrest</b>	200608 – 0168
4/14/2006	Use of <b>Force</b>	<b>Making Arrest</b>	200606 – 0009
7/10/2005	Use of <b>Force</b>	<b>Making Arrest</b>	200508 – 0178
6/26/2005	Use of <b>Mace</b>	<b>Making Arrest</b>	200508 – 0097
6/26/2005	Use of <b>Force</b>	<b>Making Arrest</b>	200508 – 0097
6/26/2005	Injury to Prisoner	<b>Making Arrest</b>	200508 – 0097
10/30/2004	Use of <b>Mace</b>	<b>Making Arrest</b>	200411 – 0076
10/30/24	Use of <b>Mace</b>	<b>Making Arrest</b>	200411 – 0077
10/5/2004	Injury to Prisoner	<b>Making Arrest</b>	200412 – 0040
1/25/2004	Use of <b>Force</b>	<b>Making Arrest</b>	200402 – 0123
11/23/2003	Use of <b>Mace</b>	<b>Making Arrest</b>	200401 – 0098
11/23/2003	Injury to Prisoner	<b>Making Arrest</b>	200401 – 0098
9/28/2003	Use of <b>Mace</b>	<b>Observing</b>	200309 – 0241
5/8/2005	Use of <b>Mace</b>	<b>Other – Crowd</b>	200505 – 0104
2/28/2005	Use of <b>Mace</b>	<b>Other – Crowd</b>	200505 – 0005
6/17/2006	Use of <b>Force</b>	<b>Patrolling</b>	200606 – 0175
9/2/2006	Use of <b>Mace</b>	<b>Prisoner Processing</b>	200609 – 0007
9/16/2005	Use of <b>Force</b>	<b>Prisoner Processing</b>	200512 – 0096
2/14/2004	Use of <b>Mace</b>	<b>Processing Prisoner</b>	200403 – 0015
2/21/2003	Use of <b>Mace</b>	<b>Processing Prisoner</b>	200302 – 0188
10/31/2002	Use of <b>Mace</b>	<b>Processing Prisoner</b>	200212 – 0194
5/18/2004	Injury to Prisoner	<b>Routine Duties</b>	200406 – 0022
5/18/2004	Use of <b>Mace</b>	<b>Routine Duties</b>	200406 – 0022
4/11/2003	Use of <b>Force</b>	<b>Routine Duties</b>	200306 – 0163
10/18/2002	Use of <b>Mace</b>	<b>Routine Duties</b>	200210 – 0286
7/9/2004	Use of <b>Mace</b>	<b>Transporting</b>	200409 – 0128
7/9/2004	Use of <b>Force</b>	<b>Transporting</b>	200409 – 0128
5/4/2004	Use of <b>Mace</b>	<b>Transporting</b>	200406 – 0020

## PO Coy IAB History – SUMMARY & STATISTICS

Type of Query	2002	2003	2004	2005	2006	2007	Total
# of Citizen Complaints*	7	5	6	1	5	6	30
# of CC Allegations	11	5	12	1	6	9	44
# Not Sustained	2	2	5	1	1	4	15
# Unfounded	4	2	1	0	5	4	16
# Sustained	1	0	5	0	0	0	6
# of Injury to Prisoner*	0	1	5	1	1	2	10
# of Uses of Force*	0	1	2	3	7	2	15
# of Uses of Mace*	2	4	7	3	2	3	21
# CC while using Force	2	0	1	0	3	2	8
# CC while Investigating	2	1	6	0	1	6	16
# CC while Issuing Citations	2	1	2	0	1	0	6
# CC while Making Arrests	2	2	2	1	3	1	11
# CC other	1	1	0	0	0	2	4
# CC while taking Action	3	1	1	0	0	0	5
# CC Rude, Discourteous	2	4	5	1	1	4	17
Ratio Complaints to ARR's	6:2	5:5	6:9	1:5	5:10	6:7	29:38
All Arrests per Courtview	68	137	95	101	55	42	498
Arrests – Criminal Charges	29	50	32	32	22	22	187
Arrests – Traffic Charges	39	87	63	69	33	20	311
*Incidents Per Year	9	11	20	8	15	13	76
# of Incidents on Arrests						42%	16 of 38
# of Incidents w/Prisoners						21%	8 of 38
Citizen COMPLIMENTS	7	7	1	3	1	1	20

Frequency CC's result in Sustained or Not Sustained conduct = 70%

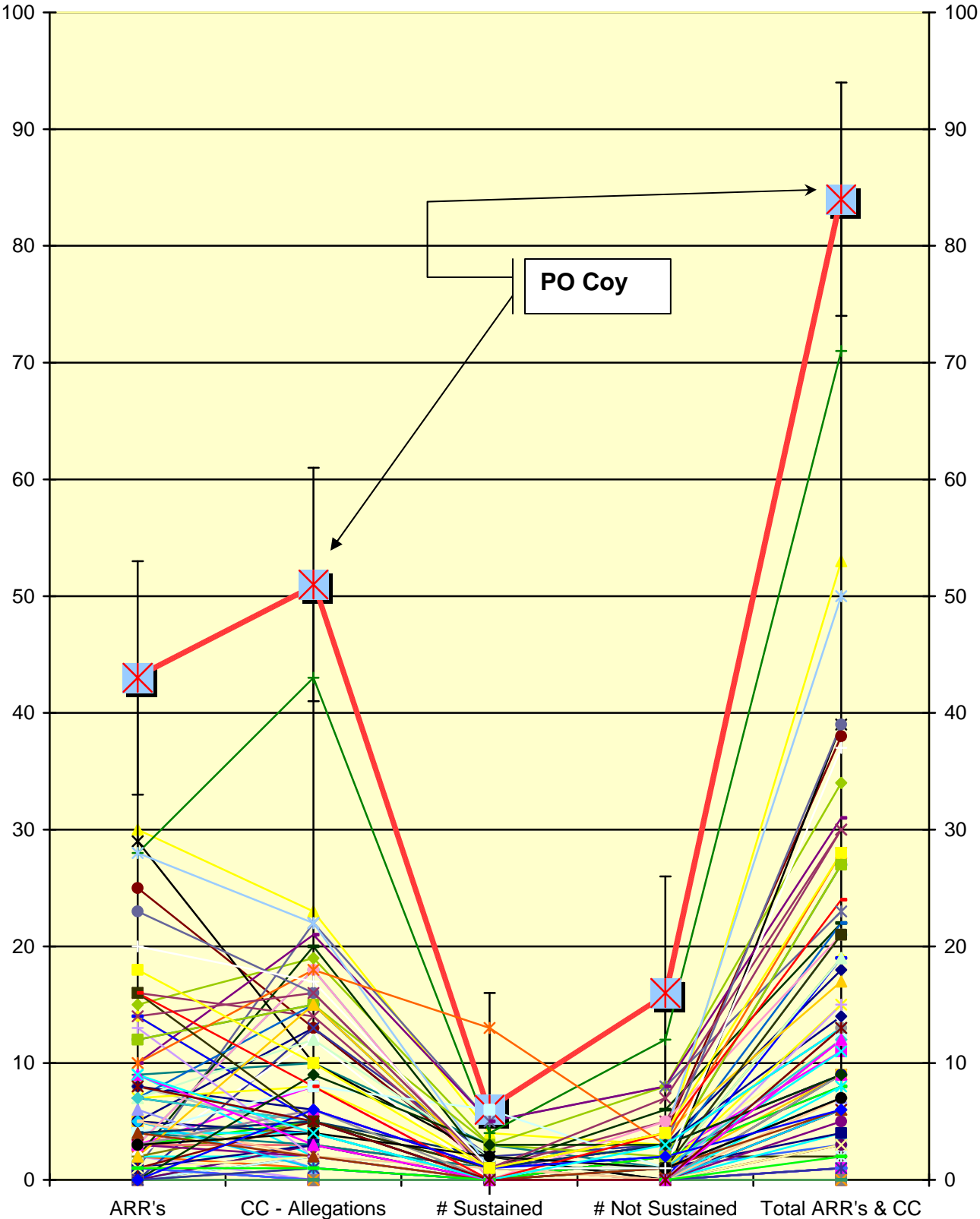
Frequency CC's due to rude allegations = 57%

Frequency CC's due to Making Arrest = 37%

Frequency CC's due to Investigating = 54%



Citywide PEERS - 2<sup>nd</sup> / 3<sup>rd</sup> / EMW (Compare 93 Officers & Contrast w/PO COY)



1769 (17C)	1741 (12B)	PO Coy	2170 (6B)	1669 (13C)
759 (15C)	1979 (CWC)	2132 (Z5EMW)	2129 (Z1EMW)	2449 (12C)
919 (16B)	1630 (Z1EMW)	2270 (10C)	2451 (17B)	2359 (18B)
*1169 (4C)	1399 (1C)	2339 (Z2EMW)	1300 (3B)	391 (2B)
1509 (19C)	2420 (19B)	240 (13B)	1309 (14C)	2280 (Z3EMW)
2373 (6C)	729 (18B)	2050 (10B)	1299 (14B)	2459 (GRZ4C)
2460 (17B)	2229 (Z2EMW)	1550 (6B)	1959 (4B)	2289 (5C)
2210 (13B)	699 (4B)	1549 (7C)	2380 (15B)	2140 (7B)
1859 (14B)	843 (8C)	1351 (15B)	2329 (4C)	1950 (16C)
2299 (Z3EMW)	1880 (3B)	2430 (12B)	1379 (8B)	2469 (11B)
691 (Z3EMW)	1990 (Z2EMW)	269 (16B)	2302 (Z5EMW)	2010 (11C)
1529 (19C)	1519 (5B)	2389 (11B)	2049 (15B)	2063 (8C)
291 (Z5EMW)	2249 (8B)	2391 (1B)	1793 (6C)	420 (Z1EMW)
2475 (17C)	2109 (Z3EMW)	1839 (13C)	2309 (15C)	1081 (1C)
2120 (7B)	2179 (9B)	1709 (Z1EMW)	111 (2B)	2399 (3C)
2150 (5B)	2169 (9C)	2260 (18C)	2189 (10C)	2369 (9B)
1531 (9C)	2180 (11C)	2349 (2C)	2350 (12C)	2439 (19B)
1800 (Z5EMW)	2209 (5C)	2321 (1B)	1830 (10B)	2409 (3C)
1847 (Z4EMW)	722 (17C)	1436 (17C)	1708 (Z4EMW)	



# Employee Training Report

Report Date

Thursday, January 6, 2022

**OFFICER**

**ADAM**

**COY**

**2275**

**ZONE 4 RELIEF EVENING MIDW**

Date	Time	Class Name	Location	Instructor	Course #	Score	Certificate
12/19/2018		2018 Animal Control Pole Training	Roll Call	Electronic Roll Call	955		
12/18/2018		2018 Review of DD 2.01, Use of Force		Electronic Roll Call	954		
12/18/2018		2018 TowXchange	Roll Call	Electronic Roll Call	953		
8/12/2018		2018 Flotation Ring for Water Rescue	Roll Call	Electronic Roll Call	951		
7/16/2018		2018 Review of EOM 3.8 and EOM 2.1	Roll Call	Bureau	939		
7/16/2018		2018 Matrix Crime Interface	Roll Call	Electronic Roll Call	949		
7/16/2018		2018 June 8 Legal Updates Acknowledge	Roll Call	Legal Bureau	948		
7/16/2018		2018 May 17 Legal Updates Acknowledge	Roll Call	Legal Bureau	947		
7/16/2018		2018 May 4 Legal Updates Acknowledgem	Roll Call	Legal Bureau	922		
6/27/2018		2018 Entering Property Dispositions in PI	Roll Call	Bureau	925		
5/29/2018		2018 PH2 Joint Police Fire Lifesaving Tacti	Day 1 Academy, Day 2 4000 E. St		896		
5/2/2018		2018 March 24 Legal Advisor Video, Mars	Roll Call	Legal Bureau	926		
3/26/2018		2018 CPD In-service, Day 1	Academy		886		
3/20/2018		2018 March 13 Legal Updates Acknowled	Roll Call	Legal Bureau	924		
3/20/2018		2018 Close the Call	Roll Call	Bureau	923		
2/27/2018		2018 February 21 Legal Advisor Video	Roll Call	Legal Bureau	919		
2/27/2018		2018 February 13 Legal Updates Acknowl	Roll Call	Legal Bureau	918		
2/27/2018		2017 December 30 Material Distribution	Roll Call	Electronic Roll Call	897		

<b>OFFICER</b>	<b>ADAM</b>	<b>COY</b>	<b>2275</b>	<b>██████</b>	<b>ZONE 4 RELIEF EVENING MIDW</b>
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2/27/2018		2018 FBI NCIC Missing Persons File	Roll Call	Bureau	921		
2/27/2018		2017 December 7 Legal Updates Acknowl	Roll Call	Legal Bureau	898		
2/27/2018		2017 Fall LEADing News	Roll Call	Electronic Roll Call	901		
2/27/2018		2017 Acknowledgement of Ethical Condu	Roll Call	Bureau	902		
2/27/2018		2017 Review of JPFLTT PHI	Roll Call	Defensive Tactics Unit	900		
2/12/2018		Body Worn Cameras:Operations,maintan			655		
11/23/2017		2017 Celebrate One Program	Roll Call	Electronic Roll Call	891		
11/23/2017		2017 October 27 Legal Updates Acknowl	Roll Call	Legal Bureau	862		
11/23/2017		2017 October 4(A) Legal Advisor Video,	Roll Call	Legal Bureau	861		
11/23/2017		2017 October 4 Legal Video, Assault on P	Roll Call	Legal Bureau	859		
11/23/2017		2017 Sept 30 MDA (DD, EOM)	Roll Call		860		
11/13/2017		2017 DV Non-Fatal Strangulation Training		Bureau	879		
10/3/2017		2017 Sept 22 Legal Updates Acknowledge	Roll Call	Legal Bureau	858		
10/3/2017		2017 Sept 6 Legal Advisor Video- SB7 Pro	Roll Call	Legal Bureau	857		
10/3/2017		2017 Review of DD 2.02, Discharged Fire	Roll Call	Advanced Training Unit	855		
10/3/2017		2017 Review of DD 2.03, Firearms Regula	Roll Call	Advanced Training Unit	856		
10/3/2017		2017 Review of DD 2.01, Use of Force	Roll Call	Advanced Training Unit	854		
10/3/2017		2017 August 24 Legal Updates Acknowled	Roll Call	Legal Bureau	853		
10/2/2017		2017 CPT DTU Phase Training (7 HRS)	Academy	Defensive Tactics Unit	794		



OFFICER	ADAM	COY	2275	██████	ZONE 4 RELIEF EVENING MIDW
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8/15/2017		2017 Fentanyl Precautions	Roll Call	Advanced Training Unit	812		
8/15/2017		Dose of Reality, Sworn, PT5	Roll Call	City	801		
8/15/2017		Dose of Reality- Sworn, PT2	Roll Call	City	798		
8/15/2017		Dose of Reality, Sworn, PT4	Roll Call	City	800		
8/15/2017		Dose of Reality, Sworn, PT3	Roll Call	City	799		
8/15/2017		2017 June 30 Legal Updates Acknowledge	Roll Call	Legal Bureau	950		
8/15/2017		2017 August 15 MDA (DD)	Roll Call	Electronic Roll Call	810		
8/15/2017		2017 SEATBELTLOCK	Roll Call	Electronic Roll Call	833		
8/15/2017		2017 Welcome to 2017 TAC In-service	Roll Call		831		
8/9/2017		2017 TAC In-service, LEADS security	Roll Call		830		
8/9/2017		2017 July 27 Legal Updates Acknowledge	Roll Call	Legal Bureau	811		
8/9/2017		2017 June 30 MDA (DD, FRM, CCM)	Roll Call	Electronic Roll Call	781		
8/9/2017		Dose of Reality- Sworn, PT1	Roll Call	City	797		
6/28/2017		2017 PHASE I Joint Police Fire Lifesaving	Academy		745		
6/12/2017		2017 Spring LEADIng News	Roll Call	Electronic Roll Call	780		
6/12/2017		2017 June 1 Legal Updates Acknowledge	Roll Call	Legal Bureau	779		
5/31/2017		2017 May Legal Advisor Video, DV and Pr	Roll Call	Legal Bureau	778		
5/31/2017		2017 CRI, First-to-Receive Program	Roll Call	Electronic Roll Call	777		
5/31/2017		2017 Impound Slip Training	Roll Call	Electronic Roll Call	765		

<b>OFFICER</b>	<b>ADAM</b>	<b>COY</b>	<b>2275</b>	<b>██████</b>	<b>ZONE 4 RELIEF EVENING MIDW</b>
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5/31/2017		2017 Gifts and Gratuities	Roll Call	Electronic Roll Call	776		
5/8/2017		2017 OIBRS Paper Form	Roll Call	Electronic Roll Call	764		
5/8/2017		2017 April 20 Legal Updates Acknowledg	Roll Call	Legal Bureau			
5/8/2017		2017 CPD Response to Opiate Overdose	Roll Call	Electronic Roll Call	762		
4/18/2017		2017 Restricted Duty Procedure	Roll Call	Electronic Roll Call	761		
4/18/2017		2017 Seatbelt Use Reminder	Roll Call	Electronic Roll Call	760		
4/6/2017		2017 March 30 MDA (DD,EOM,PSOP,AE	Roll Call	Electronic Roll Call	744		
4/6/2017		2017 Emergency Operations Manual, 3.5	Roll Call	Electronic Roll Call	782		
4/6/2017		2017 March 17 Legal Updates Acknowled	Roll Call	Legal Bureau	752		
4/6/2017		2016 Fall LEADIng News (CPD issue 3/15	Roll Call	Electronic Roll Call	728		
4/5/2017		2017 OHLEG Security Training	Roll Call	Electronic Roll Call	736		
4/5/2017		2017 March 1 Legal Updates Acknowledg	Roll Call	Legal Bureau	735		
3/14/2017		2017 CPD CPT IN-service (14 hr segmen	Academy	Advanced Training Unit	668		
2/27/2017		2017 PremierOne Property Sheet Record	Roll Call	Electronic Roll Call	737		
2/27/2017		2017 Auto Theft Unit Updates	Roll Call	Electronic Roll Call	834		
2/9/2017		2017 January 24 Legal Updates Acknowle	Roll Call	Legal Bureau	720		
1/12/2017		2017 Heliport Stand-by Protocol	Roll Call	Electronic Roll Call	717		
1/12/2017		2016 December 30 MDA (DD, PSOP, FR	Roll Call	Electronic Roll Call	703		
1/12/2017		2016 December 21 Legal Update Acknow	Roll Call	Legal Bureau	702		

12/6/2016		2016 November 30 Legal Updates Ackno	Roll Call	Legal Bureau	671		
12/6/2016		2016 PI Mental Health Contact Form	Roll Call		670		
12/6/2016		2016 November 16 Legal Advisor Video	Roll Call	Legal Bureau	669		
12/6/2016		2016 All Hazards Training	Roll Call	Electronic Roll Call	647		
10/31/2016		2016 Election Law Updates Acknowledge	Roll Call	Electronic Roll Call	645		
10/31/2016		2016 Use of Force Policy Exam Review	Range	Electronic Roll Call	644		
10/26/2016		2016 October 20 Legal Updates Acknowl	Roll Call	Electronic Roll Call	643		
10/26/2016		2016 Long Range Acoustic Device (LRAD	Roll Call	Electronic Roll Call	642		
10/26/2016		2016 Legal Updates Acknowledgement, S	Roll Call	Electronic Roll Call	641		
10/26/2016		2016 September 26 Legal Updates Ackno	Roll Call	Electronic Roll Call	640		
10/26/2016		2016 DTU PHASE II	Academy	Defensive Tactics Unit	623		
9/28/2016		2016 Prisoner Custody and Processing Ro	Roll Call	Electronic Roll Call	638		
9/21/2016		2016 Street Level Narcotics Enforcement	Roll Call	Electronic Roll Call	637		
9/21/2016		2016 Update 2- Syringe Access Program	Roll Call	Electronic Roll Call	636		
9/21/2016		2016 August 24 Legal Updates Acknowled	Roll Call	Legal Bureau	609		
8/17/2016		2016 Fentanyl, Risk to Law Enforcement	Roll Call	Advanced Training Unit	608		
8/17/2016		2016 July 8 Legal Updates Acknowledgem	Roll Call	Legal Bureau	607		
7/17/2016		2016 Recruiting Campaign	Roll Call	Advanced Training Unit	606		
7/17/2016		2016 June MDA (DD,TS, PSOP, AEM, SM)	Roll Call	Electronic Roll Call	598		

**OFFICER**                      **ADAM**                      **COY**                      **2275**                      **██████████**                      **ZONE 4 RELIEF EVENING MIDW**

7/17/2016		2016 Social Media and Law Enforcement	Roll Call	Advanced Training Unit	586		
7/17/2016		2016 CPD and CFD Naloxone Pilot Proje	Roll Call	Advanced Training Unit	585		
6/20/2016		2016 Digital Migration Information	Roll Call		584		
6/20/2016		2016 Traffic Direction and Control	Roll Call	Advanced Training Unit	583		
6/20/2016		2016 Update-Syringe Access Program	Roll Call		561		
6/20/2016		2016 May 24 Legal Updates Acknowledg	Roll Call		560		
5/25/2016		2016 Classification of Premier I Reports	Roll Call	Electronic Roll Call	556		
5/11/2016		2015 LEADS TAC In-service (May 2016)	Roll Call	Electronic Roll Call			
5/11/2016		2016 May Legal Updates Acknowledgeme	Roll Call	Electronic Roll Call	555		
4/27/2016		2016 Syringe Access Program	Roll Call	Electronic Roll Call	553		
4/27/2016		2016 April Police Legal- Zone Initiative	Roll Call	Electronic Roll Call			
4/27/2016		2016 Work Life Balance Presentation	Roll Call	Electronic Roll Call			
4/27/2016		2016 March MDA (DD, EOM, SM)	Roll Call	Electronic Roll Call	520		
4/27/2016		2016 Heliport Presentation	Roll Call	Electronic Roll Call	519		
3/24/2016		2016 Police Response to Fire Scenes	Roll Call	Electronic Roll Call	518		
3/7/2016		2016 Counter Terrorism Unit Informatio	Roll Call	Electronic Roll Call	517		
3/1/2016		2016 CPD CPT Mandatory In-service	Academy		497		
2/2/2016		2015 Fall LEADIng News	Roll Call	Electronic Roll Call	516		
1/27/2016		2016phase I DTU Basic Skills, Taser Revie	Academy				

<b>OFFICER</b>	<b>ADAM</b>	<b>COY</b>	<b>2275</b>	<b>██████</b>	<b>ZONE 4 RELIEF EVENING MIDW</b>
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1/25/2016		2016 Basic Instructor Update (OPOTA)	Academy		501		
1/14/2016		Dec 2015 Electronic Distribution	Roll Call	Electronic Roll Call	511		
12/14/2015		2015 Rescue Ropes Refresher	Roll Call		486		
12/14/2015		Managing Canine Encounters	Roll Call		484		
11/30/2015		CIT Recruiting Video	Roll Call		483		
11/30/2015		FBI NCIC Missing Person File	Roll Call		482		
11/30/2015		Counter Terrorism Unit	Roll Call	Electronic Roll Call	479		
11/30/2015		2015 Panasonic Arbitrator Classification	Roll Call	Electronic Roll Call	473		
11/16/2015		2015 CIVIL DISORDER TRAINING	Academy		427		
11/9/2015		Premier One Check In-Check out Proces	Roll Call	Electronic Roll Call	466		
11/9/2015		2015 PTV Doors	Roll Call	Electronic Roll Call	467		
11/9/2015		2015 OctoberPolice Legal Update	Roll Call	Electronic Roll Call	465		
11/9/2015		2015 Special Duty Cruiser Rentals	Roll Call	Electronic Roll Call	464		
11/9/2015		2015 Domestic Incident Worksheet	Roll Call	Electronic Roll Call			
11/9/2015		2015 September MDA (DD, PSOP,ATEM)	Roll Call				
9/28/2015		2015 Tourniquet Training Video	Roll Call	Electronic Roll Call	438		
9/28/2015		FOX MK-9 Pistol Grip Fogger Familiarizat	Roll Call	Electronic Roll Call	439		
9/9/2015		2015 RC Netcare Community Crisis Resp	Roll Call		431		
9/6/2015		August 2015 MDA Legal Advisor Update	Roll Call	Legal Bureau	468		

OFFICER	ADAM	COY	2275	██████	ZONE 4 RELIEF EVENING MIDW
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7/13/2015		June 2015 MDA Division Directives	Roll Call	Electronic Roll Call	418		
7/13/2015		July 2015 MDA Legal Advisor Update	Roll Call	Legal Bureau	419		
6/16/2015		The Recruiting Challenge	Roll Call		394		
6/16/2015		DD Chapter System and Electronic Form	Roll Call		393		
6/16/2015		May 2015 MDA Legal Advisor's Update	Roll Call		392		
6/8/2015		PIT ADVANCED & Stopping Tactics			253		
5/24/2015		May 2015 Legal Advisor Video- CCW, Kn	Roll Call	Legal Bureau	373		
5/18/2015		Spring 2015 LEADS Leading News	Roll Call	Electronic Roll Call	372		
5/13/2015		2015 BWC Drug Free Workplace Part 4	Roll Call				
5/13/2015		2015 BWC Drug Free Workplace Part 3	Roll Call				
5/13/2015		2015 BWC Drug Free Workplace Part 2	Roll Call				
5/13/2015		2015 BWC Drug Free Workplace Part 1	Roll Call				
5/13/2015		April 2015 MDA (Patrol SOP, Training Su	Roll Call	Electronic Roll Call			
5/11/2015		2015 MANDATORY IN-SERVICE	Academy		314		
4/9/2015		2015 MDA MARCH (CCM, EOM REVISI	Roll Call	Electronic Roll Call			
4/9/2015		2015 RC DTU BUILDING SEARCHES	Academy	Electronic Roll Call			
4/9/2015		2015 RC DTU TRAFFIC STOPS	Academy	Electronic Roll Call	311		
4/9/2015		2015 RC DTU FOOT PURSUITS	Academy	Electronic Roll Call	313		
4/9/2015		2015 DTU Basic Skills Proficiency & Taser	Academy	Defensive Tactics Unit	307		

<b>OFFICER</b>	<b>ADAM</b>	<b>COY</b>	<b>2275</b>	<b>██████</b>	<b>ZONE 4 RELIEF EVENING MIDW</b>
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3/11/2015		2015 RC MARCH MDA LEGAL ADVISO	Roll Call	Electronic Roll Call			
3/11/2015		2015 RC LOADING AND RELOADING	Roll Call	Electronic Roll Call			
3/11/2015		2015 March Legal Advisor Videos	Roll Call	Legal Bureau			
2/17/2015		2015 Jan CCM Publication Distribution	Roll Call	Electronic Roll Call	326		
2/10/2015		2015 RC Grip Idle	Roll Call	Electronic Roll Call	325		
1/21/2015		2015 RC January Legal Update	Roll Call	Electronic Roll Call			
1/20/2015		2015 RC Peer Assistance Team	Roll Call	Advanced Training Unit	298		
1/20/2015		Division Directive Distribution Dec 2014	Roll Call		289		
1/20/2015		2014 RC Cloned Credit Cards	Roll Call	Electronic Roll Call	310		
12/14/2014		2014 RC Vehicle For Hire	Roll Call	Electronic Roll Call	284		
12/14/2014		2014 LEADS TAC In-Service	Roll Call		270		
12/14/2014		2014 RC LEADS Security Awareness	Roll Call		271		
11/18/2014		2014 RC ID Bureau Processing	Roll Call	Advanced Training Unit	243		
11/18/2014		2014 RC NOVEMBER LEGAL ADVISOR	Roll Call	Electronic Roll Call	299		
11/18/2014		2014 RC LEADS Newsletter #3	Roll Call	Advanced Training Unit	247		
11/18/2014		2014 RC LION Vacation Placeholders	Roll Call	Advanced Training Unit			
11/18/2014		2014 RC Biased Based Profiling	Roll Call	Advanced Training Unit	245		
11/18/2014		2014 Sept.Electronic Directive Distributi	Roll Call		269		
10/8/2014		2014 September Legal Advisor Update	Roll Call	Electronic Roll Call			

OFFICER	ADAM	COY	2275		ZONE 4 RELIEF EVENING MIDW
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9/11/2014		2014 RC OHLEG Security	Roll Call	Electronic Roll Call			
9/11/2014		2014 RC Seizure/Forfeiture	Roll Call	Bureau	262		
8/18/2014		2014 RC LION Basic Training	Roll Call	Advanced Training Unit	177		
7/15/2014		2014 RC Special Victims Bureau	Roll Call	Advanced Training Unit	176		
7/6/2014		2014 RC Prisoner Searches	Roll Call	Advanced Training Unit	175		
6/15/2014		2014 RC LEADS April Newsletter	Roll Call		174		
6/15/2014		2014 RC Leads January Newsletter	Roll Call		173		
6/11/2014		2014 RC Panasonic Arbitrator Training	Roll Call	Advanced Training Unit	170		
6/11/2014		2014 RC Bullet Trap Use	Roll Call	Advanced Training Unit	172		
6/8/2014		2014 RC CANINE ENCOUNTERS	Roll Call	Advanced Training Unit	187		
6/4/2014		2014 RC ATACRAIDS TRAINING	Roll Call	Advanced Training Unit	194		
6/4/2014		2014 RC Mental Illness	Roll Call	Advanced Training Unit	169		
6/4/2014		2014 RC Breaking Down the Language Ba	Roll Call	Advanced Training Unit	171		
6/4/2014		2014 RC RESCUE TOOL	Roll Call	Advanced Training Unit	185		
4/9/2014		2014 RC Diabetes	Roll Call		131		
4/9/2014		2014 RC AED	Roll Call	Advanced Training Unit	67		
4/7/2014		2014 Phase II In-service Training	Academy	Advanced Training Unit	92		
4/7/2014		2014 RC Epilepsy-Seizure	Roll Call	Advanced Training Unit	211		
4/6/2014		2014 RC CALEA On-Site Prep	Roll Call	Advanced Training Unit	65		



**OFFICER**                      **ADAM**                      **COY**                      **2275**                      **██████**                      **ZONE 4 RELIEF EVENING MIDW**

4/1/2014		2014 RC Recovering Stolen Auto	Roll Call	Bureau	64		
3/23/2014		2014 Pursuit and Stopping Tactics Update	Roll Call	Advanced Training Unit	62		
3/2/2014		2014 RC Legal Advisor Training	Roll Call	Advanced Training Unit	60		
3/1/2014		2014 RC Consular Notification	Roll Call	Advanced Training Unit	59		
2/12/2014		2014 DTU Basic Skills Proficiency Review/	Academy	Defensive Tactics Unit	43		
1/31/2014		2014 RC Legal Advisor Training	Roll Call	Advanced Training Unit	60		
11/20/2013		2013 Fall In-Service - 8 Hour	Roll Call	Advanced Training Unit	17		
11/1/2013		2013 All Hazard Training	Roll Call	Advanced Training Unit	28		
10/1/2013		2013 Prisoner Holding Rooms	Roll Call	Advanced Training Unit	29		
7/1/2013		2013 June X26P Taser Transition	Roll Call		33		
6/11/2013		2013 Premeir One	Academy	Advanced Training Unit			
6/3/2013		2013 Drug Field Test Kits	Roll Call	Advanced Training Unit			
6/3/2013		2013 PIT Refresher	Roll Call	Advanced Training Unit	10		
6/1/2013		2013 Seizure Foreiture	Roll Call	Advanced Training Unit			
3/18/2013		2013 Defensive Tactics and Taser	Academy	Defensive Tactics Unit	15		
1/31/2013		2013 Bloodborne Pathogens	Roll Call	Advanced Training Unit			
1/31/2013		2013 Police Response To People with Me	Roll Call	Advanced Training Unit	3		
11/1/2012		2012 Emergency Operations All Hazards	Roll Call	Electronic Roll Call	37		
9/18/2012		2012 In-Service Training : Plain Clothes	Academy	Advanced Training Unit	55		

**OFFICER****ADAM****COY****2275****ZONE 4 RELIEF EVENING MIDW**

4/1/2012		2012 Biased Based Profiling	Roll Call	Electronic Roll Call	41		
3/14/2012		2012 DTU Basic Skills Proficiency Review	Academy	Defensive Tactics Unit	14		
12/10/2011		2011 RC: Ethics, Traffic Stop Data, and Ba	Roll Call	Advanced Training Unit	48		
12/1/2011		2011 RC: SAR All Hazards, Health & Bio-	Roll Call	Electronic Roll Call	38		
11/16/2011		2011 DTU Skills and Taser Proficiency	Academy	Defensive Tactics Unit			
		2013 People with Blindness/Low Vision	Roll Call	Advanced Training Unit	31		
		2013 RC: Driver's License Issues part 2	Roll Call	Advanced Training Unit			
		2013 RC: Driver's License Issue part 1	Academy	Advanced Training Unit	16		
		2013 June Suspicious Packages	Roll Call		34		



# TRAIN TRACK™

## Employee Information and Training Status

Last Name:	Coy	Supervisor:	
First Name:	Adam	Shift:	
ID #:		Location:	
Phone:		Type:	
Email:		Status:	Active
Title:		Start Date:	
Department:		End Date:	
		Other Info.:	

### Trainings Completed

Training:	Number:	Revision:	Score:	Complete:	Expires:	Hours:
	5-2.0067			4/28/2009		8
Bombs/ Explosives/ WMD	9-4.0001			7/30/2007		2
Cruiser Video Systems	10-10.0001			2/18/2008		4
Cruiser Video Systems	10-10.0001			9/22/2009		4
Detective Bureau Training Basic	11-24.0001			2/26/2010		
Driver's Training - Classroom PIT Policy	5-2.0019			4/24/2009		3
Driver's Training -EVO	5-2.0013			4/28/2009		3
Driver's Training -Stop Sticks	8-1.0065			4/28/2009		2
DTU: 2010 Skills Development, Taser Recertification	9-7.0012			12/16/2010		8
DTU-2007 Skills Development & Taser Proficiency	9-7.0002			11/1/2007		8
DTU-2008 Skills Development & Taser Proficiency	9-7.0012			1/7/2009		8
DTU-2008 Skills Development & Taser Proficiency	9-7.0012			1/7/2009		8
DTU-2009 Skills Development & Taser Proficiency	9-4.0012			10/27/2009		8
DTU-High Risk Traffic Stops and Room Clearing	8-5.0018			8/1/2008		8
DTU-QUAD	13-3.0012			8/1/2007		8
Emergency Breaching for Patrol	8-3.0031			2/26/2008		2
Inservice 2007-Victims of Crime/Legal Updates	3-8.0005			8/21/2007		7
Inservice 2008 w/ VOC, EVO and Legal Updates	3-8.0059			5/6/2008		8
Inservice 2009: DNA & CCW	11-2.0094			6/17/2009		4
In-Service 2009-Ethics,Legal, Searches and TEW	3-3.0025			2/11/2009		8
Inservice 2010: Annual 8 Hour Training w/ Lessons Learned,V.O.C. Protection Order and Legal Training	1-1.0081			7/19/2010		8
In-Service 2011: QUAD, Active Shooter, Firearms, Decision Making	8-3.0017			2/22/2011		8
NETRMS Refresher	8-9.0089			2/12/2008		2
OPOTA Instructor Development	1-9.0001			9/2/2008		
OPOTA-Basic Instructor Development-80 Hours	1-9.0003			9/12/2008		80
Patrol Basic Investigators Course	11-00.0001			2/26/2010		
Police Sniper	4-5.0001			8/17/2007		40
Polygraph Refresher	11-1.0028			12/1/2008		8
PPE-First Responder Operations	13-1.0050			10/11/2010		16
RAP ID	8-11.0001			12/5/2006		1
Roll Call-Alzheimer's Disease and Dementia	3-2.0012			3/4/2008		1
Roll Call-Bombs	9-4.0002			6/6/2007		
Roll Call-CALEA	1-6.0018			4/30/2008		1
Roll Call-Crime Scene Management	11-1.0005			8/6/2010		1

Roll Call-Deadly Force and Animals	4-11.0002		12/30/2007	1
Roll Call-Directive 3.40, 3.72 & Laptop Docking	1-1.0048		1/5/2009	1
Roll Call-Directive 3.57: SWAT Policy	1-1.0027		5/26/2010	1
Roll Call-Division Technology Information	1-1.0068		1/5/2009	
Roll Call-Dog Complaints	8-3.0029		9/25/2008	1
Roll Call-EAP	11-1.0037		12/14/2010	1
Roll Call-EARS	1-3.0072		1/11/2010	1
Roll Call-Emergency Operation Plan	13-6.0001		2/18/2008	1
Roll Call-Interacting with Persons who have a Mental Illness	3-11.0045		11/5/2010	1
Roll Call-Mental Health	3-11.0001		2/21/2007	
Roll Call-Obstructing Official Business	2-2.0051		12/1/2009	1
Roll Call-Pandemic Flu	7-3.0001		3/30/2007	
Roll Call-Pandemic Flu	7-3.0001		2/21/2008	
Roll Call-Peace Officer Oaths	2-9.0001		6/30/2007	
Roll Call-Performance Evaluation	1-1.0018		8/6/2010	1
Roll Call-Police Ethics	1-8.0001		2/10/2008	1
Roll Call-Prisoner Processing	8-9.0002		7/30/2007	1
Roll Call-Prisoner Processing Area 2010	8-9.0003		11/25/2010	1
Roll Call-Public Records	2-9.0010		8/30/2007	1
Roll Call-Remote Clerking Protocol	2-10.0001		8/6/2007	1
Roll Call-Rifle Response	4-4.0001	2/1/2008	5/7/2008	1
Roll Call-Seizing Vehicle Box on Impound Slip	10-2.0018		6/8/2010	1
Roll Call-Skid Car	5-3.0019		6/7/2010	1
Roll Call-SOFAST	8-7.0061		6/8/2010	1
Roll Call-Staph Infections	7-2.0001		3/8/2007	1
Roll Call-Trigger Management	4-11.0003		12/19/2007	1
Sniper School-Basic	4-5.0001	100	8/17/2007	40

*Total Trainings:*      **60**

*Total Hours:*      **338**

**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 1 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
7/9/01	Mon	3	8-11	1-1	Introduction to Basic Training	Stewart, Robert L. 9972
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
7/10/01	Tue					
7/11/01	Wed	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
7/12/01	Thu	4	8-12	1-5	Ethics and Professionalism	Bowling, Christopher D. 12087; Crawford, Vicky L. 10332
7/13/01	Fri	4	8-12	12	Physical Fitness Testing	O'Grady, Bonnie M. 10400

Original Calendar: \_\_\_\_\_ Revised Calendar: \_\_\_\_\_

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COMMANDER/ADMINISTRATOR SIGNATURE  
NO STAMPS/ORIGINAL SIGNATURE ONLY

SF105bas

Revised 1/11/01; Effective 1/18/2001

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DATE

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FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 2 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
7/16/01	Mon	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
7/17/01	Tue	4	8-12	1-5	Ethics and Professionalism	Bowling, Christopher D. 12087; Crawford, Vicky L. 10332
		4	1-5	1-5	Ethics and Professionalism	Bowling, Christopher D. 12087; Crawford, Vicky L. 10332
7/18/01	Wed	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		2	1-3	1-4	Criminal Justice System	Jordan, Yvonne Y. 9827
7/19/01	Thu	4	8-12	1-2	Role of the American Peace Officer	Partlow, Stanley E. 6347
		4	1-5	2-1	ORC – General Provisions	Fischer, Thomas M. 6169
7/20/01	Fri	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	2-2A	ORC – Homicide	Fischer, Thomas M. 6169

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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COMMANDER/ADMINISTRATOR SIGNATURE  
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SF105bas  
Revised 1/11/01; Effective 1/18/2001

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DATE

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FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 3 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
7/23/01	Mon	2	8-10	2-2C	ORC – Sexual Assault	Jordan, Yvonne Y. 9827
		2	10-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		2	1-3	2-2B	ORC – Kidnapping & Extortion	Fischer, Thomas M. 6169
		2	3-5	2-2D	ORC – Prostitution & Obscenity	Fischer, Thomas M. 6169
7/24/01	Tue	2	10-12	1-4	Structure of American Courts	Paige, Thomas B. 10523
		2	1-3	2-2E	ORC – Arson & Related Offenses	Fischer, Thomas M. 6169
7/25/01	Wed	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		2	1-3	11-10	Observation, Perception, Description	Stewart, Robert L. 9972
7/26/01	Thu	4	8-12	9-6	Hazardous Materials	Paige, Thomas B. 10523
		2	1-3	2-2F	ORC – Robbery, Burglary, Trespass	Fischer, Thomas M. 6169
7/27/01	Fri	1	11-12	12	Physical Conditioning	Jordan, Yvonne Y. 9827
		3	1-4	2-2G	ORC – Theft, Fraud & Related Offenses	Fischer, Thomas M. 6169

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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COMMANDER/ADMINISTRATOR SIGNATURE

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DATE

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FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION**  
**SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 4 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
7/30/01	Mon	2	8-10	1-7	Introduction to Report Writing	Jordan, Yvonne Y. 9827
		1	11-12	12	Physical Conditioning	Paige, Thomas B. 10523
		4	1-5	1-3	Philosophy & Principles of American Criminal Justice System	Hamilton, Raymond K. 11245
7/31/01	Tue	4	8-12	2-4	Search & Seizure	Hamilton, Raymond K. 11245
		2	1-3	2-2H	ORC - Gambling	Fischer, Thomas M. 6169
8/1/01	Wed	2	8-10	1-7	Introduction to Report Writing	Jordan, Yvonne Y. 9827
		1	11-12	12	Physical Conditioning	Schlatter, Patrick W. 10408
		4	1-5	2-4	Search & Seizure	Hamilton, Raymond K. 11245
8/2/01	Thu	4	8-12	2-4	Search & Seizure	Hamilton, Raymond K. 11245
8/3/01	Fri	4	1-5	2-4	Search & Seizure	Hamilton, Raymond K. 11245

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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 COMMANDER/ADMINISTRATOR SIGNATURE

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 DATE

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 FIELD AGENT INITIALS



**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 5 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
8/6/01	Mon	1	8-9	8-10	Report Writing	Jordan, Yvonne Y. 9827
		1	11-12	12	Physical Conditioning	Paige, Thomas B. 10523
		2	3-5	11-16	Search Warrants	Hamilton, Raymond K. 11245
8/7/01	Tue	1	1-2	2-2I	ORC – Liquor Control	Fischer, Thomas M. 6169
		2	2-4	2-2K	ORC – Public Peace	Fischer, Thomas M. 6169
		1	4-5	2-2L	ORC – Family	Fischer, Thomas M. 6169
8/8/01	Wed	3	8-11	8-10	Report Writing	Jordan, Yvonne Y. 9827
		1	11-12	12	Physical Conditioning	Schlatter, Patrick W. 10408
		4	1-5	11-16	Search Warrants	Hamilton, Raymond K. 11245
8/9/01	Thu	3	1-4	2-2M	ORC – Justice & Public Administration	Fischer, Thomas M. 6169
8/10/01	Fri	2	8-10	3-1	Communicating with the Public & the Media	Smith, Earl W. 10976
		2	10-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	11-16	Search Warrants	Hamilton, Raymond K. 11245

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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COMMANDER/ADMINISTRATOR SIGNATURE

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FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 6 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
8/13/01	Mon	3	8-11	2-6	Civil Liability & Use of Force	Castle, Kelly M. 10692
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	2-3	Laws of Arrest	Hamilton, Raymond K. 11245
8/14/01	Tue	4	8-12	11-17	Investigative Report Writing	Jordan, Yvonne Y. 9827
		2	1-3	2-2N	ORC – Conspiracy	Fischer, Thomas M. 6169
		2	3-5	2-2O	ORC – Weapons	Fischer, Thomas M. 6169
8/15/01	Wed	3	8-11	2-6	Civil Liability & Use of Force	Castle, Kelly M. 10692
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	2-3	Laws of Arrest	Hamilton, Raymond K. 11245
8/16/01	Thu	2	8-10	2-2J	ORC – Drug Offenses	Kanz, Gayle 9533
8/17/01	Fri	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	2-3	Laws of Arrest	Hamilton, Raymond K. 11245

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 7 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
8/20/01	Mon	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	2-7	Testifying in Court & Rules of Evidence	Fischer, Thomas M. 6169
8/21/01	Tue	4	8-12	2-3	Laws of Arrest	Hamilton, Raymond K. 11245
		2	3-5	2-7	Testifying in Court & Rules of Evidence	Fischer, Thomas M. 6169
8/22/01	Wed	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	1-6	Community Policing	Behnen, Alexander W. 10779
8/23/01	Thu	4	1-5	3-5	Child Abuse and Neglect	Wilson, Sheila A. 10094
8/24/01	Fri	1	8-9	10-1	Introduction to Traffic	Lintz, Randall G. 8869
		2	9-11	10-2	Motor Vehicle Offenses	Lintz, Randall G. 8869
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		2	3-5	3-5	Child Abuse and Neglect	Wilson, Sheila A. 10094

Original Calendar: \_\_\_\_\_ Revised Calendar: \_\_\_\_\_

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COMMANDER/ADMINISTRATOR SIGNATURE

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**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 8 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
8/27/01	Mon	2	10-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
8/28/01	Tue					
8/29/01	Wed	3	8-11	3-2	Handling the Special Needs Population	Guthrie, Daniel J. 6069
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	10-2	Motor Vehicle Offenses	Lintz, Randall G. 8869
8/30/01	Thu	4	1-5	10-2	Motor Vehicle Offenses	Lintz, Randall G. 8869
8/31/01	Fri	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		1	3-4	10-7	Traffic Direction & Control	Lintz, Randall G. 8869

Original Calendar: \_\_\_\_\_

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**OHIO PEACE OFFICER TRAINING COMMISSION**  
**SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 9 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
9/3/01	Mon				Holiday – Labor Day	
9/4/01	Tue					
9/5/01	Wed	1	11-12	12	Physical Conditioning	Smith, Joseph W. 6173
		1	1-2	10-3	Commercial Vehicle Offenses	Lintz, Randall G. 8869
9/6/01	Thu	4	8-12	10-4	Traffic Crash Investigation	Taylor, Glenn L. 7443
9/7/01	Fri	1	11-12	12	Physical Conditioning	Smith, Joseph W. 6173

Original Calendar: \_\_\_\_\_

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**OHIO PEACE OFFICER TRAINING COMMISSION  
SCHOOL CALENDAR  
104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
SCHOOL DATES: FROM/TO

Week 10 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
9/10/01	Mon	3	8-11	3-10	Understanding Cultural Differences	McIntosh, Willard 11512; Walter, Stephen H. 6070; Semel, Neal 11637
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	3-10	Understanding Cultural Differences	McIntosh, Willard 11512; Walter, Stephen H. 6070; Semel, Neal 11637
9/11/01	Tue					
9/12/01	Wed	1	10-11	10-5	Uniform Traffic Ticket	Lintz, Randall G. 8869
9/13/01	Thu					
9/14/01	Fri	2	10-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	3-10	Understanding Cultural Differences	McIntosh, Willard 11512; Walter, Stephen H. 6070; Semel, Neal 11637

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**OHIO PEACE OFFICER TRAINING COMMISSION**  
**SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 11 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
9/17/01	Mon	3	8-11	11-4	Police Photography	Mead, Janel J. 10735
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	11-1	Crime Scene Search	Mead, Janel J. 10735
9/18/01	Tue	4	8-12	11-2	Evidence Collection Techniques	Mead, Janel J. 10735
		4	1-5	11-2	Evidence Collection Techniques	Mead, Janel J. 10735
9/19/01	Wed	4	8-12	11-2	Evidence Collection Techniques	Mead, Janel J. 10735
		4	1-5	11-2	Evidence Collection Techniques	Mead, Janel J. 10735
9/20/01	Thu	4	8-12	11-3	Crime Scene Sketching & Drawing	Mead, Janel J. 10735
		2	1-3	10-3	Commercial Vehicle Offenses	Lintz, Randall G. 8869
		2	3-5	3-10	Understanding Cultural Differences	McIntosh, Willard 11512; Walter, Stephen H. 6070; Semel, Neal 11637; Byrne, Jean 12370
9/21/01	Fri	3	8-11	3-10	Understanding Cultural Differences	McIntosh, Willard 11512; Walter, Stephen H. 6070; Semel, Neal 11637; Byrne, Jean 12370
		1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	3-10	Understanding Cultural Differences	McIntosh, Willard 11512; Walter, Stephen H. 6070; Semel, Neal 11637; Byrne, Jean 12370

Original Calendar: \_\_\_\_\_

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**OHIO PEACE OFFICER TRAINING COMMISSION**  
**SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 12 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
9/24/01	Mon	3	8-11	10-4	Traffic Crash Investigation	Taylor, Glenn L. 7443
		1	11-12	12	Physical Conditioning	Smith, Joseph W. 6173
		4	1-5	10-4	Traffic Crash Investigation	Taylor, Glenn L. 7443
9/25/01	Tue	4	8-12	3-4	Crisis Intervention	Butts, Gerald W. 10185; Foley, C. Patrick 11200
		4	1-5	3-4	Crisis Intervention	Butts, Gerald W. 10185; Foley, C. Patrick 11200
9/26/01	Wed	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	1-5	10-4	Traffic Crash Investigation	Taylor, Glenn L. 7443
9/27/01	Thu	4	8-12	10-4	Traffic Crash Investigation	Taylor, Glenn L. 7443
		2	1-3	11-6	Arson Scene Investigation	Pfeiffer, Lawrence M. 8051
		2	3-5	3-8	Victims Rights	McIntosh, Willard 11512
9/28/01	Fri	4	8-12	3-9	Crime Prevention	Smith, Earl W. 10976
		2	1-3	3-9	Crime Prevention	Smith, Earl W. 10976
		2	3-5	10-4	Traffic Crash Investigation	Taylor, Glenn L. 7443

Original Calendar: \_\_\_\_\_

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# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

## 104<sup>th</sup> Recruit Class

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 13 of 29

**Group A Adkins to Kinsey)**

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/1/01	Mon	1	11-12	12	Physical Conditioning	O’Grady, Bonnie M. 10400
		2	3-5	11-12	Prostitution	Lyle, Donald F. 11485
10/2/01	Tue	4	8-12	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		4	1-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/3/01	Wed	4	8-12	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		4	1-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/4/01	Thu	4	8-12	5-1	Defensive Driving	Lintz, Randall G. 8869; Mikesell, Scott R. 11771
		4	1-5	5-2	Pursuit Driving	Vrugitz, Charles S. 10934; Jordan, Yvonne Y. 9827
10/5/01	Fri	2	9-11	5-3	Practical Exercises	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; O’Grady, Bonnie M. 10400; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; Anderson, Todd C. 11547; Stewart, Robert L. 9972; Schlatter, Patrick W. 10408
		2	1:30-3:30	5-3	Practical Exercises	
		Practical Exercises for driving meet 8a-5p. Time not reflected on schedule includes course set-up and travel time.				

Original Calendar: \_\_\_\_\_

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# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

## 104<sup>th</sup> Recruit Class

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 13 of 29

**Group B (Kowalski to Wish)**

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/1/01	Mon	1	11-12	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		2	3-5	11-12	Prostitution	Lyle, Donald F. 11485
10/2/01	Tue	4	8-12	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		4	1-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/3/01	Wed	4	8-12	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		4	1-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/4/01	Thu	4	8-12	5-1	Defensive Driving	Lintz, Randall G. 8869; Mikesell, Scott R. 11771
		4	1-5	5-2	Pursuit Driving	Vrugitz, Charles S. 10934; Jordan, Yvonne Y. 9827
10/5/01	Fri	2	8-10	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		1	4-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462

Original Calendar: \_\_\_\_\_ Revised Calendar: \_\_\_\_\_

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# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

## 104<sup>th</sup> Recruit Class

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 14 of 29

**Group A (Adkins to Kinsey)**

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/8/01	Mon				Holiday – Columbus Day	
10/9/01	Tue	2	9-11	5-3	Practical Exercises (Delphi/Academy)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Delphi/Academy)	
10/10/01	Wed	2	9-11	5-3	Practical Exercises (Delphi/Academy)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Delphi/Academy)	
10/11/01	Thu	2	9-11	5-3	Practical Exercises (Port Columbus)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Port Columbus)	
10/12/01	Fri	2	9-11	5-3	Practical Exercises (Port Columbus)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Port Columbus)	
		Practical Exercises for driving meet 8a-5p. Time not reflected on schedule includes course set-up and travel time.				

Original Calendar: \_\_\_\_\_

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# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 14 of 29

**Group B (Kowalski to Wish)**

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/8/01	Mon				Holiday – Columbus Day	
10/9/01	Tue	2	8-10	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		1	4-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/10/01	Wed	1	8-9	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		1	4-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/11/01	Thu	4	8-12	7	CPR	Herold, Steven M. 11527
		4	1-5	7	CPR	Herold, Steven M. 11527
10/12/01	Fri	8				

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# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

## 104<sup>th</sup> Recruit Class

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 15 of 29

**Group A (Adkins to Kinsey)**

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/15/01	Mon	2	8-10	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		1	4-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/16/01	Tue	2	8-10	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		1	4-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/17/01	Wed	1	8-9	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
		1	4-5	10-6	Traffic Enforcement Technologies	Barth, Karl L. 0970; Barrett, Robert M. 12462
10/18/01	Thu	4	8-12	7	CPR	Humphrey, Bryan A. 11636
		4	1-5	7	CPR	Humphrey, Bryan A. 11636
10/19/01	Fri	8				

Original Calendar: \_\_\_\_\_

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# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

## 104<sup>th</sup> Recruit Class

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 15 of 29

**Group B (Kowalski to Wish)**

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/15/01	Mon	2	9-11	5-3	Practical Exercises (Delphi/Academy)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Delphi/Academy)	
10/16/01	Tue	2	9-11	5-3	Practical Exercises (Delphi/Academy)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Delphi/Academy)	
10/17/01	Wed	2	9-11	5-3	Practical Exercises (Delphi/Academy)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Delphi/Academy)	
10/18/01	Thu	2	9-11	5-3	Practical Exercises (Port Columbus)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Port Columbus)	
10/19/01	Fri	2	9-11	5-3	Practical Exercises (Port Columbus)	Lintz, Randall G. 8869; Jordan, Yvonne Y. 9827; Smith, Joseph W. 6173; Mikesell, Scott R. 11771; Vrugitz, Charles S. 10934; O’Grady, Bonnie M. 10400; Schlatter, Patrick W. 10408, Winship, Dana D. 10223; Dillin, Charles E. 4181; Anderson, Todd C. 11547
		2	1:30-3:30	5-3	Practical Exercises (Port Columbus)	
		Practical Exercises for driving meet 8a-5p. Time not reflected on schedule includes course set-up and travel time.				

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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 COMMANDER/ADMINISTRATOR SIGNATURE

**NO STAMPS/ORIGINAL SIGNATURE ONLY**

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Revised 1/11/01; Effective 1/18/2001

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 DATE

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 FIELD AGENT INITIALS

# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

## 104<sup>th</sup> Recruit Class

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

Week 16 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/22/01	Mon	3	8-11	8-8A	Communications – Radio Procedures	Whitmoyer, Margaret A. 4604
		4	1-5	3-6	Missing Children Investigation	Wilson, Sheila A. 10094
10/23/01	Tue	2	8-10	11-13	Liquor Control & Enforcement	Cook, SueAnn E. 10435
		2	10-12	3-6	Missing Children Investigation	Wilson, Sheila A. 10094
		2	3-5	11-12	Gambling	Cook, SueAnn E. 10435
10/24/01	Wed					
10/25/01	Thu					
10/26/01	Fri	3	7:30-10:30	4	Firearms (Classroom)	Sayers, Gerald E. 1015
		1	10:30-11:30	12	Physical Conditioning	O'Grady, Bonnie M. 10400
		4	12:30-4:30	4	Firearms (Classroom)	Sayers, Gerald E. 1015

Original Calendar: \_\_\_\_\_ Revised Calendar: \_\_\_\_\_

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 COMMANDER/ADMINISTRATOR SIGNATURE  
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SF105bas  
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 FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
 SCHOOL NAME & NUMBER

July 9, 2001 to January 25, 2002  
 SCHOOL DATES: FROM/TO

**Platoon 1 (Adkins – Kinsey)**  
 Week 17 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/29/01	Mon	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Glover, Thomas 11769; Richards, Eric 10139
		3	12:30-3:30	8-1	Vehicle Patrol Techniques	Bernard, Gregory M. 11764
		1	3:30-4:30	8-2	Foot Patrol	Bernard, Gregory M. 11764
10/30/01	Tue	3	8:30-11:30	8-3	Responding to Crimes in Progress	Bernard, Gregory M. 11764
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Glover, Thomas 11769; Richards, Eric 10139
10/31/01	Wed	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Glover, Thomas 11769; Richards, Eric 10139
		4	12:30-4:30	8-4	Building Searches	Farr, Fletcher R. 10740; Smith, George E. 5937
11/1/01	Thu	3	8:30-11:30	8-5	Stops & Approaches	Jones, John D. 12288; Dickinson, Roger B. 12498
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Richards, Eric 10139
11/2/01	Fri	2	7:30-9:30	11-14	Surveillance	Buhacevich, John R. 10804
		4	12:30-4:30	8-9	Prisoner Booking & Handling	Distelhorst, Charles D. 11563

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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 COMMANDER/ADMINISTRATOR SIGNATURE  
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 FIELD AGENT INITIALS



**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

**Platoon 2 (Kowalski – Wish)**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 17 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
10/29/01	Mon	3	7:30-10:30	8-1	Vehicle Patrol Techniques	Bernard, Gregory M. 11764
		1	10:30-11:30	8-2	Foot Patrol	Bernard, Gregory M. 11764
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Glover, Thomas 11769
10/30/01	Tue	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Glover, Thomas 11769
		3	12:30-3:30	8-3	Responding to Crimes in Progress	Bernard, Gregory M. 11764
10/31/01	Wed	4	7:30-11:30	8-4	Building Searches	Farr, Fletcher R. 10740; Smith, George E. 5937
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Glover, Thomas 11769
11/1/01	Thu	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993
		3	12:30-3:30	8-5	Stops & Approaches	Jones, John D. 12288; Dickinson, Roger B. 12498
11/2/01	Fri	2	7:30-9:30	11-14	Surveillance	Buhacevich, John R. 10804
		4	12:30-4:30	8-9	Prisoner Booking & Handling	Distelhorst, Charles D. 11563

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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 FIELD AGENT INITIALS

# OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR

## 104<sup>th</sup> Recruit Class

**Platoon 1 (Adkins - Kinsey)**

Columbus Police Training Academy BAS 01-055

July 9, 2001 to January 25, 2002

Week 18 of 29

SCHOOL NAME & NUMBER

SCHOOL DATES: FROM/TO

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
11/5/01	Mon	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406
		3	12:30-3:30	8-5	Stops and Approaches	Jones, John D. 11288; Dickinson, Roger B. 12498
11/6/01	Tue	4	7:30-11:30	8-5	Stops and Approaches	Jones, John D. 11288; Dickinson, Roger B. 12498
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406
11/7/01	Wed	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406; Mead, Lawrence A. 7330
		3	12:30-3:30	8-5	Stops and Approaches	Jones, John D. 11288
11/8/01	Thu	4	7:30-11:30	8-5	Stops and Approaches	Jones, John D. 11288
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406; Mead, Lawrence A. 7330; Richards, Eric B. 10139
11/9/01	Fri	4	7:30-11:30	7	First Aid	Humphrey, Bryan A. 11636
		4	12:30-4:30	7	First Aid	Humphrey, Bryan A. 11636

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

**Platoon 2 (Kowalski - Wish)**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 18 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
11/5/01	Mon	3	8:30-11:30	8-5	Stops and Approaches	Jones, John D. 11288; Dickinson, Roger B. 12498
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406
11/6/01	Tue	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406
		4	12:30-4:30	8-5	Stops and Approaches	Jones, John D. 12288; Dickinson, Roger B. 12498
11/7/01	Wed	3	8:30-11:30	8-5	Stops and Approaches	Jones, John D. 11288
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406; Mead, Lawrence A. 7330
11/8/01	Thu	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Hale, Daniel H. 11886; Painter, Andrew W. 9993; Morris, Dwight 10406; Mead, Lawrence A. 7330; Richards, Eric B. 10139
		4	12:30-4:30	8-5	Stops and Approaches	Jones, John D. 11288
11/9/01	Fri	4	7:30-11:30	7	First Aid	Humphrey, Bryan A. 11636
		4	12:30-4:30	7	First Aid	Humphrey, Bryan A. 11636

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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 FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

**Platoon 1 (Adkins - Kinsey)**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 19 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
11/12/01	Mon	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Mead, Lawrence A. 7330; Tuggle-Wiseman, Kathy J. 8894; Williams, Joseph P. 11498; Petty, Douglas S. 11873; Webb, Jerry E. 10407
		4	12:30-4:30	8-5	Stops and Approaches	Jones, John D. 11288
11/13/01	Tue	2	9:30-11:30	8-4	Building Searches	Farr, Fletcher R. 10740; Smith, George E. 5937
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Hale, Daniel H. 11886; Mead, Lawrence A. 7330; Tuggle-Wiseman, Kathy J. 8894; Petty, Douglas S. 11873; Webb, Jerry E. 10407
11/14/01	Wed	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Mead, Lawrence A. 7330; Tuggle-Wiseman, Kathy J. 8894; Petty, Douglas S. 11873; Webb, Jerry E. 10407; Williams, Joseph P. 11498
11/15/01	Thu	4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Tuggle-Wiseman, Kathy J. 8894; Williams, Joseph P. 11498; Petty Douglas S. 11873; Webb, Jerry E. 10407
11/16/01	Fri					

Original Calendar: \_\_\_\_\_ Revised Calendar: \_\_\_\_\_

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 FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

**Platoon 2 (Kowalski - Wish)**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 19 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
11/12/01	Mon	4	7:30-11:30	8-5	Stops and Approaches	Jones, John D. 11288
		4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Mead, Lawrence A. 7330; Tuggle-Wiseman, Kathy J. 8894; Williams, Joseph P. 11498; Petty, Douglas S. 11873; Webb, Jerry E. 10407
11/13/01	Tue	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Hale, Daniel H. 11886; Mead, Lawrence A. 7330; Tuggle-Wiseman, Kathy J. 8894; Petty, Douglas S. 11873; Webb, Jerry E. 10407
		2	12:30-2:30	8-4	Building Searches	Farr, Fletcher R. 10740; Smith, George E. 5937
11/14/01	Wed	4	12:30-4:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Mead, Lawrence A. 7330; Tuggle-Wiseman, Kathy J. 8894; Petty, Douglas S. 11873; Webb, Jerry E. 10407; Williams, Joseph P. 11498
11/15/01	Thu	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric B. 10139; Tuggle-Wiseman, Kathy J. 8894; Williams, Joseph P. 11498, Petty Douglas S. 11873; Webb, Jerry E. 10407
11/16/01	Fri					

Original Calendar: \_\_\_\_\_ Revised Calendar: \_\_\_\_\_

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 COMMANDER/ADMINISTRATOR SIGNATURE  
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 FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 20 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
11/19/01	Mon	4	7:30-11:30	4	Firearms	Dillin, Charles E. 4181; Koontz, Harold W. 9992; Winship, Dana D. 1023; Sayers, Gerald E. 1015; Wise, Floyd H. 7808; Benson, Jennifer Y. 10249; Iarussi, David M. 11044; Richards, Eric 10139; Tuggle, Kathy J. 8894; Williams, Joseph P. 11498; Webb, Jerry E. 10407; Petty, Douglas S. 11873
		3	12:30-3:30	4	Firearms	
11/20/01	Tue					
11/21/01	Wed					
11/22/01	Thu					
11/23/01	Fri					

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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 FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 21 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
11/26/01	Mon	2	8-10	11-9	Confidential Informants	Shockcor, Timothy M. 11903
		2	10-12	9-3	Chemical Agents	Wise, Floyd H. 7808
		2	1-3	9-3	Chemical Agents	Wise, Floyd H. 7808
11/27/01	Tue	2	9-11	12	PT Testing	O'Grady, Bonnie M. 10400; Smith, Joseph W. 6173; Jordan, Yvonne Y. 9827; Schlatter, Patrick W. 10408
		2	1-3	10-9	Traffic Crash Exercise	O'Grady, Bonnie M. 10400
		2	3-5	11-6	Tracing Stolen Property	McIntosh, Willard 11512
11/28/01	Wed	3	7-10	9-1	Control of Non-Violent Crowds	Puls, Jeffrey L. 9273; Lyle, Donald F. 11485; Gordon, Fay E. 11213
		1	10-11	9-2	Riot Formations	Puls, Jeffrey L. 9273; Lyle, Donald F. 11485; Gordon, Fay E. 11213
		2	12-2	9-2	Riot Formations	Puls, Jeffrey L. 9273; Lyle, Donald F. 11485; Gordon, Fay E. 11213
11/29/01	Thu	4	8-12	3-3	Domestic Violence	Ashworth, Lesley 10359
		4	1-5	3-3	Domestic Violence	Ashworth, Lesley 10359
11/30/01	Fri	4	8-12	3-3	Domestic Violence	Ashworth, Lesley 10359
		4	1-5	3-3	Domestic Violence	Ashworth, Lesley 10359

Original Calendar: \_\_\_\_\_ Revised Calendar: \_\_\_\_\_

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 COMMANDER/ADMINISTRATOR SIGNATURE  
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 DATE

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 FIELD AGENT INITIALS

**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 22 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
12/3/01	Mon	4	8-12	11-15	Interview & Interrogation Techniques	Walker, Randal J. 4601
		4	1-5	6-1	Subject Control Techniques	Smith, Joseph W. 6173; Gagnon, John E. 9301; Distelhorst, Charles D. 11563; Cameron, Michael E. 10759; Holloway, John C. 10761; Bell, Napoleon A. 11056; Stewart, Robert L. 9972; Jordan, Yvonne Y. 9827
12/4/01	Tue	4	1-5	6-1	Subject Control Techniques	Smith, Joseph W. 6173; Gagnon, John E. 9301; Distelhorst, Charles D. 11563; Cameron, Michael E. 10759; Holloway, John C. 10761; Bell, Napoleon A. 11056; Stewart, Robert L. 9972; Jordan, Yvonne Y. 9827
12/5/01	Wed	4	8-12	2-5	Legal Aspects of Interview & Interrogation	Sacksteder, Jeff L. 11523
		4	1-5	6-1	Subject Control Techniques	Smith, Joseph W. 6173; Gagnon, John E. 9301; Distelhorst, Charles D. 11563; Cameron, Michael E. 10759; Holloway, John C. 10761; Bell, Napoleon A. 11056; Stewart, Robert L. 9972; Jordan, Yvonne Y. 9827
12/6/01	Thu	4	1-5	6-1	Subject Control Techniques	Smith, Joseph W. 6173; Gagnon, John E. 9301; Distelhorst, Charles D. 11563; Cameron, Michael E. 10759; Holloway, John C. 10761; Bell, Napoleon A. 11056; Stewart, Robert L. 9972; Jordan, Yvonne Y. 9827
12/7/01	Fri	2	10-12	6-1	Subject Control Techniques	Smith, Joseph W. 6173; Gagnon, John E. 9301; Distelhorst, Charles D. 11563; Cameron, Michael E. 10759; Holloway, John C. 10761; Bell, Napoleon A. 11056; Stewart, Robert L. 9972; Jordan, Yvonne Y. 9827
		4	1-5	6-1	Subject Control Techniques	

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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**SCHOOL DATES: FROM/TO**

Week 23 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
12/10/01	Mon	4	8-12	3-10	Understanding Cultural Differences	Byrne, Jean 12370; McIntosh, Willard 11512; Semel, Neal 11637
		4	1-5	6-1	Subject Control Techniques	Smith, Joseph W. 6173; Fletcher, Stephanie L. 11136; Schlatter, Patrick W. 10408; Weiner, Russell 10768; Stewart, Robert L. 9972; Halbakken, Timothy 10760; Jordan, Yvonne Y. 9827
12/11/01	Tue	4	8-12	9-4	Bombs and Explosives	Saltsman, Steven V. 11709
		4	1-5	6-1	Subject Control Techniques	Smith, Joseph W. 6173; Fletcher, Stephanie L. 11136; Schlatter, Patrick W. 10408; Weiner, Russell 10768; Stewart, Robert L. 9972; Halbakken, Timothy 10760; Jordan, Yvonne Y. 9827
12/12/01	Wed	2	8-10	8-6	Auto Theft	Kisor, Ralph S. 9850
12/13/01	Thu	2	8-10	8-8B	LEADS	Lee, Paula K. 12159
		2	10-12	6-2	Intermediate Weapons	Smith, Joseph W. 6173; Gagnon, John E. 9301; Distelhorst, Charles D. 11563; Cameron, Michael E. 10759; Holloway, John C. 10761; McElroy, Steven E. 10763; Halbakken, Timothy L. 10760
		4	1-5	6-2	Intermediate Weapons	Smith, Joseph W. 6173; Gagnon, John E. 9301; Distelhorst, Charles D. 11563; Cameron, Michael E. 10759; Holloway, John C. 10761; McElroy, Steven E. 10763; Halbakken, Timothy L. 10760
12/14/01	Fri	4	8-12	8-7	Gang Awareness	Shafer, Kent H. 10237

Original Calendar: \_\_\_\_\_

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Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 24 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
12/17/01	Mon	3	8:30-11:30	11-7	Controlled Substances & Drug Awareness	Jacobs, Thomasina 11766
		2	12:30-2:30	9-5	Terrorism	Adrian, Richard R. 12362
		2	2:30-4:30	10-9	Traffic Crash Exercise	O'Grady, Bonnie M. 10400
12/18/01	Tue	4	7:30-11:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370
		4	12:30-4:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370
12/19/01	Wed	4	7:30-11:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370
		4	12:30-4:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370
12/20/01	Thu	4	7:30-11:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370; Reichgott, Irvin R. 6155; Reed, Matt 11816; Smith, Michael B. 12342; West, Andrew P. 11170
		4	12:30-4:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370; Reichgott, Irvin R. 6155; Reed, Matt 11816; Smith, Michael B. 12342; West, Andrew P. 11170
12/21/01	Fri	4	7:30-11:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370; Reed, Matt 11816; Peters, David A. 9607; Smith, Michael B. 12342; West, Andrew P. 11170
		4	12:30-4:30	10-8	Alcohol Detection, Apprehension & Prosecution	Stewart, Robert L. 9972; McIntosh, Willard 11512; Byrne, Jean M. 12370; Reed, Matt 11816; Peters, David A. 9607; Smith, Michael B. 12342; West, Andrew P. 11170

Original Calendar: \_\_\_\_\_

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July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 25 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
12/24/01	Mon					
12/25/01	Tue					
12/26/01	Wed	4	8-12	3-2	Handling the Special Needs Population	Werk, Kay 6373
12/27/01	Thu	4	8-12	3-2	Handling the Special Needs Population	Werk, Kay 6373
		2	1-3	11-11	Line Ups	Stewart, Robert L. 9972
12/28/01	Fri	4	8-12	3-2	Handling the Special Needs Population	Werk, Kay 6373
		2	3-5	10-9	Crash Investigation	O'Grady, Bonnie M. 10400
12/29/01	Sat	2	1-3	11-8	Ohio Drug Laws	Jacobs, Thomasina 11766

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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**OHIO PEACE OFFICER TRAINING COMMISSION SCHOOL CALENDAR**  
**104<sup>th</sup> Recruit Class**

Columbus Police Training Academy BAS 01-055  
**SCHOOL NAME & NUMBER**

July 9, 2001 to January 25, 2002  
**SCHOOL DATES: FROM/TO**

Week 26 of 29

DATE (MM/DD/YY)	DAY	HOURS (#)	TIME (From/To)	TOPIC NO.	OPOTC TOPIC TITLE	INSTRUCTOR(S) (Last name, first name, middle initial & OPOTC number)
12/31/01	Mon	4	8-12	3-7	Juvenile Justice System	Wilson, Sheila 10094
		2	1-3	3-7	Juvenile Justice System	Wilson, Sheila 10094
1/1/02	Tue					
1/2/02	Wed					
1/3/02	Thu					
1/4/02	Fri					

Original Calendar: \_\_\_\_\_

Revised Calendar: \_\_\_\_\_

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\_\_\_\_\_  
 FIELD AGENT INITIALS

**From:** Stephenson, Stephanie [SLStephenson@columbuspolice.org]

**To:** Quinlan, Thomas [TQuinlan@columbuspolice.org]

**Subject:** Training Records

**Sent:** Thu 1/6/2022 11:37 AM GMT-05:00

**Importance:** Normal

Chief Quinlan,

Here are the records we discussed. He had first aid while in the academy.

*Stephanie*

*Officer Stephanie L Stephenson, Ph.D. #1600*

*Columbus Ohio Police Department*

*Advanced Training Unit*

*1000 North Hague Avenue*

*Columbus, OH 43204*

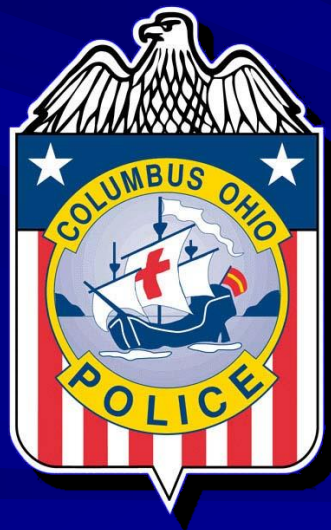
*614-645-2218*

*614-645-4246 (fax)*

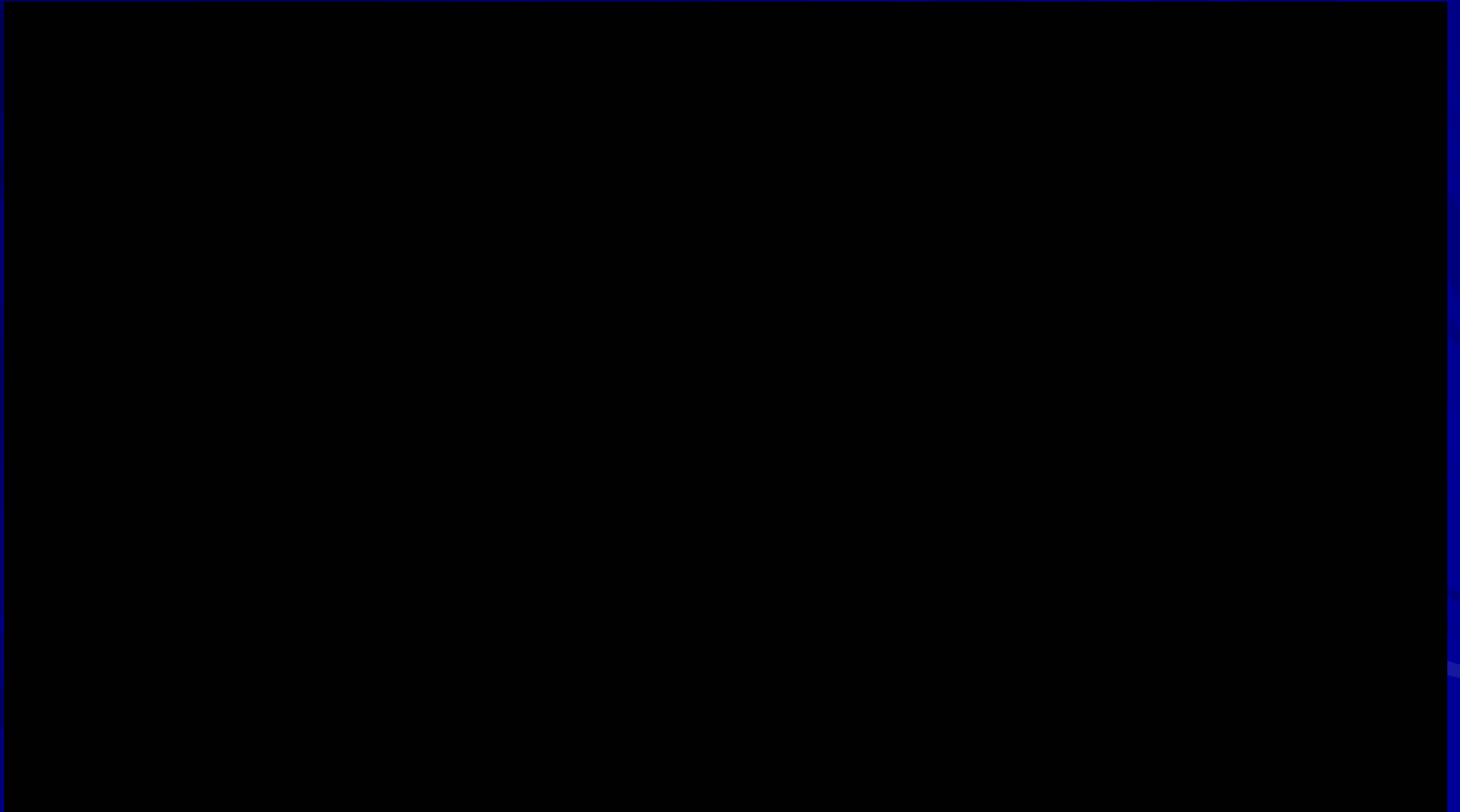
*[SLStephenson@columbuspolice.org](mailto:SLStephenson@columbuspolice.org)*

# Columbus Division of Police

## TACTICAL FIRST AID FOR LAW ENFORCEMENT



# Mike Shannon



# Tactical First Aid

The primary purpose of this course is to provide the necessary first aid training and equipment to members of law enforcement in the event that immediate medical care is not available. This training is based on the “Tactical Combat Casualty Care ” course currently being used by U.S. Special Operations Forces.



# Tactical First Aid

## Student Objectives:

- Understand the need for first aid in law enforcement
- Understand and demonstrate the types of hemorrhagic control techniques
- Understand and demonstrate the evacuation / extraction techniques
- Understand and demonstrate the tactical considerations

# Tactical First Aid

## **Presentation Outline:**

Current need for Tactical First Aid

Assessment

Hemorrhage Control

CAT II Tourniquet

Treatment

Tactical Considerations

Evacuation / Extraction

Vehicle GSW Kit

Scenarios

# Tactical First Aid

## The need for Tactical First Aid:

- Current lack of equipment for officers to administer aid
- No immediate EMS
- EMS will initially “stage” until the scene is secure during an active shooter situation

# Definitions

- Self-aid- The emergency treatment one applies to oneself
- Partner-aid- emergency actions to restore or maintain vital body functions in a casualty who cannot administer self-aid

# Tactical First Aid

## Tactical Considerations

### **DO NOT QUIT**

- Get to safety under your own power and return fire if needed
- If you are in pain, you know you are still alive and can stay in the fight

### **Stop the threat**

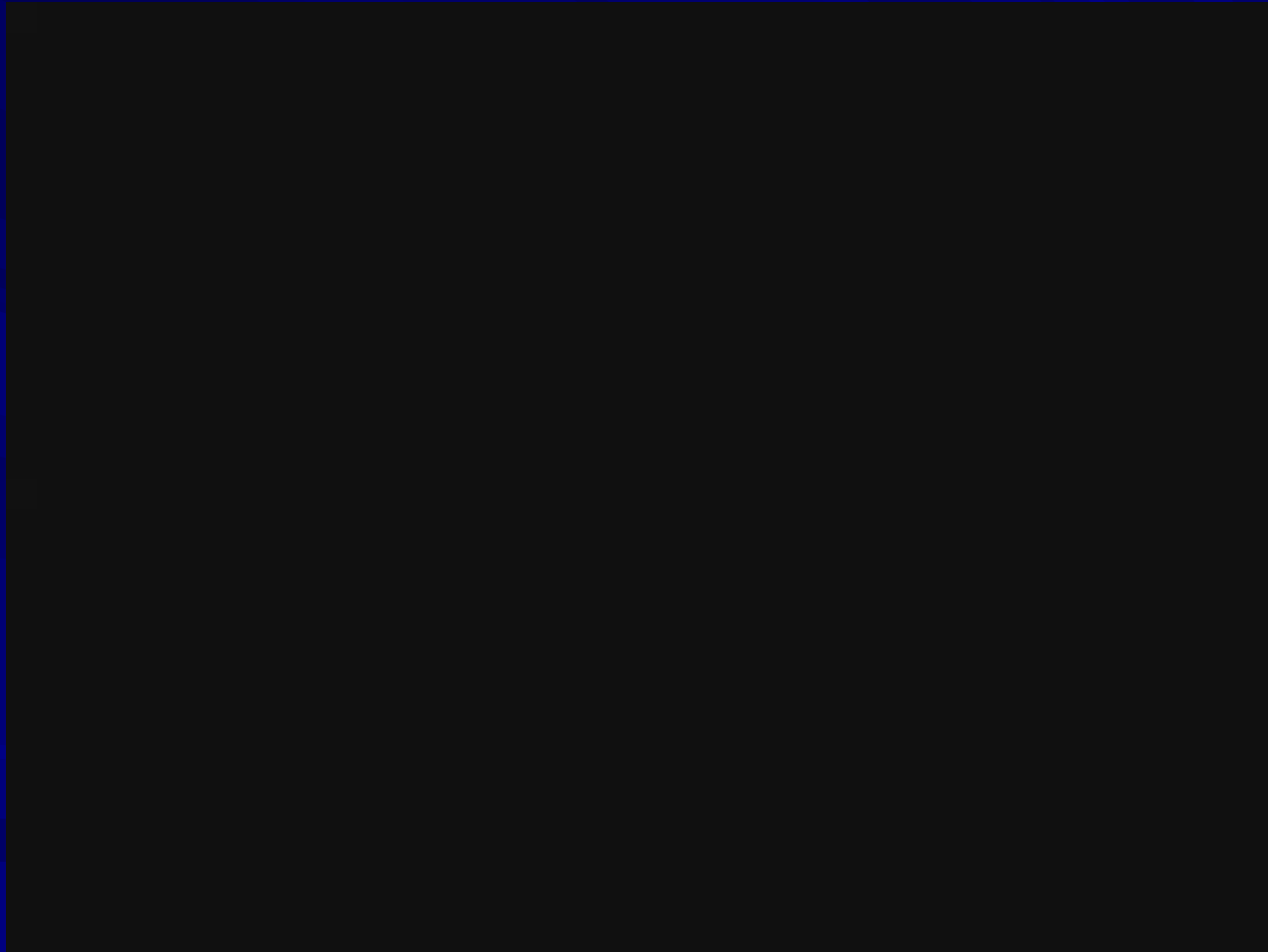
### **Do not create additional casualties by treating the casualty**

### **Do the right thing at the right time**

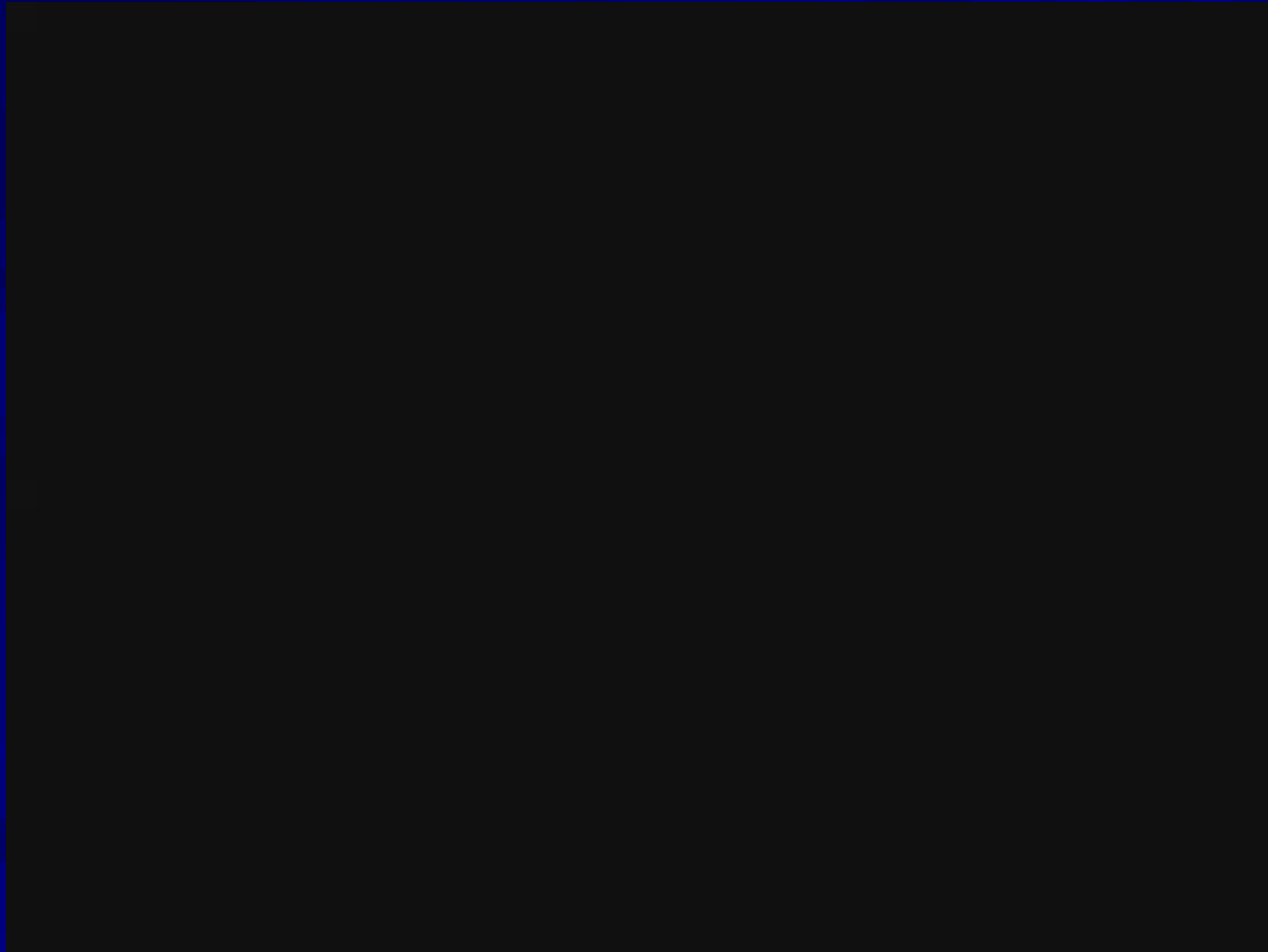
- Doing the wrong thing could get you or another officer killed
- Move quickly from cover to cover
- Be aware of your surroundings

### **Re-Examine the threat**

# John Sullivan



# Sgt. Forsythe



# Tactical First Aid

## Officers killed by gunfire

2013: 25 to date

2012: 47

2011: 72 (5 were accidental)

2010: 61 (2 were accidental)

2009: 47

2008: 40

2007: 65

2006: 51

2005: 53

2004: 55

2003: 47

2002: 57

2001: 65

2000: 50

**TOTAL: 735**

Source: <http://www.odmp.org/>



# Tactical First Aid

## Assessment

### CAB

#### ➤ Circulation

- Assess for **LIFE-THREATENING** hemorrhage(s)
- If the blood isn't in the body to carry the Oxygen...

#### ➤ Airway

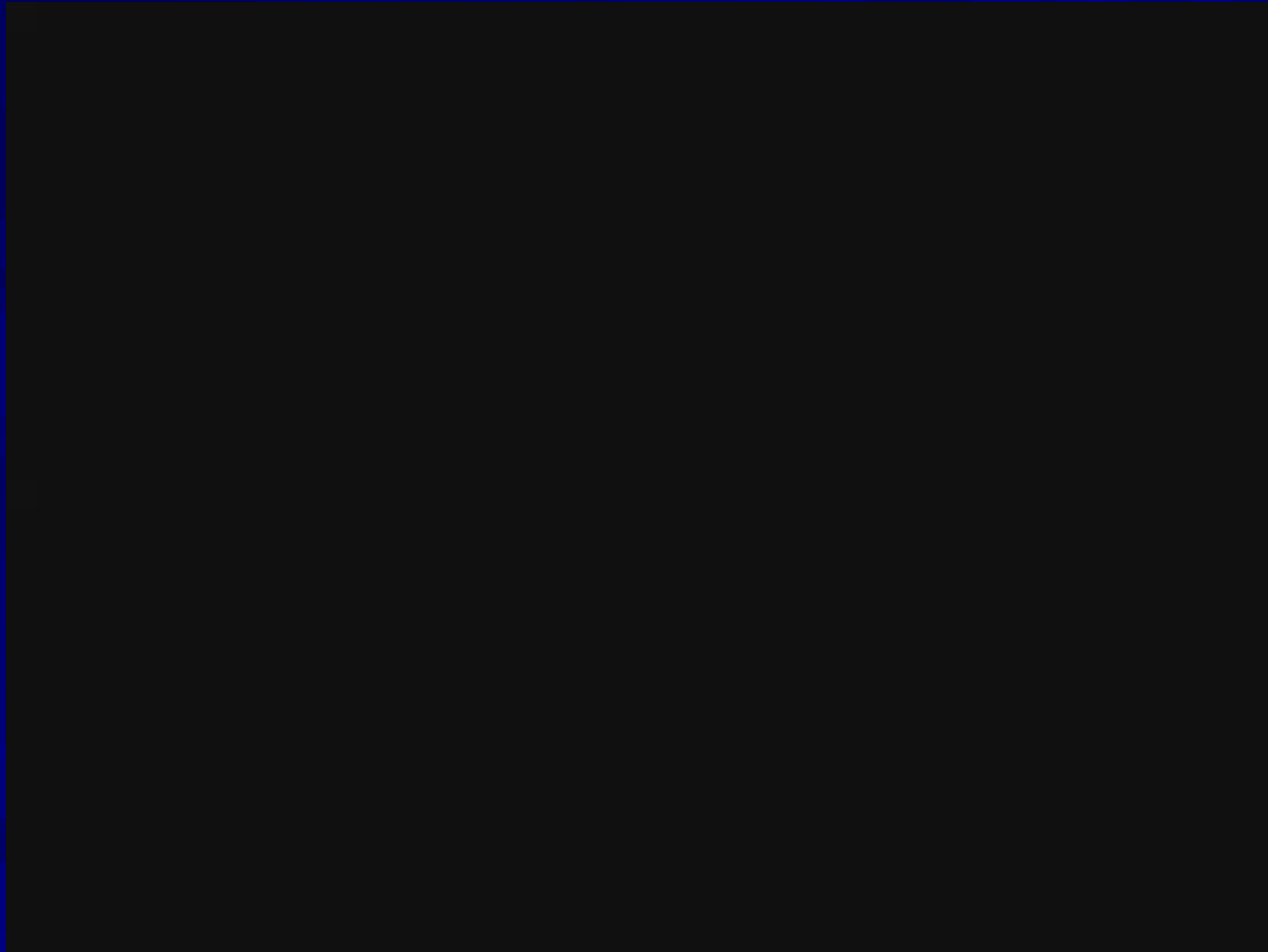
#### ➤ Breathing

# Tactical First Aid

## ■ Assessment Continues

- Re-Evaluate initial treatment of primary injuries
- Secondary Assessment for other injuries  
Continue to ask, “Where are you hurt?”

# Joe Smith





UNREGISTERED :)  
downloadhelper.net



# Tactical First Aid

## Hemorrhage Control

- Direct Pressure
- Pressure Dressing
- Tourniquet





# Blood Loss



# Tactical First Aid

## Pressure Dressings

- Military Field Dressing
- Israeli Dressing
- Olas Modular Bandage
- Improvised Bandage



# Pressure Dressing

## Operation Iraqi Freedom

060816-F-9445S-002

16 August 2006

Part 2 of 5

RT - 8:02

Ar Ramadi, Iraq -- Soldiers from Bravo Company, 2nd Battalion, 6th Infantry Regiment, 1st Armored Division, 2-6 Infantry, Task Force 1-35 from Baumholder Germany, performed a routine patrol in Ta'meem, a suburb of Ar Ramadi. While conducting Traffic Control Point (TCP) checks, the Soldiers received fire from enemy personnel. One America Soldier was wounded. (Sergeant Nathan J. McCool is recovering from his wounds.) After the Soldier was evacuated, the Task Force advanced and raided four houses looking to detain the enemy forces.

NARRATIVE provided by Staff Sergeant Shawn Paul Re', Bravo Company, 2nd Battalion, 6th Infantry Regiment, 1st Armored Division

NOTE: Some segments of the video and audio have interference that occurred from electro magnetic interference in the area.

Unclassified  
FOR OFFICIAL USE ONLY

RELEASING AUTHORITY  
Captain Perry M. Jarmon  
PAO / MNF-W  
perry.jarmon@us.army.mil  
318-551-9410

Footage by: TSgt Jim Schuler, USAF, 367th TRSS, Hill AFB, UT  
james.schuler@hill.af.mil / DSN 777-7106



# Stay Calm

- It helps the injured person stay calm
- It helps prevent shock
- It is easier to be understood on the radio
- It slows the heart rate and blood flow, combating tunnel vision

# Tactical First Aid

## Tourniquets

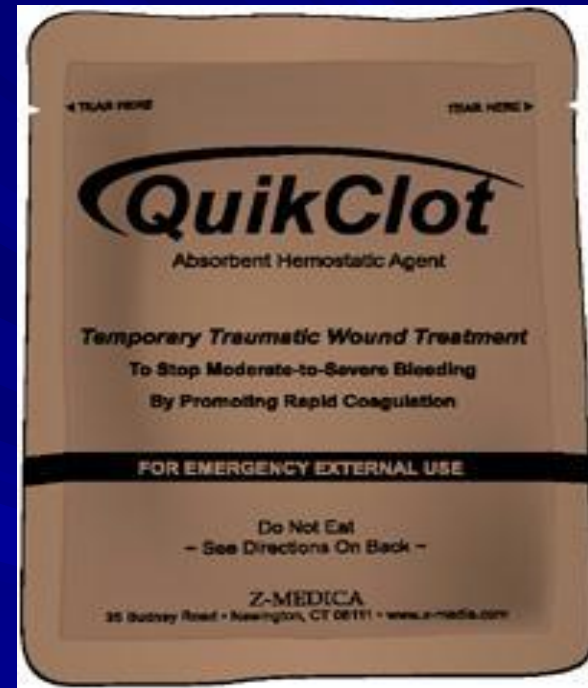
- SWAT Tourniquet
- CAT 2
- Improvised



# Tactical First Aid

## Hemostatics (Clotting Agent)

- Combat Gauze
- QuickClot
- Celox
- Hemcon

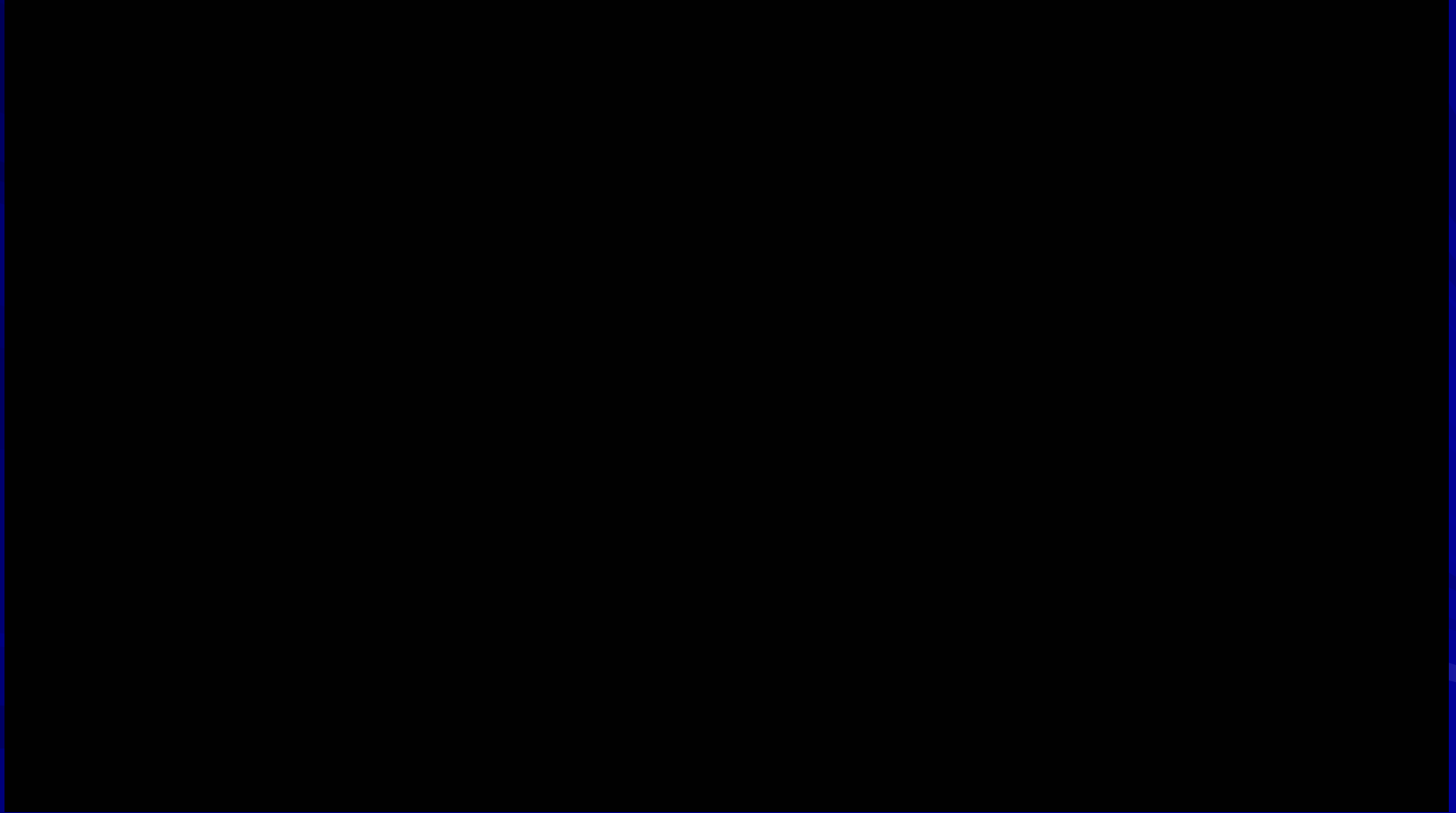


# Chest Wound

Non-Porous material can be used to seal a sucking chest wound.



# Packing HemCon





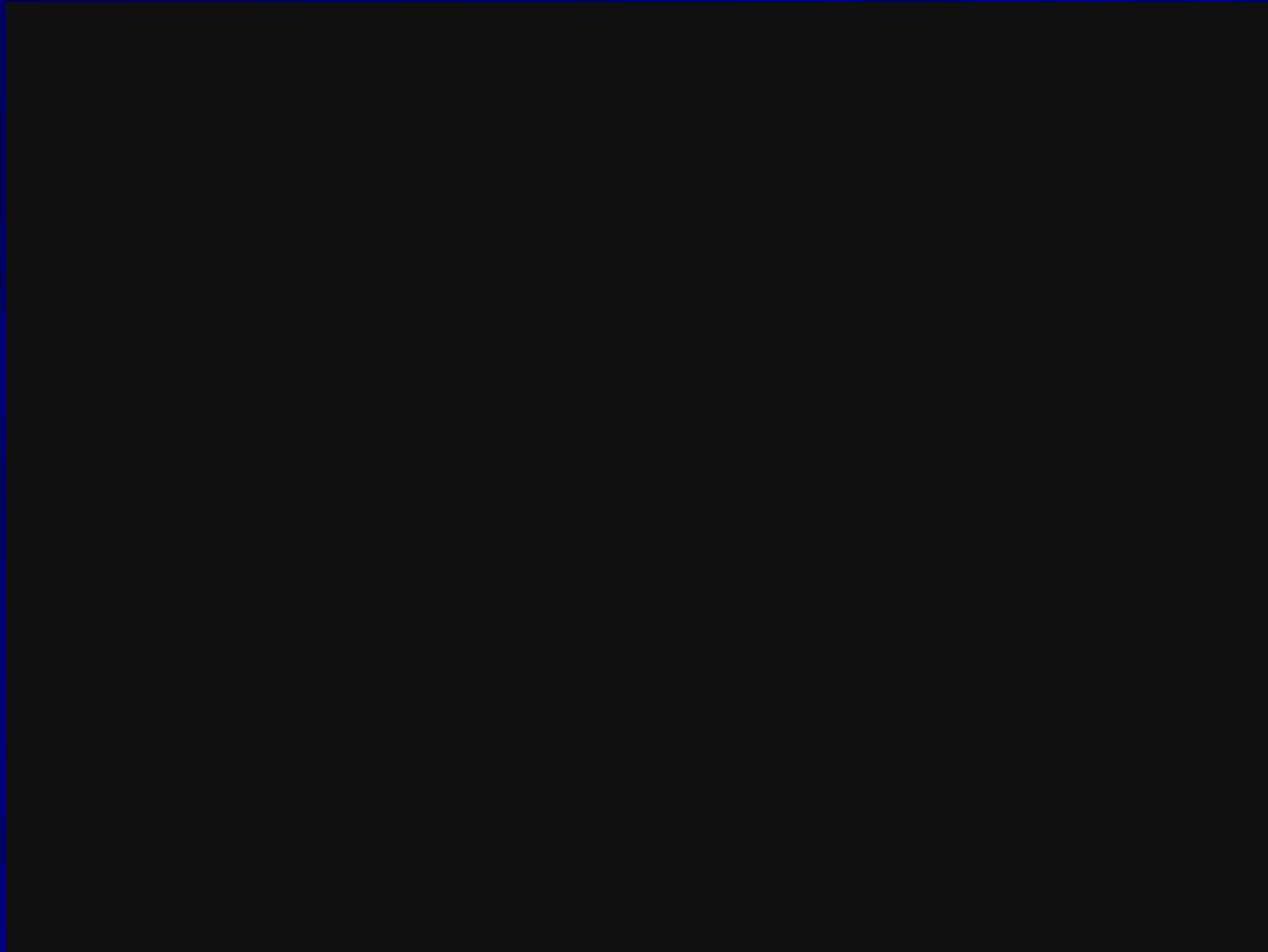
# Tactical First Aid

## Combat Action Tourniquet (CAT2)

- The use of temporary tourniquets is essential to stop the bleeding and preserve life



# Tourniquet Use



# Tactical First Aid

## Treatment

### **Extremity injuries**

- Apply tourniquet a few inches above the wound/amputation
- Tighten until bleeding stops
- Apply second tourniquet if needed

### **Abdominal Wounds**

- Pack with gauze and apply dressing
- Manage abdominal evisceration
  - Do not replace bowels or organs
  - Cover and secure (moist dressing if possible)



# Tactical First Aid

## Treatment

### **Impalement**

- Leave the object in place
- Do not remove object
- Try not to allow the object to move around inside the body causing more damage

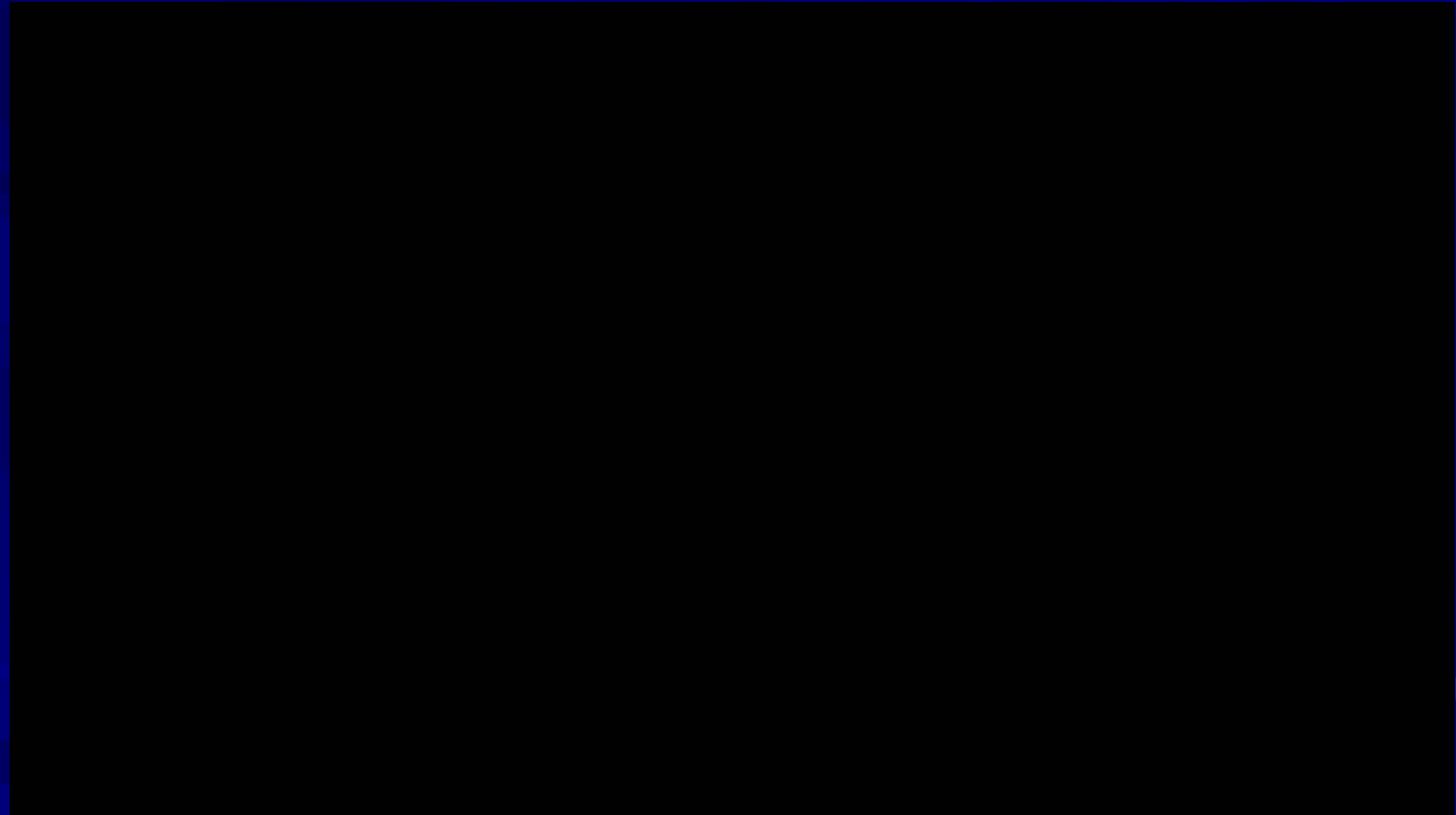
# Tactical First Aid

## Treatment cont.

### Shock

- If bleeding for extended period of time, treat for shock
  - Keep warm
  - Elevate the feet
  - Loosen Clothes

# Evacuation / Extraction



# Tactical First Aid

VA Tech officers evacuating wounded from an active shooter incident.



# Tactical First Aid

## Evacuation / Extraction

Must be rapid

Techniques

- Fireman's drag
- Two person carries
- Back pack

The way in may not be the way out!

# Blanket Drag



Rescue Blanket

# Litter Drag



# Single Officer Drag





# Rescue Teamwork



Team Movement

# Tactical First Aid

## Evacuation / Extraction

Contact CFD and give pertinent information

- EMS coordinators respond to all 10-43's and have access to CPD radio channels and should be monitoring (EMS 11, 12, 13...etc)
- Advise the EMS coordinators of pertinent information
  - How many officers are injured and require transport
  - Where the officers are located
  - How to gain entry into the scene

Leave a path for the medics to gain access to the scene. Park your cruisers out of the way so our officers can be treated.

# Notify Hospital of Inbound Injured

- If medics are not available to communicate with hospital prior to arrival if possible
  - Ask Radio to call
  - Use your Cell Phone
  - If main air is tied up consider Comm Channel or another zone
  - Police / Fire Channel

# Continue your Education

- Stay within the scope of your knowledge
- Be careful not to cause more damage as you move an officer or render aid
- Strokes and Heart Attacks are common in LE
  - Citywide Training offers regular classes in topics like First Aid and CPR

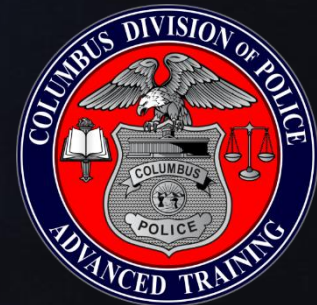
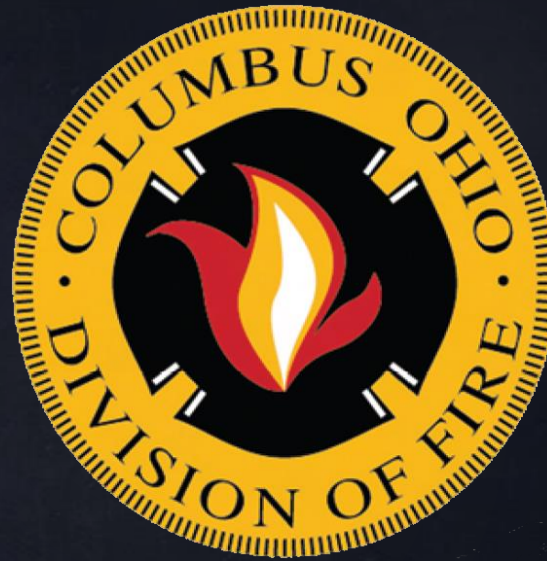
# Tactical First Aid

## Scenarios

1. “Quad” scenario
2. Two officer run
3. Single officer run
4. Cruiser extraction



# 2017 Joint Police & Fire Life-Saving Tactics Training



# JPF Life-Saving Tactics

## Training Day Overview

Classroom (intro to new principles & tactics) 1 hr.

Weapons Flow / Friendly Fire Avoidance 1 hr.

Threshold Assessments / Room Clearing 1 hr.

Building Interior Movements 1 hr.

Lunch 1 hr.

Classroom (Rescue Task Force) w/ CFD 1 hr.

Walkthrough Exercises / Practice 2 hrs.

# How is this different?

Most training models try to influence behavior and expect behavior to mimic training.

(Mold behavior to unnatural tactics.)

These tactics evolved from real world behavior, how humans typically behave under duress, and emphasizes principles which fit within real world responses, bringing the “real world” to training.

(Mold tactics to natural behavior.)

These tactics can be applied everyday in regular patrol functions (building searches, traffic stops, outdoor movements)



# Human Behavior During a Violent Encounter

# Behavior of Humans Under Fire

1. Stop and Identify – Momentary freeze
2. Threat Focused – Target Lock
3. Stop or Move away from Danger – Getting Off-Line
4. Move to cover – “Sucking Cover”
5. Herd-Like Behavior – Behaving Like/Getting Close to Others
6. Cautious Shuffle Stepping
7. Head on a Swivel

**Sympathetic Nervous System (SNS)** – Unconsciously controls the body's physiological response to stress.

# The Biology

During sudden life threatening events the SNS shuts down the functions of the High and Mid Brain to divert resources to the Low Brain where our survival instincts are controlled.

High Brain

Mid Brain

Low Brain



# Fighting our 10,000 Ancestors



## High – Human Brain (DELIBERATE)

1. First Chance to Plan
2. First Chance to Calm
3. Slow – Smart



## Mid – Monkey Brain (INTUITIVE)

1. Emotional
2. Immediate application of contextual repetitive behavior (“Muscle Memory”)
3. Fast but dumb



## Low – Lizard Brain (INSTINCTIVE)

1. React to avoid harm
2. Fastest - Dumbest

# Natural Stress Response

When dealing with any High-Intensity Threat there exists a continuum through which we progress

**Survival Response** > **Decision Making** > **Speed** > **Precision**  
(Low/Mid Brain) (High Brain)

## Our Goal:

Progress to Speed and Precision phase as rapidly as possible by positioning ourselves using the best tactics.

Poor tactics can put you in a tough decision making position.

# Good Tactics

Can put reaction time back in your favor.

Can give you more time to perceive and process.

Can give you more time to communicate and coordinate.

Can give you more options to resolve a situation.



# Pro-Active Advantage

If we utilize the right tactics, we can minimize our body's natural response to a threat, and put ourselves in a position to be Pro-Active with regard to the use of force or deadly force, rather than reactive.

This will make us more capable of making the proper decisions, which will increase our survivability and the survivability of others around us.

“Initiative Drives Tactics and Tactics Drive Initiative”

- THE BAD GUY WILL PROBABLY SHOOT EFFECTIVELY AT YOU FIRST
- YOU ARE REACTING TO THE THREAT

**REACTIVE**



- YOU AREN'T SURE WHO WILL SHOOT EFFECTIVELY FIRST
- YOU ARE REACTING TO EACH OTHER

**COMPETITIVE**



- YOU WILL PROBABLY SHOOT EFFECTIVELY AT THE BAD GUY FIRST
- THE THREAT IS REACTING TO YOU

**PROACTIVE**



# Tactical Principles

1. Good Communication
2. Look For Work
3. Eliminate or Minimize Angles of Exposure
4. Muzzle Discipline – “muzzle in front of meat”
5. Don't move faster than you can accurately shoot / process info



# Angle of Attack vs. Angle of Exposure

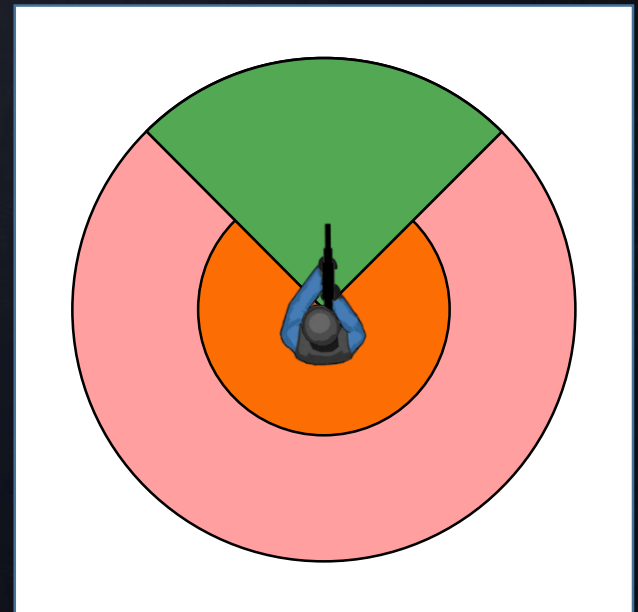
Think of Angle of Exposure as the “back angle” or “reverse angle”

Make sure you do not expose yourself to an angle where a suspect may have a shot on you as you move to your next angle of attack on a threat area that you are clearing.

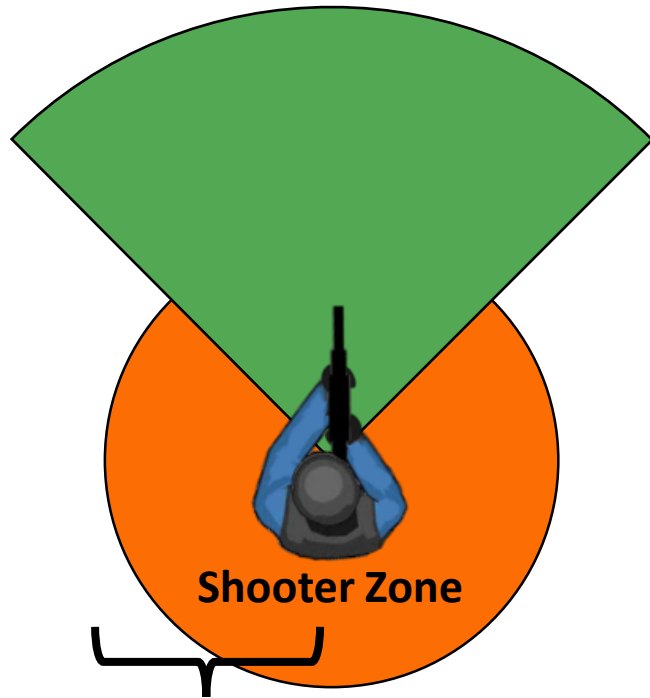
**Angle of Attack**



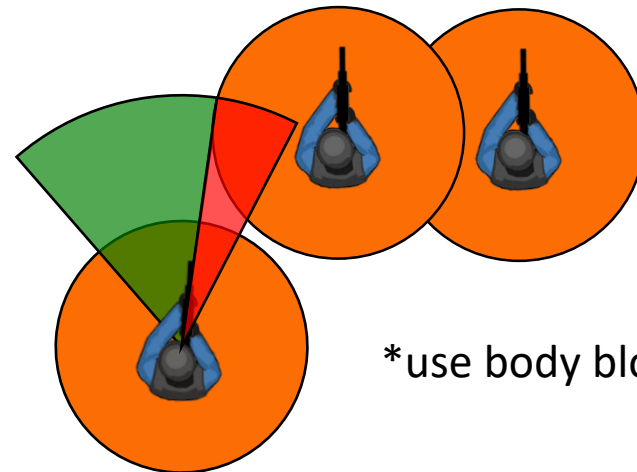
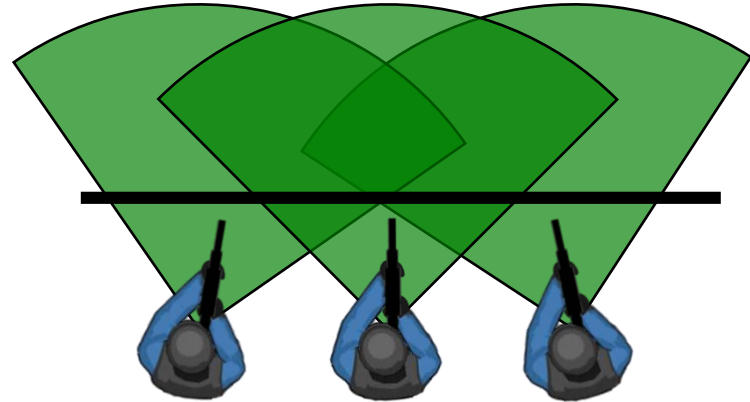
**Angle of Exposure**



# Muzzle Discipline



2 Meters (each side)



\*use body block

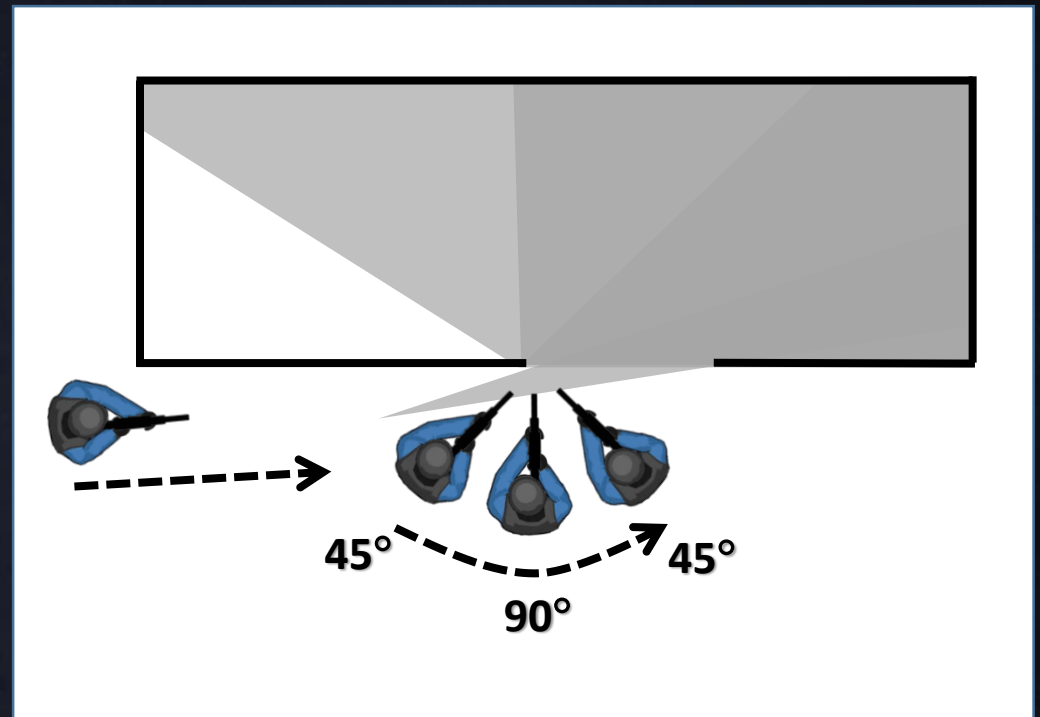
01-12-2017 Thu 01:14

Small area

# Room Clearing Technique

## Threshold Assessment

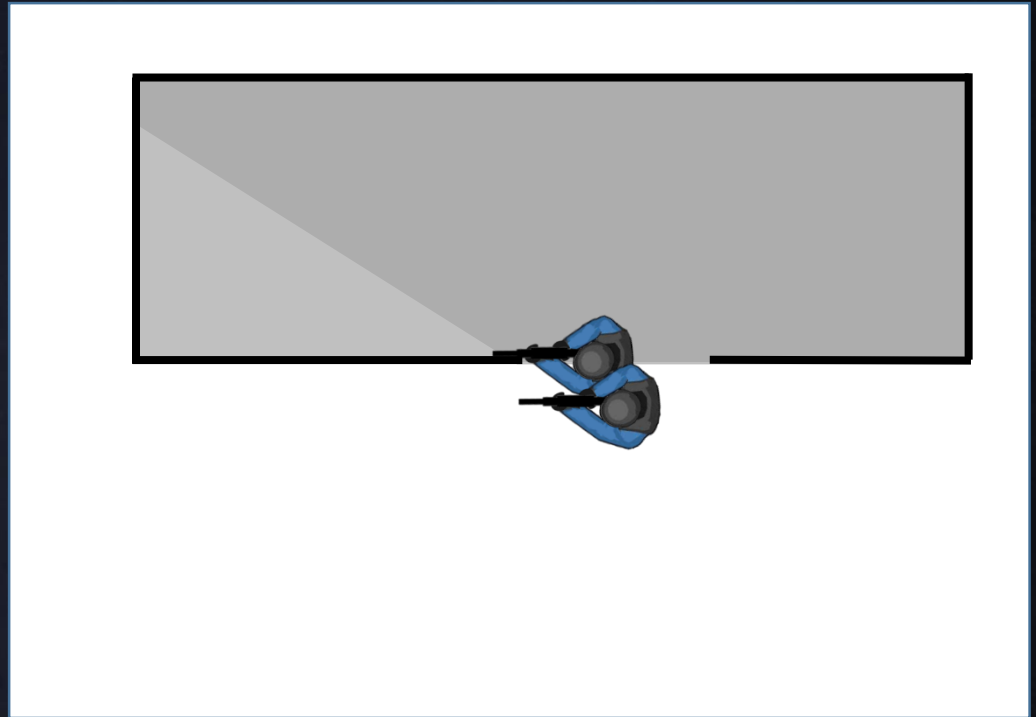
1. Tactical Approach
2. Segmented Search
  - a.  $45^{\circ}$  -  $90^{\circ}$  -  $45^{\circ}$



# Room Clearing Technique

## Threshold Assessment

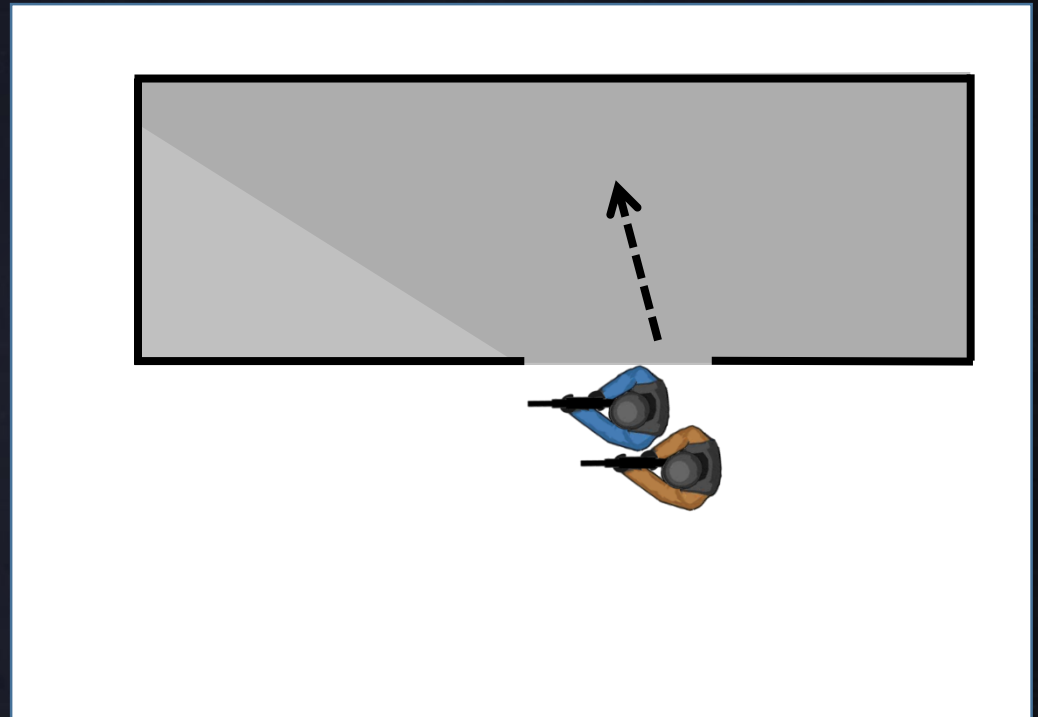
1. Tactical Approach
2. Segmented Search
  - a.  $45^{\circ}$  -  $90^{\circ}$  -  $45^{\circ}$
3. Prep For Entry
4. Attack the Corner
  - a. Quick Peek
  - b. Snap



# Room Clearing Technique

## Threshold Assessment

1. Tactical Approach
2. Segmented Search
  - a.  $45^{\circ}$  -  $90^{\circ}$  -  $45^{\circ}$
3. Prep For Entry
4. Attack the Corner
  - a. Quick Peek
  - b. Snap
  - c. Bound









# Formation Principles

Maintain 540 Degree Coverage (360 Around + 180 Up/Down)

Stay together and work as a team

The Suspect's actions will have an impact on officers' actions.

- a. If the suspect can be stopped without entry into the room, it is safer for the officers.
- b. If the suspect is killing and officers have no shot, immediate entry into the room may be required.

# Formation Principles

Terrain and space may dictate a formation adjustment

There are many effective formations

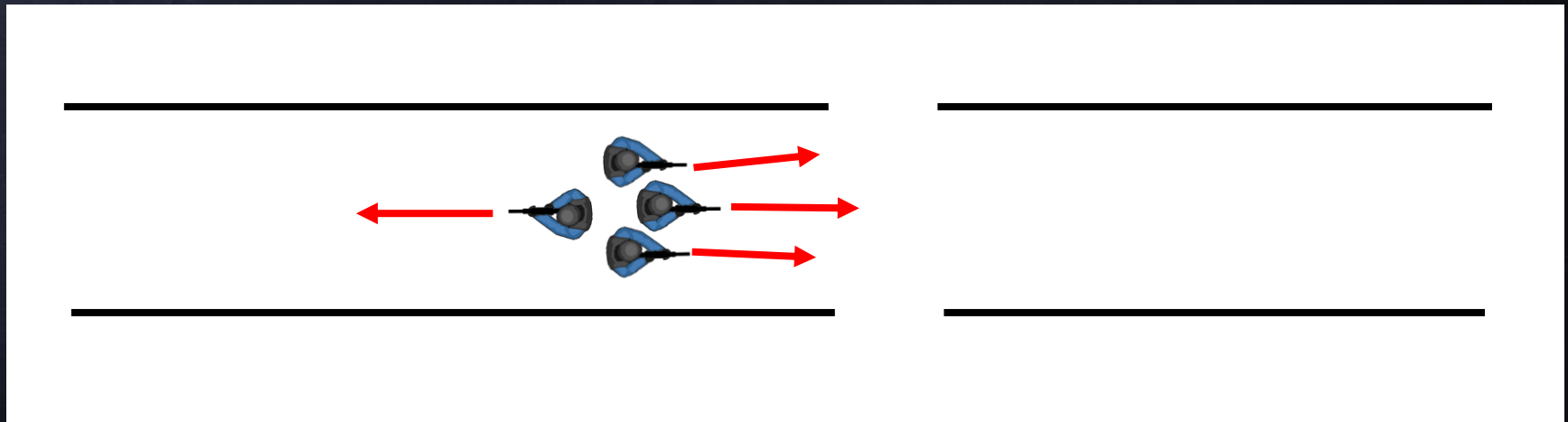
Remember the core principles

1. Communicate verbally or non-verbally
2. Work as a team (Each officer needs to “look for work”)
3. Cover all threat areas
4. Muzzle Discipline
5. Don't move faster than you can shoot / process info

# QUAD Formation

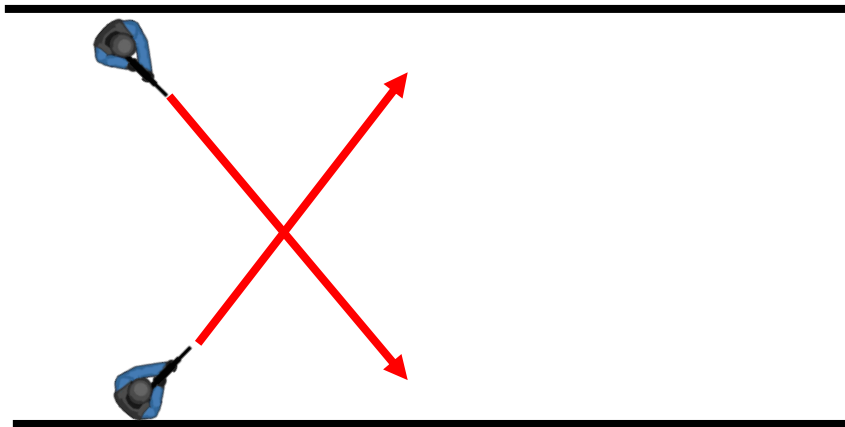
Might be the right answer when space begins to compress.

Works well when you can hear gunshots at the end of a hall and go from Search mode to Rescue mode, bypassing (while porting) unsearched rooms quickly.



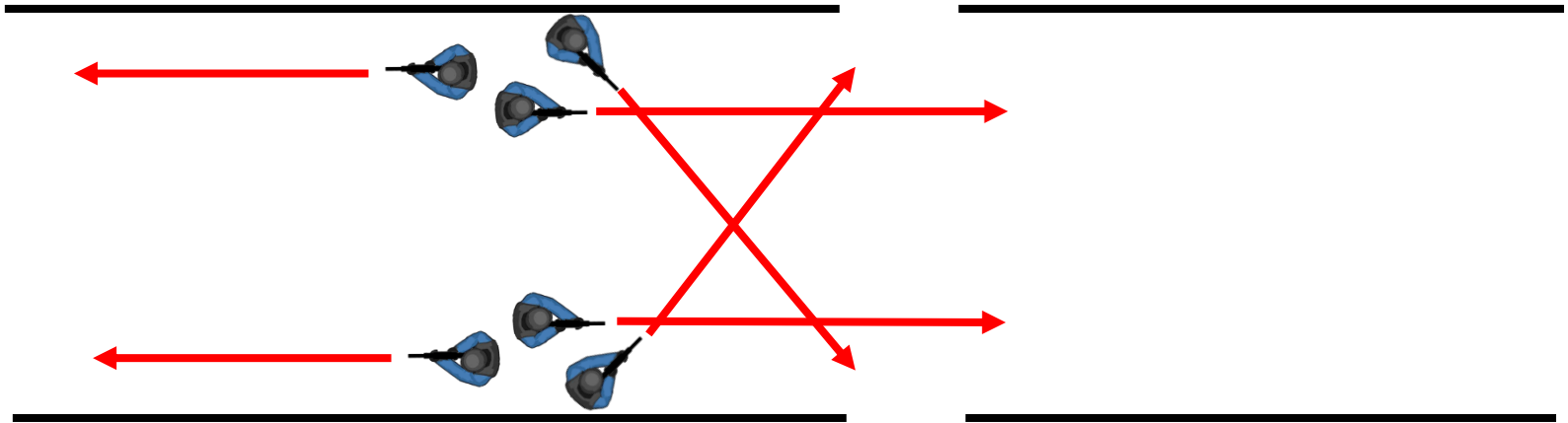
# Cross Cover

Works in a wide street outside or a wide hallway inside.



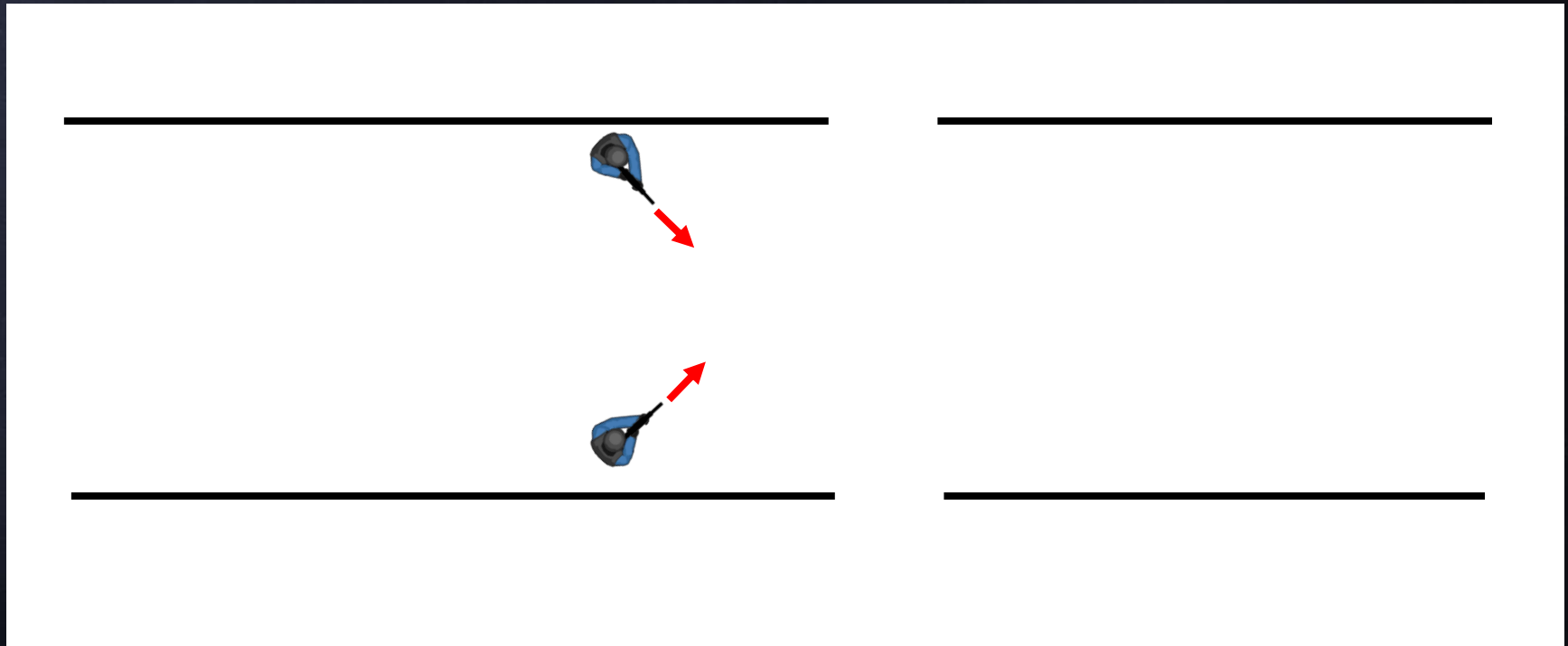
# Cross Cover

Works in a wide street outside or a wide hallway inside.

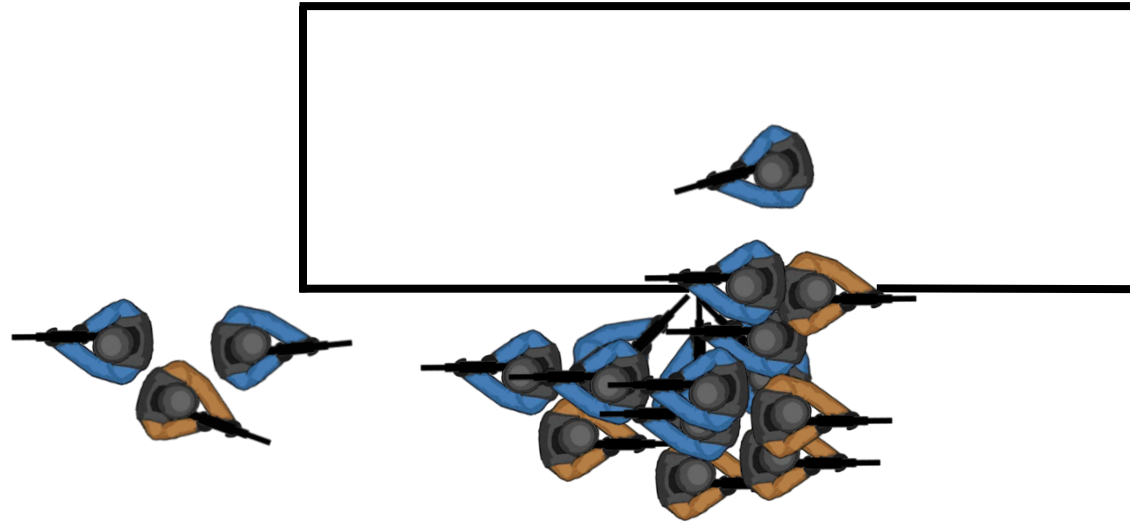


# Back to Back

Works when approaching adjoining doorways or intersecting hallways or streets.



# Pie Cover Fill



**INFORMATIONAL SUMMARY**  
**Interview of Officer Amy Detweiler #2685**

**REF: I.A.B. Database #202012-1029**

On December 23, 2020, 3:00PM, Lieutenant William Laff #5044 and Sergeant Ty Hollis #5104 interviewed Officer Amy Detweiler #2685 at Columbus Police Headquarters.

Officer Detweiler stated she was dispatched to 1054 Oberlin Drive on a disturbance call involving a person continually restarting a gray SUV. Officer Detweiler stated Officer Adam Coy arrived to the run location prior to her arrival. Officer Detweiler stated, as she arrived, she observed Officer Coy outside his vehicle as a male (later identified as Mr. Andre Hill) walked away from the direction of the SUV. Officer Detweiler did not observe any interaction between Officer Coy and Mr. Hill. Officer Detweiler stated she spoke with Officer Coy. Officer Detweiler asked Officer Coy if Mr. Hill had been sleeping in the SUV. Officer Coy informed Officer Detweiler Mr. Hill had just parked the SUV from one location to its current location and proceeded to walk to a residence with an open garage door, 1062 Oberlin Drive.

Officer Detweiler stated she and Officer Coy approached the open garage at an angle from opposite sides. Officer Detweiler stated she illuminated the garage and observed Mr. Hill standing on the passenger side of a vehicle parked inside the garage. Officer Detweiler explained Mr. Hill was standing inside the dark garage without entering the residence. Mr. Hill was by the vehicle facing the entrance to the residence while looking down. Officer Detweiler further explained she felt Mr. Hill may need assistance to enter the residence.

Officer Detweiler stated she and Officer Coy both had their service weapons drawn. Officer Detweiler explained she treated the incident as a suspicious person run and Mr. Hill was inside the darkened garage. Officer Detweiler explained Mr. Hill was not attempting to enter the residence and she was concerned why Mr. Hill was inside the garage. As the officers approached closer to the entrance of the garage, Officer Coy asked Mr. Hill to exit the garage. Officer Detweiler stated Officer Coy's tone was his normal tone of voice when he asked Mr. Hill to exit the garage. Officer Detweiler stated Mr. Hill gave no verbal response. Mr. Hill acknowledged Officer Coy's request by turning and walking out of the garage.

Officer Detweiler stated Mr. Hill was walking towards her with a cell phone raised in his left hand. Officer Detweiler stated she did not observe any threats from Mr. Hill. Officer Detweiler stated Mr. Hill reached the rear bumper of the vehicle inside the garage and turned towards Officer Coy. Mr. Hill brought down his left hand. Officer Detweiler stated she could not see Mr. Hill's right side. Officer Detweiler stated she did



Page 2

not see a weapon. Officer Detweiler stated Officer Coy observed a firearm and yelled, "There's a gun in his other hand, there's a gun in his other hand!" Officer Detweiler heard gunfire at this moment.

Officer Detweiler had nothing further to add and the interview was concluded.

Respectfully submitted,

 #5104  
Sergeant Ty Hollis #5104  
Internal Affairs Bureau

TH/th



Zach Klein  
Columbus City  
Attorney

# 2019 LEGAL IN-SERVICE

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Presented by: Jeff Furbee  
and Deana Leffler

# PRELIMINARY ISSUES: SOME THINGS WE WILL COVER

- **Columbus Civil Cases:** Henry Green, Phillips, and Vice Related lawsuits.
- **Hemp Legalization/Medical Marijuana:** Impact on Marijuana enforcement.
- **Videos:** The Good, the Bad and the Ugly (and the ones that are debatable).

# **I. STREET-LEVEL POLICING**

# A. CONSENSUAL CONTACTS/ CONSENT TO SEARCH

# **STATE V. WYNNE,**

2019-OHIO-1013 (10<sup>TH</sup> APP. DIST. 3/21/19)

- 4<sup>th</sup> Amendment does not require suppression of evidence because use of **defendant's identifying information**, which he **provided verbally** to the officers, **to conduct warrant check**, did not constitute an implicit command to remain on the scene.
- This case involved **Division of Police Officers Joe Bogard and Kyle Beatty** and was good police work that led to a felony conviction.

# **STATE V. BROWN,**

2019-OHIO-3160 (10<sup>TH</sup> APP. DIST. 8/6/19)

- If, in the course of a consensual encounter, the police observe contraband in **plain view (heroin in a plastic baggie in the defendant's hand in this case)**, the police develop PC with respect to that item and may act accordingly.
- This was a Division of Police case involving **Officers Kyle Beatty and Eric Bateman** and was good police work that led to a felony conviction for possession of heroin.

# **STATE V. GONZALES,**

2019-OHIO-1928 (9<sup>TH</sup> APP. DIST. 5/20/19)

- The **mere approach** and **questioning** of persons seated within parked vehicles **does not constitute a seizure.**
- *BUT* If an officer **positions his vehicle so that a person cannot exit** a parking lot without asking the officer to move, the officer has exhibited a show of authority constituting a seizure.



# **STATE V. CELAYA,**

2019-OHIO-2747 (2<sup>ND</sup> APP. DIST. 7/5/19)

- Scope of search that rests on **consent** is **limited** to the extent of that consent. **A person consenting can set limits** on the time, duration, area and intensity of the search.
- The standard for measuring the **scope of a suspect's consent** is that of objective reasonableness—what would the typical reasonable person have understood by the exchange?
- Here, defendant consented to having a knife removed from his pocket—after knife removed, officer went back in and retrieved a small Tupperware container.

## B. *TERRY* STOPS/PAT-DOWNS

# **STATE V. HAIRSTON,**

2019-OHIO-1622 (5/2/19)

- Officer's **experience with criminal activity** in area and **area's reputation for criminal activity** are relevant factors.
- Reasonable-suspicion determination must be based on the **collection of factors**, not on the individual factors themselves.
- Whether an investigative stop is converted into an arrest depends on whether the **degree of intrusion** into suspect's personal security was **reasonably related to officers' suspicions** and surrounding circumstances.
- This case involved **Division of Police Officer Samuel Moore** and led to the discovery of a gun and a conviction.

# **STATE V. STOCKS,**

2019-OHIO-2944 (2<sup>ND</sup> APP. DIST. 7/19/19)

- Defendant's behavior that raised the officer's suspicion, defendant's change of the direction and speed in which he was walking, did not rise to the level of reasonable articulable suspicion of criminal activity. An **officer must have more than an inchoate and un-particularized hunch** or suspicion to justify an investigatory stop.
- **Unprovoked flight** from the police in an area known for heavy narcotics trafficking may be sufficient to justify a Terry stop.

# **PHILLIPS V. BLAIR,**

2019 U.S. APP. LEXIS 26553 (6TH CIR. 9/3/19)

- **New CPD Civil Case:** There is **no rigid time limit for a Terry stop**, and when the police's initial queries do not dispel the suspicion that warranted the stop, further detention and questioning are appropriate.
- Officers may also order drivers and passengers out of an automobile. A court assessing **whether a detention lasted too long** should take care to consider whether the police are acting in a swiftly developing situation, and in such cases the **court should not indulge in unrealistic second-guessing.**
- This case involved **Division of Police Officers Karen Blair, Adam Groves, Jean Byrne, Doug McClain, Chad Cazan, and Lt. Rector.** They were represented by the CAO and case won/no money paid.

# **STATE V. ROWE,**

2019-OHIO-413 (11<sup>TH</sup> APP. DIST. 2/8/19)

- A **telephone tip** can, by itself, create reasonable suspicion justifying an investigatory stop where the tip has sufficient indicia of reliability. An ***identified citizen informant*** is accorded greater reliability and information from an ordinary citizen who has personally observed what appears to be criminal conduct \* \* \* is presumed to be reliable.

# **STATE V. COLLIER,**

2019-OHIO-3197 (2<sup>ND</sup> APP. DIST. 8/9/19)

- Officers lacked a reasonable articulable suspicion of criminal activity to justify defendant's investigatory detention because an **anonymous 911 caller's report** stated only that defendant was parked in a Wendy's parking lot at 1:00 in the afternoon and that several people had approached his vehicle. This information was insufficient to create a reasonable articulable suspicion.

# **UNITED STATES V. WASHINGTON,**

2018 U.S. DIST. LEXIS 214736 (U.S.D.C. E.D. OHIO,  
DECEMBER 21<sup>ST</sup>, 2018)

- If the officer feels what may be a weapon during a pat-down and cannot determine solely by feel that it is definitely a weapon, he is **entitled to remove** the item from a pocket or purse.
- This case involved **Division of Police Officers Kerry Cibulskas and Bob Reffitt**--a gun was discovered which led to a Fed Gun Conviction.



# **STATE V. OLIVER,**

2019-OHIO-3007 (5<sup>TH</sup> APP. DIST.7/24/19)

- The bounds marked by *Terry* include a requirement that the **incriminating character of the object must be immediately apparent**, meaning that the police have probable cause to associate an object with criminal activity.
- Whether the nature of the items is immediately apparent is a question of fact for the trial court, which is in a much better position than appellate court to gauge police credibility.

# C. TRAFFIC STOPS/ TRAFFIC DETENTIONS

# **STATE V. BERRY,**

2019-OHIO-1254 (2<sup>ND</sup> APP. DIST. 4/5/19)

- A traffic stop is constitutionally valid if an officer has a **reasonable** and articulable **suspicion** that a **motorist has committed, is committing, or is about to commit a crime**. Police officers in marked cruisers may stop vehicles for **any traffic violation** no matter how slight, for the purpose of issuing a citation for the violation.
- To justify a **continued detention to administer field sobriety tests**, an officer must have had "a reasonable, articulable suspicion" that defendant was operating his vehicle under the influence of drugs or alcohol.

# **UNITED STATES V. JOSHUA KELLEY PYLES,**

2018 U.S. APP. LEXIS 26238 (6TH CIR.)

- Once an officer discovers that a vehicle's owner has an **outstanding arrest warrant**, s/he needs only reasonable suspicion that the owner is in the vehicle. It is fair to infer registered owner of a vehicle is in vehicle absent information that defeats the inference.

# **CRUISE-GULYAS V. MINARD,**

2019 U.S. APP. LEXIS 7369 (6TH CIR. 3/13/19)

- If an officer makes **two separate traffic stops** of the same motorist the officer must have an independent justification for each stop, even if the stops are close in time.

# **STATE V. LUNG,**

2019-OHIO-2962 (11<sup>TH</sup> APP. DIST. 7/22/19)

- Officer had no duty to verify the **status of defendant's driving privileges** prior to observing defendant driving.  
Officer acted reasonably in stopping defendant.  
Specifically, although officer acted upon information, that defendant's driving privileges were under suspension, which was **three weeks old**, the information was **not stale**.

**STATE V. HAYNES,**  
2018-OHIO-607 (2<sup>ND</sup> APP. DIST.)

- When a lawfully stopped vehicle contains passengers, the Fourth Amendment permits law enforcement officers **to detain those passengers for the duration of the lawful detention** of the driver.

**STATE V. SMALL,**  
2018-OHIO-3943 (10TH APP. DIST.)

Officers may ask the driver/passengers about **matters unrelated to the traffic stop** so long as those questions do not measurably extend the duration of the stop. The critical issue was not whether officers made unrelated inquiries, but rather whether such inquiries ***unreasonably prolonged the stop.***

**Division of Police Officer Ward's** unrelated questions occurred while **Officer Wolf** was still writing the ticket. Officer Ward's inquiries did not prolong the length of the stop beyond the time required for the initial purpose of stop. Gun was discovered which led to conviction!



# **COLUMBUS V. COCHRAN,**

2019-OHIO-2583 (10<sup>TH</sup> APP. DIST. 6/27/19)

- Police officers are not required to possess reasonable suspicion of criminal activity when exercising **community caretaking functions**. For the community-caretaking/emergency aid exception to apply a police officer must possess **objectively reasonable grounds** to believe that there is an **immediate need** for his or her assistance to protect life or prevent serious injury to effect a community-caretaking/emergency-aid stop.
- This case involved **Division of Police Officer Scott Wright and City Attorney**—suppression appealed and reversed!

## D. VEHICLE SEARCHES

# **STATE V. MOBLEY,**

2018-OHIO-4678 (10<sup>TH</sup> APP. DIST. 11/20/18)

- When the police have PC to search a car for something, they need not secure a warrant and may also search **containers within the car**, such as a backpack, if those containers could accommodate the quarry of the search. Officers have PC when they smell the odor of marijuana coming from a vehicle (Hmm....???)
- This case involved **Division of Police Officers Kurt Alt, and James LaFollette**—gun discovered and convicted

# MARIJUANA AND VEHICLE SEARCHES

- **Q.** Is there PC to search a vehicle based on plain smell of burning marihuana/hemp?
- **A.** Due to **SB 57 Hemp possession is now legal in Ohio**. Hemp and illegal marijuana look/feel/smell exactly the same.
- We still believe odor of suspected burning marijuana *likely* provides PC to search the passenger compartment of a motor vehicle (*for now*).
- However, this is a legal guess--to assure an officer has PC relative to plain smell of burning marijuana/hemp, officers should ask, upon smelling what they believe to be the odor of burning marijuana, if it is in fact marijuana they are smelling. Absent a claim it is hemp, the officer will have PC to search in this situation. If the person claims they are smoking hemp, which is not illegal, then the officer should assess the totality of the circumstances.

# MARIJUANA AND VEHICLE SEARCHES

- **Q.** Is there PC to search a vehicle based on plain smell of raw marijuana/raw hemp?
- **A.** The plain smell of raw marijuana/hemp is more problematic because it impossible to know if what you smell is legally transported hemp, or illegally transported marijuana. **It is now not illegal to possess raw hemp in a motor vehicle—there are also no limits on the amount of hemp one can have in a vehicle so it could be a lot and smell really strong.**
- If an officer smells what they believe to be the odor of raw hemp/marijuana emanating from a vehicle, the officer should assess the totality of the circumstances in deciding if there is PC to search the vehicle. This would include the circumstances of the stop, how the person acted upon being put on notice (lights and sirens) they were being stopped, how they acted upon contact, their criminal history, the presence of paraphernalia associated with illegal drug use/trafficking, and the manner in which they responded to relevant appropriate non-custodial roadside questions.

# MARIJUANA AND VEHICLE SEARCHES

- **Q. How is the use of K-9s impacted?**
- **A.** Police K-9s cannot distinguish between hemp and marijuana. If a K-9, *which is trained to alert to marijuana*, is used, a K-9 alert should not be the only or sole factor determining PC to search. The K-9 alert should be seen as one part of the totality of the circumstances. An officer in this situation should ask the motorist what is in the vehicle that would have caused the K-9 to alert. Absent a claim of hemp, or medical marijuana, being in the vehicle, there would likely be PC to search the vehicle. If the person claimed the vehicle contained hemp, then the officer would again have to assess the totality of the circumstances. If they claim medical marijuana, ask to see their registration card, and the original container in which it is kept.

# **STATE V. VEGA,** 2018-OHIO-4002 (OH. S. CT.)

- When there is PC to search for contraband in a car, it is reasonable for police officers to **examine packages and containers without a showing of individualized probable cause** for each one. This includes sealed envelopes that are found in a car.
- When an officer has reasonable suspicion of criminal activity he may **prolong the stop for a reasonable time** in order to conduct an investigation. The length of this stop was extended based on probable cause to believe that the vehicle contained contraband and therefore the detention was not unlawful.

# **STATE V. DONALDSON,**

2019-OHIO-232 (6<sup>TH</sup> APP. DIST. 1/25/19)

- A person stopped by officers **cannot preempt a search of their vehicle and remove probable cause by volunteering some contraband** to the officer. In fact, Ohio courts have held that the production of drugs by an occupant of a vehicle independently provides an officer with additional probable cause to believe that the vehicle contains evidence of contraband.



# **STATE V. MOORE,**

2019-OHIO-648 (2<sup>ND</sup> APP. DIST. 2/22/19)

- A defendant's constitutional rights are not violated when police request the **defendant's consent to a search** after the defendant has invoked his right to counsel, because the request for consent to search is not an interrogation under ***Miranda***.

**UNITED STATES V. LATHAM,**  
2019 U.S. APP. LEXIS 4188 (6TH CIR. 2/12/19)

- Police may **search a vehicle incident to a recent occupant's** arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or if it is reasonable to believe the vehicle contains evidence of the offense of arrest.

# **STATE V. KLASE,**

2019-OHIO-3392 (2<sup>ND</sup> APP. DIST.. 8/23/19)

- Police officer's search of a tin container, based on the fact that defendant had been taken into custody under former R.C. 5122.10, was unreasonable. The nature of a commitment under **§ 5122.10 was not akin to an arrest**, and persons subject to emergency commitment retained greater interest in their privacy and personal autonomy than those subject to a criminal arrest. An officer **may not** conduct a search akin to a search incident to a lawful arrest based solely on ground that a person is being taken into custody under former R.C. 5122.10.

# **STATE V. GOMEZ,**

2019-OHIO-481 (5<sup>TH</sup> APP. DIST. 2/11/19)

- **The hidden compartment law (O.R.C. § 2923.241)** contains clear standards for determining what a suspect has to do in order to satisfy the requirement of designing or operating a vehicle with a hidden compartment used to transport a controlled substance.

**TAYLOR V. CITY OF SAGINAW,**  
2019 U.S. APP. LEXIS 12412 (6TH CIR. 4/25/19)

- **THE TIRE CHALKING CASE!?! A search?**
- Though an automobile enjoys a reduced expectation of privacy due to its ready mobility, this diminished expectation of privacy is what justifies the automobile exception to the warrant requirement.
- The community caretaker exception applies when government actors are performing **community-caretaker** functions rather than traditional law-enforcement functions. To apply, this function must be totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.

# *MITCHELL V. WISCONSIN,*

139 S. CT. 2525 (2019)

- When the police had probable cause to believe a person had committed a drunk-driving offense and the driver's unconsciousness or stupor required him to be taken to the hospital or similar facility before the police had a reasonable opportunity to administer a standard evidentiary breath test, they might almost always order **a warrantless blood test** to measure the driver's BAC without offending the Fourth Amendment.

## **II. CHARGING DECISIONS – INVESTIGATION/ARREST PROCESSES**

# A. PROBABLE CAUSE GENERALLY



# **PHILLIPS V. BLAIR,**

2019 U.S. APP. LEXIS 26553 (6TH CIR.)

- **BRAND NEW CPD CIVL CASE:** A court must assess **PC** from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.
  - Even if a factual dispute exists about the objective reasonableness of the officer's actions, a court should grant the officer **qualified immunity** if, viewing the facts favorably to the plaintiff, an officer reasonably could have believed that the arrest was lawful.

# **OSBERRY V. SLUSHER,** 2018 U.S. APP. LEXIS 25941 (6TH CIR.)

- Arrestee sufficiently alleged a violation of her constitutional rights under the 4<sup>th</sup> Amendment, because defendants **arrested her without PC** to believe she engaged in DC, obstructed official business, or resisted arrest
- **OOB** requires an **affirmative act** by the defendant.
- **Short of "fighting words," PC cannot be based on a defendant's words alone:** Ohio courts have not treated speech alone as an act for purposes of Ohio Rev. Code Ann. § 2921.31. No matter how rude, abusive, offensive, derisive, vulgar, insulting, crude, profane or opprobrious spoken words may seem to be, their utterance may not be made a crime unless fighting words.

# **STATE V. GREENE,**

2019-OHIO-3155 (4<sup>TH</sup> APP. DIST. 7/30/19)

- When evaluating probable cause to arrest for operating a vehicle while under the influence of alcohol (OVI), the totality of the facts and circumstances can support a finding of probable cause to arrest even where no field sobriety tests were administered. Furthermore, a police officer does not have to observe poor driving performance in order to effect an arrest for driving under the influence of alcohol.

# **PARNELL V. CITY OF DETROIT,**

2019 U.S. APP. LEXIS 26797 (6TH CIR. 9/5/19)

- An arrest justified by a warrant proves the existence of probable cause for the arrest. Similarly, a bind-over determination after a preliminary hearing, or a **grand jury indictment, proves the existence of probable cause.**
- An officer is not liable for **malicious prosecution** under 42 U.S.C.S. § 1983 unless he made, influenced, or participated in the decision to prosecute the plaintiff in more than a passive or neutral way. **Providing false information to the prosecutor** that bore directly on whether there was probable cause counts as influencing a decision to prosecute.

## VICE ISSUES AND PC: ILLEGAL SEXUALLY ORIENTED ACTIVITY IN A SEXUALLY ORIENTED BUSINESS 2907.40(C-2)

\_\_\_\_\_, an employee who regularly appears nude or seminude on the premises of a(n) (adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, or sexual encounter center) , to wit: (STATE NAME AND ADDRESS OF BUSINESS); while on the premises of said sexually oriented business, to wit: (STATE LOCATION ON PREMISES), and while nude or seminude, to wit: (DESCRIBE STATE OF NUDITY); did knowingly touch (a patron/another employee) who is not a member of the employee's immediate family, to wit: (STATE NAME OF PATRON/OTHER EMPLOYEE), to wit: (DESCRIBE TOUCHING AND ANATOMICAL AREA THAT WAS TOUCHED), in violation of Section 2907.40(C-2) of the Ohio Revised Code, a misdemeanor of the fourth degree

## § 2907.40 ILLEGALLY OPERATING SEXUALLY ORIENTED BUSINESS; ILLEGAL SEXUALLY ORIENTED ACTIVITY IN SEXUALLY ORIENTED BUSINESS.

- (A) As used in this section:
- “Patron” means any individual on the premises of a sexually oriented business **except for any of the following**:
  - (a) An operator or an employee of the sexually oriented business;
  - (b) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;
  - (c) **A public employee** or a volunteer firefighter emergency medical services worker **acting within the scope of the public employee’s** or volunteer’s **duties** as a public employee or volunteer.
-

## PC TO CHARGE STEPHANIE CLIFFORD, AKA STORMY DANIELS?

Complainant, being duly sworn, states that the above named defendant, at Franklin County / Columbus, Ohio, on or about the 11<sup>TH</sup> day of JULY, 2018 did: AN EMPLOYEE ON THE PREMISE OF A SEXUALLY ORIENTED BUSINESS WHO APPEARED AND AT THE TIME OF OFFENSE NUDE OR SEMI NUDE, TO WIT: APPEARED SEMI-NUDE: TOPLESS AND WEARING A G-STRING ON, DID KNOWINGLY TOUCH A PATRON IN A SPECIFIED ANATOMICAL AREA, TO WIT: DETECTIVE W. LANCASTER #1345 IN DID PUT HER BREASTS, SQUEEZING THE DETECTIVE'S FACE IN BETWEEN HER BREASTS, WHO IS NOT A MEMBER OF THE EMPLOYEES IMMEDIATE

**RUDOLPH V. BABINEC, 2019 U.S. APP. LEXIS  
28477 (6TH CIR. 9/20/19):**

- In the context of a **mental health seizure** an officer must have PC to believe that the person seized poses a danger to herself or others. A showing of PC in the mental health seizure context requires only a **'probability or substantial chance' of dangerous behavior**, not an actual showing of such behavior.
- If PC exists, a person's denial that they are at risk of suicide does not by itself eliminate PC. Court must analyze whether a reasonable officer would question the veracity of a suicide report based on the facts at the scene of the wellness check.



## **RUDOLPH V. BABINEC, (CONTINUED):**

- Where plaintiff alleged officers seized her in her home for a psychiatric evaluation in violation of her 4<sup>th</sup> Amendment rights, the district court properly denied the officers summary judgment of the basis of immunity because a jury could reasonably find they **lacked PC**.
- **Once the gun was removed from the equation**, there was no longer an unacceptable risk of plaintiff harming herself and her intoxication alone did not support the assertion that she was suicidal.

B. PC: DOMESTIC VIOLENCE, AND  
VIOLATION OF PROTECTION  
ORDERS

# **STATE V. BARNES,**

2019-OHIO-2634 (3<sup>RD</sup> APP. DIST. 7/1/19)

- R.C. 2919.25 does not require the State to prove that a victim (she was choked) has sustained **actual injury** since a defendant can be convicted of DV for merely attempting to cause physical harm to a family or household member.

# **CITY OF CLEVELAND V. WILEY,**

2019-OHIO-2326 (8<sup>TH</sup> APP. DIST. 6/13/19)

An offender does not have to cause a **tangible injury** to his victim in order to be convicted of domestic violence in violation of R.C. 2919.25(A). Grabbing the victim and throwing her to the floor was sufficient to establish the offense.

# **STATE V. DOSS,**

2019-OHIO-2247 (2<sup>ND</sup> APP. DIST. 6/7/19)

To show a violation of R.C. 2919.27(A)(1), the state must prove that the defendant **recklessly violated the terms** of the protection order, and that the defendant was served with the order or otherwise was notified about the order in one of the two ways described in R.C. 2919.27(D).

# **STATE V. PERIC,**

2019-OHIO-1164 (11<sup>TH</sup> APP. DIST. 3/29/19)

The weight of the evidence supported defendant's conviction for **violating a protection order**, R.C. 2919.27; while defendant was permitted to call the victim's phone from 8:30 to 9:00 p.m. to speak with the children pursuant to a phone visitation order, defendant's calls took place for a period of time running until at least 9:30 p.m..

# **CITY OF HIGHLAND HEIGHTS V. C.C.,**

2019-OHIO-2333 (8<sup>TH</sup> APP. DIST. 6/13/19)

There was **sufficient evidence** that defendant violated a **protection order** under R.C. 2919.27(D), as he indicated that he had **received a copy of the order**, the **texts** that he sent in violation of the order referred explicitly to the order, the text messages came from a number associated with him, and the number was saved in the victim's phone with defendant's name.

# C. PC AND ELEMENTS OF ARREST AND OOB



**STATE V. LEE, 2019-OHIO-3904 (10<sup>TH</sup> APP. DIST.  
9/26/19)**

- The elements of the offense of **obstructing official business** are an **unprivileged act by the defendant**, done with a purpose to prevent, obstruct or delay the performance of a public official, and a showing that such act actually hampers or impedes the public official in the performance of his or her duties. One cannot be guilty of obstructing official business by doing nothing.

## **STATE V. LEE, (CONTINUED)**

- **An arrest occurs when the following four requisite elements are involved:** (1) an intent to arrest, (2) under a real or pretended authority, (3) accompanied by an actual or constructive seizure or detention of the person, and (4) which is so understood by the person arrested. An officer need not state, "You are under arrest." Rather, arrest signifies the apprehension of an individual or the restraint of a person's freedom in contemplation of the formal charging with a crime.

## D. IDENTIFICATION PROCEDURES

# **STATE V. GRIFFIN,**

## **2019-OHIO-37 (9<sup>TH</sup> APP. DIST. 1/9/19)**

- R.C. 2933.83(B) requires law enforcement agencies conducting **photo lineups** to adopt specific procedures for conducting the lineups: Such procedures must provide, at minimum, the use of a **"blind administrator"** for the photo array, who does not know the identity of the suspect.
- The administrator conducting the lineup **must** **make a written record** of the lineup that includes all results obtained during the lineup, the names of all persons at the lineup, the date and time of the lineup, and the sources of the photographs used in the lineup. R.C. 2933.83(B)(4). The administrator is also **required to inform the eyewitness that the suspect may or may not be** in the lineup and that the administrator does not know the identity of the suspect. R.C. 2933.83(B)(5).

# E. *HIPAA* AND INVESTIGATIVE PROCESSES

- HIPAA covered entity may disclose PHI (protected health information) to law enforcement without the individual's signed consent if it is in response to a request for PHI for **purposes of identifying or locating a suspect, fugitive, material witness or missing person**. HIPAA covered entity may provide certain information of the individual such as:
  - Name and address;
  - Date and place of birth;
  - Social security number;
  - ABO blood type and rh factor;
  - Type of injury;
  - Date and time of admission and discharged (treatment);
  - Date and time of death, if applicable; *and*
  - Description of distinguishing physical characteristics (height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos).

## F. INTERROGATIONS/*MIRANDA*

# **CITY OF BEREA V. TIMM,**

2019-OHIO-2573 (8<sup>TH</sup> APP. DIST. 6/27/19)

- Police are not required to administer Miranda warnings to everyone whom they question. Only **custodial interrogation triggers the need for *Miranda* warnings**. A police officer's **general on-the-scene questioning** (during DV investigation) as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected by the U.S. Supreme Court's decision in *Miranda*.



**STATE V. TENCH,**  
156 OHIO ST. 3D 85 (12/26/18)

- If a suspect in custody **requests counsel, interrogation must cease** until an attorney is present. Moreover, when an accused has invoked his right to have counsel present during custodial interrogation, a valid waiver of that right cannot be established by showing only that he responded to further police-initiated custodial interrogation even if he has been advised of his rights.
- However, the **suspect must unambiguously request counsel**. Questions like "Can I have an attorney?" are often not treated as clear invocations of the right to counsel.

# **STATE V. TENCH,** (CONT.)

- Using a buccal swab on the inner tissues of a person's cheek in order to obtain DNA samples is a search. But **a request to search does not amount to interrogation**. Thus, even if a suspect in custody has invoked his right to counsel, police do not violate Edwards by asking him to consent to a search.
- **Waivers of *Miranda* rights** - including the right to the presence of a lawyer during custodial interrogation - **need not be expressly made to be valid**.

**UNITED STATES V. JONES,**  
2019 U.S. DIST. LEXIS 125011  
(E.D. OHIO 7/26/2019)

- If a defendant unambiguously says that he wants to **remain silent** or that he does not want to talk with the police, he has "invoked his 'right to cut off questioning.
- This is a **Division of Police** case, and statements were suppressed because of misunderstanding of Miranda rights and impact of invocation of right to remain silent.

**UNITED STATES V. ROUCH,**  
2019 U.S. APP. LEXIS 5459 (6<sup>TH</sup> CIR. 2/22/19)

- The district court did not plainly err in admitting evidence seized from defendant's cell phone because giving **consent to a search was a non-testimonial** act that did not implicate a defendant's Fifth Amendment rights. Request for consent to search is not interrogation.

**IN RE L.G.**,  
2017-OHIO-2781 (2<sup>ND</sup> APP. DIST.)

- The ED was **acting as an agent of law enforcement** and an active police investigation was underway, the questioning was not done with defendant's consent, and he was not advised of his *Miranda* rights despite that he was in custody when questioned—suppression warranted
- The S. Court has held that so long as the child's age was known to the officer at the time of police questioning, or would have been objectively apparent to a reasonable officer, its **inclusion in the custody analysis is consistent with the objective nature of that test.**

# **III. SEIZURES WITH NON-DEADLY FORCE**

# A. PHYSICAL FORCE/STRIKING/ THREATS OF FORCE

# *RUEMENAPP V. OSCODA TWP.*

2018 U.S. APP. LEXIS 17735 (6<sup>TH</sup> CIR)

- Although the right to make an arrest necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it, cases in the Sixth Circuit clearly establish the right of people who pose no safety risk to the police to be free from **gratuitous violence**.



# **VANDERHOEF V. DIXON,**

2019 U.S. APP. LEXIS 24897 (6TH CIR. 8/21/19)

- Officer violated driver's 4<sup>th</sup> Amendment rights by approaching car reasonably suspecting driver had driven recklessly, seeing three **unarmed and nonthreatening teens** exit the damaged vehicle, **ordering them to the ground at gunpoint without any of the teens resisting his authority** and commands, and holding them at gunpoint for two minutes.
- Considerations in deciding **reasonableness of force**: 1) **severity of the crime** at issue; 2) whether the suspect posed **immediate threat** to safety of officers or others; and 3) whether suspect **actively resisted** arrest or attempted to evade arrest by flight.

## **VANDERHOEF V. DIXON**, (CONTINUED)

- **Pointing a firearm** at an individual and making a demand of that individual communicates the **implicit threat** that if the individual does not comply with the demands, the one pointing the firearm will shoot the individual.
- Without additional provocation, a **plain-clothes officer may not hold at gunpoint** an unarmed citizen suspected of a mere traffic violation.

# **HODGE V. BLOUNT CTY.,**

2019 U.S. APP. LEXIS 25752 (6TH CIR. (8/27/19))

- Where arrestee left scene of minor vehicle collision and was not immediately responsive when officer stopped him and ordered him out of the vehicle, qualified immunity for arresting officer not warranted because **reasonable officer would have known that violently jerking the arrestee from his car and into the ground face-first was disproportionate** to the circumstances.
- Arrestee only **passively resisted the officer's commands** and a reasonable officer would have known that he could not violently throw arrestee to the pavement.
- Courts typically analyze 42 U.S.C.S. § 1983 excessive force cases in **segments**, and the officer's conduct must be reasonable at every stage.

## B. ELECTRICAL WEAPONS/MACE/ PEPPER-SPRAY

# **BURGESS V. BOWERS,**

773 FED. APPX. 238 (6TH CIR. 4/16/19)

- It is clearly established in the Sixth Circuit that the use of a **taser on a non-resistant suspect constitutes excessive force**. Conversely, it is also clearly established that tasing a suspect who **actively resists** arrest and refuses to be handcuffed does not violate the Fourth Amendment.
- Plaintiff tased/bitten by dog while hiding in dark crawl space and refusing to come out.

# **SHANABERG V. LICKING CTY.,**

2019 FED APP. 0211P (6TH CIR. 4/23/19)

- Plaintiff's **excessive-force** claim was unsuccessful because a reasonable officer in defendant deputy's position would have feared that the plaintiff--who was allegedly seen as armed and dangerous--might react to any attempt to detain him by drawing a weapon or reaching for one.
- That fear, alone, made it objectively reasonable to **tase** the plaintiff to end the threat to the deputies' safety.

# C. HANDCUFFING AS EXCESSIVE FORCE

# **MCGREW V. DUNCAN,**

2019 U.S. APP. LEXIS 26644 (6TH CIR.9/4/19)

- To succeed on a claim that officers used **excessive force** by **tightly handcuffing** her, a plaintiff must prove that she complained about the tightness of the handcuffs, the officers ignored her complaint, and the handcuffs caused a physical injury.
- On a plaintiff's claim that officers used **excessive force** by tightly handcuffing him/her, allegations of bruising and wrist marks create genuine issue of material fact.



D. CANINES

# **BURGESS V. BOWERS,**

2019 U.S. APP. LEXIS 11103 (6<sup>TH</sup> CIR. 4/16/19)

- Officers cannot use an **inadequately trained canine**, without warning, to apprehend two suspects who were not fleeing. A well-trained canine can be used to apprehend a fleeing suspect in a dark and unfamiliar location.
- A **delay in calling off a dog may rise to the level of an unreasonable seizure**. But it does not follow that an officer violates a suspect's clearly established rights just because there was some unspecified delay between the time he called off the dog and the time the canine reacted to his commands.

# **IV. SEIZURES WITH DEADLY FORCE**

# ***HOOD V. CITY OF COLUMBUS*, 2019 U.S. DIST. LEXIS (USDC, SD OHIO)**

- Plaintiff Adrienne Hood, as administrator of the Estate of Henry Green V, initiated this case against **Defendants the City of Columbus, Officers Jason Bare and Zachary Rosen, Columbus Chief of Police Kim Jacobs, Columbus Police Commander Gary Cameron, and Columbus Police Sergeant Eric Pilya.**
- Plaintiff asserted excessive force and unreasonable seizure in violation of 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments to the United States Constitution.

# ***HOOD V. CITY OF COLUMBUS*, 2019 U.S. DIST. LEXIS (USDC, SD OHIO)**

- Defendants (**City Attorney**) moved for **summary judgment** on all of Plaintiff's claims against them based on qualified immunity and generally that they are entitled to judgment in their favor.
- Under the doctrine of **qualified immunity**, government officials are immune from suit unless the plaintiff shows the official violated "**clearly established statutory or constitutional rights of which a reasonable person would have known.**"
- "The central purpose of affording public officials qualified immunity from suit is to protect them 'from undue interference with their duties and from potentially disabling threats of liability.'"

## ***HOOD V. CITY OF COLUMBUS*, 2019 U.S. DIST. LEXIS (USDC, SD OHIO)**

- The Court must apply a **two-step test** to determine whether qualified immunity protects a government official. The first step is to determine whether a **violation of a clearly established constitutional right** has occurred.
- If a constitutional violation is found, the second step is to determine whether an objectively reasonable public official in the circumstances would have recognized that his conduct violated the **clearly established** constitutional right.

# ***HOOD V. CITY OF COLUMBUS*, 2019 U.S. DIST. LEXIS (USDC, SD OHIO)**

- The Officers were pursuing Green because he pulled a gun on them. Even construing the fact that Plaintiff argues that Green did not know the people in the GMC were officers in his favor, he still pulled a gun and pointed it at an individual.
- The Officers did not have to wait for Green to fire his weapon at the second encounter with him. "An officer does not have to wait until a gun is pointed at the officer before the officer is entitled to take action."
- The Court agrees that at the time the Officers encountered Green, based on the information they had at the time, it was reasonable for them to believe that Green posed an immediate threat to the safety of the officers and others.

## ***HOOD V. CITY OF COLUMBUS*, 2019 U.S. DIST. LEXIS (USDC, SD OHIO)**

- Even if this Court found that Green was not resisting or evading arrest, such that the third factor does not weigh in favor of the officers, the outcome would not change.
- When the suspect poses an immediate threat as already found, such circumstances still justify entry of summary judgment for the Officers on an excessive force claim.



# **HOOD V. CITY OF COLUMBUS, 2019 U.S. DIST. LEXIS (USDC, SD OHIO)**

- **Tennessee v. Garner** indisputably enshrines the rule that a police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.
- That case involved facts much different from this case. **Garner** centered upon a police officer's decision to shoot an unarmed criminal suspect as he was attempting to flee from the scene of a robbery on foot.
- In this case, if Green were unarmed and had turned away from the GMC and fled, then **Garner** would be on point. However, Green was not attempting to flee when he was shot, rather, he was confronting the Officers, failing to obey their commands, and he had a gun.
- The use of deadly force in this case was not a violation of Green's clearly established constitutional rights.

**LEMMON V. CITY OF AKRON,**  
2019 U.S. APP. LEXIS 9938 (6TH CIR. 4/6/19)

- Officer was properly granted **qualified immunity on plaintiff's § 1983 excessive force claim** arising out of officer-involved shooting death because the officer's use of deadly force was **reasonable under circumstances**: decedent's crimes were severe, decedent posed an immediate threat to safety of officers/others, and decedent was resisting arrest when he was shot.
- **Qualified immunity is intended to protect state actors who must operate along the hazy border that divides acceptable from excessive force.**

# **WILLIAMS V. CITY OF CHATTANOOGA,**

2019 U.S. APP. LEXIS 14368 (6TH CIR. 5/15/19)

- **All officers acted reasonably when firing the second volley at the decedent. The officers had probable cause to shoot the decedent because they could have reasonably believed that he was reaching for his gun as he was moving on the ground.**

# **WILKERSON V. CITY OF AKRON,**

2018 U.S. APP. LEXIS 28934 (6TH CIR.)

- **An officer may use deadly force to prevent a suspect's flight if, in the moments preceding the officer's decision, he has PC to believe suspect poses a threat of serious physical harm, either to the officer or others.**

# **STUDDARD V. SHELBY CTY.,**

2019 U.S. APP. LEXIS 23894 (6TH CIR. 8/12/19)

- **Knife Case:** Two officers stood about 34 feet from decedent. The decedent made no verbal threats to officers/others. What the decedent did do was raise a **knife** to his throat when the officers warned that they would use force if he did not put the knife down. When the decedent raised the knife to his throat, he moved forward in a swaying motion.
- These actions did not justify lethal force. Police **officers may not shoot an uncooperative individual when he presents an immediate risk to himself but not to others.**

# **MC GEE V. KNOLTON,**

2018 U.S. APP. LEXIS 14309 (6<sup>TH</sup> CIR.)

- **Car Case:** Sheriff not entitled to qualified immunity in excessive-force case because there were disputed issues of material fact as to the **spacial relationship** between the sheriff and the arrestee when the officer fired his weapon. When an officer faces a situation in which he could justifiably shoot, he **does not retain the right to shoot at any time thereafter** with impunity.

# COLUMBUS POLICE INVOLVED SHOOTING VIDEOS THAT FOLLOW

- The incident happened at America's Best Value Inn on Sinclair Road in Columbus in August 2018.
- Police were responding to a report of a fight with a gun. They also found that one of the involved parties (Montae Shackelford) had a felony warrant for kidnapping.
- The officers then attempted to arrest on the felony warrant.
- One officer was wounded and the suspect was shot and killed.

# ***RICHARDS V. JACKSON,***

2019 U.S. APP. LEXIS 27906 (6<sup>TH</sup> CIR. 9/17/19)

- Use of deadly force against a **household pet** is reasonable only if the pet poses an [imminent] danger and the use of force is unavoidable. The unreasonable killing of a dog constitutes an unconstitutional 'seizure' of personal property under the Fourth Amendment.



# **V. CONSTITUTIONALLY SOUND HOME ENTRIES AND SEARCHES**

A. WHAT IS CURTILAGE AND WHY IS  
THAT IMPORTANT?

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# **STATE V. KINNEY,**

2019-OHIO-629 (8<sup>TH</sup> APP. DIST. 2/21/19)

- The **curtilage** is an area immediately adjacent to a **person's home** that he or she may reasonably expect will remain private.
- **Absent a warrant, police have no greater rights** on another's property than any other visitor has. The only areas of the curtilage where the officers may go are those impliedly open to the public.

# **MORGAN V. FAIRFIELD CTY.**

2018 U.S. APP. LEXIS 25293 (6TH CIR.)

- The **curtilage**—the area immediately surrounding and associated with the home—is **treated as part of the home itself for 4<sup>th</sup> Amendment purposes**. The right to privacy of the home would be significantly diminished if the police—unable to enter the house—could walk around the house and observe one's most intimate and private moments through the windows.
- The law seems relatively unambiguous that a **backyard abutting the home constitutes curtilage and receives 4<sup>th</sup> Amendment protection**.

**BRENNAN V. DAWSON,**  
**2018 U.S. APP. LEXIS 28895 (6TH CIR.)**

- The front porch is an extension of the home itself. Dawson remained on the curtilage when he walked around the close perimeter of the home 5-10 times. **The area 5-7 feet from the home is part of the home's curtilage.**
- Officers have an **implied license to enter the curtilage of a home and speak with the home's occupants. But the implied license does not last indefinitely, and it really doesn't extend off of the front porch.** Police may not linger on curtilage once they have exhausted the "implied invitation to all guests, "even if they suspect that someone is inside." Police have no greater license to remain on property than a Girl Scout or a trick-or-treater.

**UNITED STATES V. COLEMAN,**  
2019 U.S. APP. LEXIS 13366 (6TH CIR. 5/3/19)

- Courts have identified **four factors** as a guidepost to determining whether an individual has a reasonable expectation of privacy in an area, placing it within the home's curtilage:
- (1) **proximity** to the home; (2) whether the area is within an **enclosure** around the home; (3) **uses of the area**; and (4) **steps taken to protect the area** from observation by passersby. As the proponent of the motion to suppress, a defendant bears the burden of establishing that the challenged search violated his Fourth Amendment rights.

## B. CONSENT TO ENTER/ SEARCH HOME

# **STATE V. DIAMOND,**

2019-OHIO-2527 (10<sup>TH</sup> APP. DIST. 6/25/19)

- Consent to search can be obtained, either from the individual whose property is searched, or from a third party who possesses **common authority** over the premises. So long as a third party who possesses common authority over the property voluntarily consents to the search, law enforcement officers may conduct a search without a warrant.
- When a person has access to a home and **calls for the authorities to respond**, police have ample reason to believe that the third-party had authority to consent to a search of the home, rendering the search valid.
- This case involved **Division of Police Officers Josh Bell and Jared Randall** — statements were suppressed, City Attorney appealed, and suppression reversed.



**STATE V. SIENG,**  
2018 OHIO APP. LEXIS 5406  
(10<sup>TH</sup> APP. DIST. DECEMBER 18, 2018)

- Where a police **officer does not falsely claim possession of a search warrant**, but rather candidly informs a person why a search is needed, either with his consent or with a search warrant, and the person clearly understood that he had a constitutional right to withhold consent, a finding of voluntariness is appropriate.
- This case involved **Division of Police Officers Brian Bishop, and Det. Clint Smith.**

# **STATE V. SEALEY,**

2019-OHIO-3692 (2<sup>ND</sup> APP. DIST. 9/13/19)

- The trial court properly allowed the evidence of the search pursuant to U.S. Const. amend. IV because **the hotel manager**, in entering the hotel room to verify the housekeeper's report to her about the drugs and gun found at the garbage can, was **acting pursuant to her duties as employee and not as an agent of the state.**
- Generally, unlawful searches and seizures conducted by private individuals are outside constitutional protection because the Fourth Amendment protects individuals from state action, not a private action. **When the police become involved in a private individual's search, the probable-cause and warrant requirements of the Fourth Amendment may apply.**

# *STATE V. SEALEY,* (CONT.)

When determining whether a search was state or private action, courts have paid particular attention to whether or not the search in question was **initiated by a private person and for private purposes.**

## C. WARRANTLESS ENTRIES: EXIGENT CIRCUMSTANCES

# **BAKER V. CITY OF TRENTON,**

2019 U.S. APP. LEXIS 26207 (6TH CIR. 8/29/19)

- The police officers were properly granted summary judgment on plaintiff's § 1983 Fourth Amendment warrantless entry claim because the officers' entry was justified under the **exigent-circumstances exception** as the facts indicated that a **reasonable person in the officers' position** would believe that entry was necessary **to prevent physical harm**.
- It is a basic principle of Fourth Amendment law that searches and seizures inside a home without a warrant are presumptively unreasonable. **The physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed.**

# **BAKER V. CITY OF TRENTON,**

## **(CONT.)**

- Exigent circumstances are situations where real, immediate, and serious consequences will certainly occur if the police officer postpones action to obtain a warrant. **There are four recognized situations where exigent circumstances allow a warrantless entry:** (1) **hot pursuit** of a fleeing felon, (2) **imminent destruction** of evidence, (3) the need to prevent a **suspect's escape**, and (4) a risk of **danger to the police or others**.
- Under the exigent circumstances exception concerning the threat of violence to officers or others, police officers may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.

**STATE V. PARKER,**  
2018-OHIO-3239 (11<sup>TH</sup> APP. DIST.)

- The **emergency aid exception** allows officers to enter a dwelling without a warrant and **without probable cause** when they reasonably believe, based on specific and articulable facts that someone is in need of immediate aid.
- Law enforcement officers may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.

# **STATE V. MORRIS,**

2019-OHIO-248 (4<sup>TH</sup> APP. DIST. 1/15/19)

- Evidence that firearms may be located within a residence, by itself, is not sufficient to create an exigent or emergency circumstance. However, the **presence of a weapon can create an exigent circumstance** if "the government is able to prove they possessed information that the suspect was armed and likely to use a weapon or become violent."



# **COFFEY V. CARROLL,**

2019 U.S. APP. LEXIS 23306 (6<sup>TH</sup> CIR. 8/5/19)

The "**hot pursuit**" justification has been recognized as an exception to traditional search and seizure law. The justification has been invoked in instances where an officer without a warrant justifiably chases a suspect into a private home when the criminal has fled arrest in a public place. The pursuit begins when police start to arrest a suspect in a public place, the suspect flees and the officers give chase.

# D. WARRANTLESS ENTRIES TO MAKE WARRANTLESS IN-HOME ARRESTS

**WATSON V. CITY OF BURTON,**  
2019 U.S. APP. LEXIS 9223 (6<sup>TH</sup> CIR. 3/28/19)

- Police officers may not seize a person in his home in the **absence of a warrant**, consent, or **exigent** circumstances.

# E. ARREST WARRANTS

# **FINEOUT V. KOSTANKO,**

2019 U.S. APP. LEXIS 23167 (6TH CIR. 8/2/19)

- An arrest warrant founded on probable cause **implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within.**
- In addition to a felony arrest warrant, this rule also applies to a misdemeanor arrest warrant and authorizes the entry and search of a house to effect an arrest warrant where the police have reason to believe that the subject of the warrant is inside.

**BURGESS V. BOWERS,**  
773 FED. APPX. 238 (6TH CIR.)

- Absent exigent circumstances, officers violate a person's rights if they enter her home without a warrant or her consent solely to execute an **arrest warrant for another person**.
- Thus, a **third party homeowner** whose home is invaded to arrest someone else may pursue a civil action alleging that the entry into his home without a search warrant violated his civil rights.

# F. SEARCH WARRANTS

# **BUTLER V. CITY OF DETROIT,**

2019 U.S. APP. LEXIS 25062 (6TH CIR. 8/22/19)

- In a 4<sup>th</sup> Amendment **claim that a police officer lied in a search warrant**, courts have distilled a specific inquiry. To overcome an officer's entitlement to qualified immunity, a plaintiff must make a substantial showing that the officer stated a **deliberate falsehood or showed reckless disregard for the truth**. Plaintiff must then show the allegedly false/omitted info. was material to PC.
- While officers sometimes make mistakes, only **deliberate falsehood or reckless disregard for the truth** should make an officer ineligible for qualified immunity. This gives an officer breathing room to do her job .
- Plaintiff shows substantial evidence of deliberate falsehood/reckless disregard when he presents proof that when officer swore out the affidavit, she knew of/possessed information that contradicted the sworn assertions.



# **STATE V. VILLOVOS,**

2019-OHIO-241 (6<sup>TH</sup> APP. DIST. 1/25/19)

Officers exceeded the scope of the warrant when they seized the digital video recorder system.

**The digital video recorder system was not specified among the items to be seized under the search warrant and did not fit naturally into any of the general categories of items authorized to be seized under the warrant.**

# **GARDNER V. EVANS,**

920 F.3D 1038, 1044 (6<sup>TH</sup> CIR. 4/4/19)

- When police execute a search warrant, they are **temporarily placed in control of the premises and its occupants** and it is as though the premises were given to the officers in trust for such time as may be required to execute their search in safety and then depart.
- But they may violate that trust when they permit **unauthorized invasions of privacy by third parties** who have no connection to the search.
- Officers were granted summary judgment on plaintiffs' claim searches of their homes were **unreasonably destructive** because they pointed to no evidence officers personally caused damage or observed others causing it.

# **VI. TECHNOLOGY SEARCH ISSUES**

# **UNITED STATES V. SANDS,**

2019 U.S. DIST. LEXIS 72228

(APRIL 30, 2019, U.S.D.C, S.D OHIO, E.D)

- Even though obtaining CSLI without a warrant violates the Fourth Amendment, such evidence need not be suppressed if officers acted in good faith. The overwhelming majority of courts to have considered the issue have applied the good faith exception and allowed the use of CSLI obtained without a warrant before *Carpenter*. When law enforcement officers applied for a court order to obtain Mr. Sands's CSLI, neither Sixth Circuit law nor the statute required law enforcement officers to obtain a warrant.

## **VII. FIRST AMENDMENT ISSUES**

**CRUISE-GULYAS V. MINARD,**  
2019 U.S. APP. LEXIS 7369 (6TH CIR. 3/13/19)

- The judge on the case, using common sense instead of legalese, said it best: Fits of rudeness or lack of gratitude may violate the Golden Rule. But that doesn't make them illegal or for that matter punishable or for that matter grounds for a seizure. A previous case explained that, where a girl extended her **middle fingers at officers** and walked away, her gesture was crude, not criminal, and gave the officers "no legal basis to order her to stop."

# **HARCZ V. BOUCHER,**

2019 U.S. APP. LEXIS 5586 (6TH CIR. 2/26/19)

One's constitutionally protected rights do not disappear because a private party is hosting an event that remains free and **open to the public.**

**BRINDLEY V. CITY OF MEMPHIS,**  
2019 U.S. APP. LEXIS 22042 (6<sup>TH</sup> CIR. 7/24/19)

- The U.S. Supreme Court has long held that public streets are traditional public fora. And **even when a street is privately owned, it remains a traditional public forum** if it looks and functions like a public street.



**MCGLONE V. METRO. GOV'T OF NASHVILLE & DAVIDSON**  
**CTY.**,  
2018 FED APP. 0472N (6TH CIR.)

- Because **Nashville's exclusion of the preachers was a content-based restriction** of speech in a traditional public forum, strict scrutiny was the proper standard for review. The restriction of the preachers' speech violated the 1st Amendment because Nashville excluded the preachers from a traditional public forum for expressing a message opposed to homosexuality and Nashville provided no compelling reason for doing so.

## **NIEVES V. BARTLETT**, 139 S. CT. 1715 (2019)

- Respondent's claim that two police officers retaliated against him for his protected First Amendment speech by arresting him for disorderly conduct and resisting arrest during a winter sports festival could not survive summary judgment.
- Respondent's **retaliatory arrest claim** against both officers **could not succeed because they had probable cause to arrest him**. The existence of probable cause to arrest defeats First Amendment claim as a matter of law.



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## Uniformed Officer In-Service 2018 – Legal Updates

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## I. Street-Level Policing

### A. Consensual Contacts and the Transition to a Seizure

**State v. Caplinger, 2018-Ohio-3230 (5<sup>th</sup> App. Dist.): Brand new case.** The United States Supreme Court has identified three different types of police-citizen encounters: consensual, investigatory, and arrest.

The Fourth Amendment guarantees are not implicated in a consensual encounter unless the police officer has by either physical force or show of authority restrained the person's liberty so that a reasonable person would not feel free to decline the officer's requests or otherwise terminate the encounter.

Various circumstances have led courts to conclude that an encounter may change from consensual to a prohibited seizure under the Fourth Amendment. Such circumstances include the activation of the police cruiser's overhead lights, a known signal for the motorist to stop, where the police vehicle has physically prevented the individual from leaving, or the presence of multiple police officers, the displaying of a weapon or the use of threatening language.

This stop was not consensual, but investigatory since the trooper parked behind defendant's vehicle and activated his lights. Defendant could not be expected to start turning and maneuvering his vehicle out of a tight parking situation to evade speaking with the approaching trooper with flashing lights in the background.

**State v. Box, 2017-Ohio-1138 (10<sup>th</sup> App. Dist.): This is a CPD Case—Officers Chris Farrington and Jonathan Sterling.** Generally, when a police officer merely approaches and questions persons seated within parked vehicles, a consensual encounter occurs that does not constitute a seizure. An investigative detention, unlike a consensual encounter, constitutes a seizure for purposes of the Fourth Amendment.

An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. An investigatory stop which is prolonged and extends beyond the scope of the initial detention must be supported by a reasonable suspicion the suspect is engaged in another criminal activity.

Understanding the exact facts of this case is important to understanding the legal concepts. This started as a consensual encounter with defendant sitting in a car with the radio on in the middle of the night on a public street. Officers during this encounter observed signs of impairment, and that the keys were in the ignition, thus the officers developed reasonable suspicion. If this encounter had remained a consensual encounter at

the time the officers took/kept defendant's I.D, this would have been an illegal detention. However, because the officers developed reasonable suspicion of a physical control violation during the consensual encounter, this was a good detention, and taking and keeping the I.D. was just a part of that valid detention.

## **B. *Terry Stops*/Pat-Downs**

**State v. Jackson, 2017-Ohio-1369 (8<sup>th</sup> App. Dist.):** This is a Cleveland PD case. The fact that a defendant was parked in a high-crime area does not diminish the requirements of the Fourth Amendment or its interpretation in *Terry*.

In order to detain an individual to investigate for crime, some nexus between the individual and **specific criminal conduct** must reasonably exist and must be articulated by the officer.

If the officers had simply parked their vehicle **without lighting up the defendant's vehicle**, approached on foot, and then saw the open liquor bottle upon contact, would the gun have been suppressed? Probably not!

**State v. Campbell, 2018-Ohio-3181 (10<sup>th</sup> App. Dist. 8/9/18):** This is a brand new CPD case.

**Facts:** Columbus Division of Police Officer Kevin George is a 17-year veteran of the Columbus Police Department ("CPD"), and he has spent the last six years on a Community Response Team conducting foot and vehicle patrol duties throughout the various police precincts in the Columbus area. At approximately 5:00 p.m. on August 30, 2014, George and his partner, Officer Jeremy Phalen, were conducting a vehicle patrol in a marked police cruiser in an area of Columbus near the Prater Complex on Livingston Avenue near Nelson Road. According to George, the Prater Complex is a small strip mall containing a restaurant, barber shop, and beauty salon. George testified that CPD has identified the area surrounding the Prater Complex as a "hotspot," which means that it is a high crime area. When asked to describe the area, George testified "it's rough, high crime. I have made several arrests in the Prater Complex for drugs, for guns, I got wanted felons, Columbus' most wanted in the parking lot." George related on several occasions in the past, the owner of the Prater Complex has personally complained to him about narcotics trafficking in the parking lot.

According to George, he and Phalen spotted two individuals sitting in a vehicle parked in the Prater Complex parking lot. As Phalen slowly drove his marked police cruiser past appellant's parked vehicle, from a distance of 12 to 15 feet, George saw appellant react to the cruiser by first looking back over his shoulder and then leaning forward toward the

floorboard before sitting up and reaching his right hand behind him. Phalen stopped the cruiser a short distance from appellant's vehicle and both officers exited. George cautiously approached the driver's side of the vehicle, and he placed his hand on his weapon when he saw appellant still had his right hand behind him. Phalen approached the passenger side of the vehicle. When George reached the open driver's side window, appellant placed his right hand in his lap, and he told George he was just adjusting his seat belt. George was skeptical of appellant's unsolicited explanation for his conduct, and he could see appellant had "folded up money" in his left hand.

When Phalen reached the passenger's side window, he told George he could see a small amount of marijuana in plain view on the floorboard of the vehicle in front of appellant. Phalen told George there was marijuana in the vehicle. At that point in time, George asked appellant to step out of the vehicle, and he told appellant he was going to conduct a pat-down search.

When George felt the object under appellant's pants (a bag of coke), he placed appellant in handcuffs. After George placed handcuffs on appellant, he left appellant with another officer who had arrived at the scene to return to his cruiser to retrieve his *Miranda* warnings card. He also informed Phalen that he believed appellant had cocaine on his person in his buttocks area. As Phalen prepared to conduct a second pat-down search of appellant's person, appellant told the officers "it's powder," which George understood to mean that the object George had felt when he had searched appellant was cocaine in a powdered form. In a subsequent search of appellant's person, incident to arrest, police recovered cocaine and heroin. The search of appellant's vehicle yielded a small amount of marijuana and marijuana residue.

**Issues:** Was this a good detention and pat-down?

**Critical legal standards and Holding:** The Ohio Supreme Court has identified several factors that can be considered in determining the reasonableness of an investigatory search and seizure: (1) location, which may include whether the area was a "high-crime" area or under police surveillance; (2) the officer's experience, training, or knowledge, including particular knowledge of crimes in the area; (3) the suspect's conduct or appearance, including suspicious movements, hiding, or ducking; and (4) the surrounding circumstances, which may include time of day or night and whether the officer was away from protection or without backup. No single factor is dispositive, as the decision must be viewed based on the totality of the circumstances.

The Supreme Court of Ohio has observed that the right to frisk is virtually automatic when individuals are suspected of committing a crime, like drug trafficking, for which they are likely to be armed.

The legal justification for the *Terry* search is the protection of the police officer and others nearby, and the permissible scope of a *Terry* search is limited to a search reasonably designed to discover concealed guns, knives, clubs, or other hidden instruments for the assault of the police officer.

Here, the officers had a reasonable suspicion that defendant was engaged in criminal activity when he removed him from his vehicle to conduct a pat-down search of his person. The presence of a small amount of marijuana in plain view in defendant's vehicle when combined with the other facts and circumstances known to the officers, including defendant's furtive conduct on seeing law enforcement, and the fact it was a high-crime area, provided the officer with a reasonable suspicion, based on specific, articulable facts, that criminal activity was afoot.

The officer did not violate defendant's Fourth Amendment rights when he removed defendant from the vehicle to conduct a pat-down search of his person, and did not exceed the permissible scope of a *Terry* search for weapons.

**U.S. v. E, 2018 U.S. Dist. LEXIS 66097 (U.S.D.C, S.D. Ohio): This is a Whitehall case from this year.**

**Facts:** At approximately midnight, Officer A of the Whitehall Police Department was in his patrol vehicle traveling southbound on Hamilton Road. He spotted two men later identified as Defendant Adam E and non-party Anthony S standing alone in a parking lot, about twenty or thirty feet away from the road. At the moment Officer A observed the two men, he had not seen them engaged in any illegal activity: "They were just standing there" and Officer A "just believed it was suspicious that they were there." He called dispatch and reported a 48A—police code for "suspicious person"—and noted that he would be "out of his vehicle talking to two suspicious males." Officer A made a U-Turn on Hamilton Road and pulled into the parking lot to investigate.

As the Officer drove up in his patrol car, he observed two cans of Four Loko on the ground near Mr. E and Mr. S. Officer A testified that one of the cans appeared to be open because the can tab was pointed upward. At no point did Officer A observe either of the men holding the cans. Nor did he ask Mr. E or Mr. S if the cans belonged to them. He then asked the men for their identification. Mr. E and Mr. S immediately complied.

Less than one minute after Officer A first approached the men, Officer B, also of the Whitehall Police Department, arrived on the scene. Officer B was able to arrive so quickly because he had been patrolling the same neighborhood as Officer A—in fact, he had spotted Mr. E and Mr. S in the parking lot even before Officer A had. When Officer B



first spotted the men, he—like Officer A—had no suspicion that the men were engaged in any illegal activity. Unlike Officer A, however, that dearth of articulable suspicion led Officer B to conclude there was no need to detain and interrogate the men. Officer B therefore decided to continue his patrol through the neighborhood. That plan changed when he heard Officer A's call to police dispatch reporting two "suspicious males." Officer B then decided to join Officer A in the parking lot.

Officer A later wrote a report describing the Officers' interaction with Mr. E and Mr. S. In that report, he recounted the following series of events:

I approached them and asked for identification. Mr. E had an outstanding warrant issued by our agency. He was handcuffed and searched. During the search, Officer B recovered a pistol that was concealed inside Mr. E's waistband. A CCH was conducted that showed Mr. E has numerous convictions for felony drug activity and felony offenses of violence.

The court found that testimony/evidence entered at the suppression hearing both substantially complicated and, in key ways, contradicted Officer A's written narrative. Video from the dash camera showed that immediately after Officer B arrived on the scene, Officer B asked Officer A whether he first ran Mr. E or Mr. S's information to detect any outstanding warrants. Officer A stated that he was unsure whose information he ran. In this state of uncertainty, before collecting any additional information about the existence of a warrant, Officer B placed Mr. E in handcuffs, moved him out of view of the camera, and patted him down. That search revealed nothing. But Mr. E still was not released. Officer B moved Mr. E over to his police cruiser then conducted a second, more thorough search of Mr. E. That search revealed a Taurus .38 caliber revolver.

The court found that Officer B conceded that, contrary to Officer A's written narrative, the first search of Mr. E occurred before they received any information as to Mr. E's warrant. As for whether the second search was also a warrantless search, the record was unclear. The court believed Officer A never clearly identified the point at which law enforcement learned there was a warrant for Mr. E's arrest. Officer B testified that when he performed the second search of Mr. E, he was aware of the warrant. The footage from the dash camera, however, suggests that at the time of the second search, the Officers were aware that there was a warrant as to one of the two men, but that there remained some ambiguity as to which of the two.

The underlying warrant for Mr. E's arrest was for failure to appear in the City of Whitehall Mayor's Court in lieu of paying a \$50 fine for an underlying noise violation. According to the court, at no point prior to the discovery of the gun did any of the

Officers have any information that would lead them to conclude that Mr. E was potentially dangerous.

**Issue #1:** When the defendant was patted-down, was he being detained, or had this become a *de facto* arrest?

**Holding and Analysis:** The court did not really decide this issue, but did discuss the line between a detention and an arrest, and clearly was troubled by the encounter. The court stated it was arguable that, at some point prior to the confirmation of Mr. E's outstanding warrant, the seizure of Mr. E transformed from a *Terry* stop to a *de facto* arrest that required not just reasonable suspicion, but instead either consent or probable cause.

The court explained that the line between an arrest and a *Terry* stop is "often unclear." But, the court then opined that the record in this case contained some powerful indicia that Mr. E was arrested, to wit: Officer A repeatedly testified that Mr. E was arrested *before* he was searched. He also noted that from the inception of the encounter, neither Mr. E nor Mr. S was free to leave. Moreover, the police retained physical possession of Mr. E's identification card, and both Mr. E and his compatriot were handcuffed and physically restrained.

**Issue #2:** If this was a *Terry* stop was it supported by reasonable suspicion?

**Holding and Analysis:** No, the court did not believe there was reasonable suspicion for the detention of defendant. **We think it important officers see the Court's language relative to this holding so what follows is the words of the court:**

"The original sin of this investigation was that two citizens were stopped based not on specific facts available to police before contact was initiated, but instead based purely on an individual law enforcement officer's determination that two citizens looked suspicious. Officer A conveyed in no uncertain terms that he commenced the investigation on this improper basis: he conceded that the moment he decided to pull into the parking lot, the men were "just standing there." They were not loud, they were not destructive, they were not near any buildings or cars—as far as he knew, and for that matter, as far as this Court knows now, they were not even drinking in public. His call to dispatch confirmed that he did not pull into the parking lot because he suspected the two men to be engaged in criminal *activity*—instead, he pulled into the parking lot because he believed the men to be suspicious *people*. That Officer A's decision to pull into the lot was based on suspicion of the men themselves and not on any behavior the men exhibited is corroborated by Officer B's testimony. Officer B had nearly contemporaneously observed Mr. E and Mr. S

in the same parking lot, but he concluded that he had no basis to stop them because he observed no illegal or suspicious activity.”

“In sum, the testimony of Officer A and Officer B makes plain that there was absolutely no "individualized suspicion of wrongdoing," as the Fourth Amendment generally requires. Here, there was only suspicion of *an individual*. Moreover, Americans have the right to wander, to stroll, and even, if they wish, to loaf about without purpose or object... Here, the stop was initiated not through selective enforcement of a statute but instead on a police officer's subjective assessment of an individual's personal traits—an even more troublingly nebulous basis upon which to commence police action. Officer A observed two men not doing *anything* and concluded that they were "suspicious": it was, in short, the quintessence of arbitrariness.”

“Contrary to the arguments of the Government, this initial defect was not cured once Officer A discovered the cans of Four Loko. Although it is true that possession of open containers of alcohol in public is a violation of Ohio law, OHIO REV. CODE § 4301.62, the government has not marshaled any evidence to convince this Court that police had a particularized and objective basis for suspecting that Mr. E was, himself, in violation of that law. Although Officer A testified that he believed one of the containers was "open," he never saw either of the men drinking from the containers and made no attempt to ask the men whether the containers belonged to them. Without more, all Officer A had was an inchoate hunch. This error—already fatal to the Government's case—was compounded by the fact nothing in the record suggests that the officer who put Mr. E in handcuffs—Officer B—was aware of the putative open container violation at all.”

**Issue #3:** If this had been a valid *Terry* stop, was the search/pat-down of defendant valid?

**Holding and Analysis:** No. The court opined that, “even if the officers had stopped Mr. E based on reasonable articulable suspicion, which they did not, the search they undertook was performed in a manner that was not reasonably related to the scope of the situation at hand. Here, it was simply unreasonable to detain Mr. E and search him—twice—on the basis that the police officer suspected him of violation of Ohio's open container law.”

First, Ohio's open container law is an MM. It is not an arrestable offense, and under typical circumstances it results in a citation—not multiple intrusive pat-downs and an arrest.

Second, *Terry* was never intended to permit law enforcement to subject citizens to the indignity of a full-body frisk based on suspicion that they violated any law, no matter how

minor. The Supreme Court has clarified that the purpose of the "limited search" it articulated in *Terry* "is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence . . . ." Nothing in the record suggests that any of the officers ever feared, let alone *reasonably* feared, that Mr. E or Mr. S were armed and dangerous—or even that they were remotely disruptive—in any way.

And even if they had, the first frisk should have been sufficient to ameliorate any fears they may have had. At the point at which they determined—albeit ultimately incorrectly—that Mr. E was unarmed, officers were required to release him. Any evidence obtained from the second search is derivative of the multiple unlawful steps law enforcement took leading up to the second search, starting with the initiation of the encounter, leading to the detention of Mr. E and the first inarguably warrantless frisk, and culminating in the failure to release him before the second search, which was itself arguably warrantless and unlawful.

**Critical Legal Standards:** The Constitution requires that "reasonable suspicion to stop a person, whether suspected of a past or ongoing crime, must rest on *specific facts*—available to the officers *before* they initiate contact."

*Terry* was never intended to permit law enforcement to subject citizens to the indignity of a full-body frisk based on suspicion that they violated any law, no matter how minor. "The Fourth Amendment does not tolerate, pat-down searches without some specific facts to warrant a reasonable officer in the belief that the person detained was armed and dangerous."

Although the use of guns, handcuffs, and detention in a police cruiser do not automatically transform a *Terry* stop into an arrest, these displays of force must be warranted by the circumstances.

**Lessons to be learned from this opinion:**

- If an officer sees a person, who they find to be suspicious based on a hunch or a gut-feeling, that merits a consensual encounter from which the citizen can walk away, not a detention.
- Ask logical questions *before* detaining that might clarify if there is reasonable suspicion. For example, in this case the judge was troubled by the fact the officer based his detention, to some extent, on the presence of open-containers of alcohol near the detainees, but the officer never asked the detainees if the open containers belonged to them.

- Be clear on the order in which things occur. Here the officers based some of their conduct on the fact the defendant had an arrest warrant, but the officers appear to have been unclear when they learned of the arrest warrant—was it before or after the pat-downs? There should not be a debate about when you learned of a warrant or other important information—that should be known and correctly documented.
- Be clear on what type of *Terry* stop calls for handcuffing. Handcuffs are permitted to be used during a *Terry* stop if the person is armed, or otherwise dangerous, or a flight risk. Officers should not be handcuffing everyone they stop, and shouldn't be handcuffing prior to having PC to arrest during a stop unless one of the conditions listed above is present.
- Be clear on what type of *Terry* stop allows for a pat-down. Here the person was being detained for being suspicious and for being near an open container. The court found that even if this was a good *Terry* stop at the outset, nothing about the type of stop or the defendant's behavior during the stop indicated he was "armed and dangerous."
- Be clear on when a search incident to a lawful arrest is proper. Here, the detention was for an open container, which is not an arrestable offense, thus a search incident to arrest cannot be done. So, if the officers did not know of the arrest warrant at the time of the pat-downs, the search certainly wasn't merited as a search incident to arrest.

**State v. Hairston, 2017 Ohio App. LEXIS 3934 (10<sup>th</sup> App. Dist.): This is a CPD case.**

**Facts:** Officer Samuel Moore testified that while on patrol at about 9:00 p.m. on March 29, 2015, he responded to a call concerning a domestic dispute. When he and his partner exited the patrol vehicle at the address of the dispute, Officer Moore heard four or five gunshots coming from the west, in the direction of a nearby elementary school. Drug activity, thefts, assaults, and crimes involving guns had occurred in the neighborhood and near the elementary school and a neighboring high school, and Officer Moore had personally made arrests for such offenses. After hearing the gunshots, he and his partner returned to the car and drove in the direction of the elementary school, four-tenths of a mile away, where they arrived "no more than 30, 60 seconds" later.

As they were approaching the school, Officer Moore saw Jaonte D. Hairston walking east, away from the school, across a crosswalk, talking on a cell phone. At this time, it was dark out and no other people were around. Officer Moore and his partner exited their vehicle with their guns drawn and ordered Hairston to stop (he is now detained).

They asked Hairston if he had heard gunshots and he replied that he had heard gunshots coming from the west. Officer Moore asked Hairston whether he had any weapons on his person, and instructed him to place his hands behind his back in order to perform a pat-down. Hairston replied that he had a gun and "nodded towards his left jacket pocket," where Officer Moore found a semiautomatic pistol. Officer Moore described Hairston's demeanor as "a little nervous," but stated that Hairston was "compliant" and "calmly" answered the officers' questions. The officer also testified that he "didn't blame" Hairston for appearing "somewhat nervous."

**Critical Legal Standards and Holding:** Reasonable suspicion that an individual was involved in a shooting exists when he is seen in the area where the incident recently occurred, and he is fleeing.

But, an individual's mere presence in an area of high crime does not justify an investigative stop without additional factors that demonstrate a particularized reason to suspect the individual of criminal activity.

*Terry* stops must be based, at least in part, on the behavior of the person being stopped, as opposed to basing the stop on things like presence in "high crime area," and time of day. This was a close call according to the trial court, but as with so many *Terry* stops, the key is explaining why the behavior of the person stopped supported reasonable suspicion.

If nervousness is to be a factor supportive of a stop, it must be an unusual level of nervousness or nervousness accompanied by some action like a furtive movement—courts expect people to be somewhat or a little nervous when dealing with police, especially when the police are stopping them at gunpoint, thus the person simply being somewhat nervous without more is not supportive of a stop or pat-down.

Based on the totality of the facts and circumstances, the court concluded that no reasonable suspicion justified this stop.

**State v. Wintermeyer, 2017-Ohio-5521 (10<sup>th</sup> App. Dist.): This is a CPD case.**

Evidence was suppressed in this case. Nervous, evasive behavior is a pertinent factor in determining reasonable suspicion. An individual's presence in an area of expected criminal activity, standing alone, is not enough to support a reasonable, particularized suspicion that the person is committing a crime, although such fact is among the relevant contextual considerations in a *Terry* analysis.

**State v. Pickett, 2017-Ohio-5830 (2<sup>nd</sup> App. Dist.):** This is a Dayton case. A telephone tip can, by itself, create reasonable suspicion justifying an investigatory stop where the tip has sufficient indicia of reliability. Indicia of reliability include the informant's veracity and the basis of the informant's knowledge.

Though a tip might be anonymous in some sense, it may have certain other features, either supporting reliability or narrowing the likely class of informants, so that the tip does provide a lawful basis for some police action.

In examining the weight and reliability of a tip, the Ohio Supreme Court recognizes three types of informants: (1) the anonymous informant; (2) the known informant (typically a person with criminal associations who has previously provided reliable information); and (3) the identified citizen informant. An identified citizen informant is usually accorded a greater degree of reliability than an anonymous tipster and therefore, a strong showing as to the other indicia of reliability (i.e. indicia other than the classification of the informant) may be unnecessary. When a citizen-informant is victimized or merely witnesses a crime and reports it out of a sense of civic duty, the police may be entitled to presume that the informer is reliable

Case law suggests that a 911 call reporting an ongoing emergency is entitled to greater credence than a tip concerning general criminality because the police must take 911 emergency calls seriously and respond with rapidity.

**Thomas v. City of Columbus, 2017 U.S. Dist. LEXIS 153371 (U.S.D.C, S.D. Ohio 2017):** An officer's **investigative detention can mature into an arrest** if it occurs over an **unreasonable period of time or under unreasonable circumstances**. In determining whether a seizure is an investigatory detention or arrest, the 6<sup>th</sup> Circuit has considered factors such as the transportation of the detainee to another location, significant restraints on the detainee's freedom of movement involving physical confinement or other coercion preventing detainee from leaving police custody, and use of weapons or bodily force.

## **C. Street Solicitation/Soliciting Contributions**

The following new City Code Sections are now law in Columbus. They are enforceable/chargeable:

### **2171.06 - Soliciting rides-Riding on outside of vehicle.**

This section was amended by deleting subsection (b) which prohibited people from standing on the roadway for the purpose of soliciting employment, business or contributions from drivers.

The remainder of 2171.06 was kept intact. So pedestrians still may not solicit rides from drivers while on a roadway, freeway, etc. Also they cannot hang onto or ride on the outside of a car while it is moving on a roadway and car drivers may not knowingly allow people to hang onto or ride on the outside of their car.

## **Chapter 2333 Pedestrian of Vehicle Interference; ATM Privacy**

### **2333.01 Distribution in a right-of-way**

This section prohibits people from exchanging, or attempting to exchange, physical items with drivers/occupants of vehicles that are in the right-of-way. It does allow exchange when the vehicle is lawfully stopped/standing/parked. It also prohibits people from exchanging physical items while a vehicle is stopped at a traffic control signal. The section also prohibits drivers/occupants of the vehicle from engaging in the activities as well. So both the driver/occupant and the pedestrian can be charged with violating this section.

The section does allow pedestrians and drivers to exchange items as long as the pedestrian remains on the sidewalks and does not enter the right-of-way. Pedestrians may not stand on medians or traffic islands and exchange items.

Whoever violates this section is guilty of a misdemeanor of the fourth degree. This is also a strict liability offense.

### **2333.02 Aggressive distribution**

Individuals may not exchange, or attempt to exchange, physical items by knowingly touching or grabbing another person or their property without consent. They may not knowingly follow another person and continue to try and engage in the exchange of physical items with that person after the person has affirmatively communicated that they are unwilling/unable to engage in the exchange.

Whoever violates this section is guilty of a misdemeanor of the second degree.



### **2333.03 ATM privacy**

This section prohibits individuals from knowingly approaching within 3 feet of any person actively using an ATM without consent. Whoever violates this is guilty of a misdemeanor of fourth degree.

### **2333.04 Obstructing city right-of-way.**

This section prohibits individuals from recklessly and without legal privilege/authority from making a highway/street/sidewalk/railway/waterway/elevator/aisle/hallway/entrance/exit that the public, or a large group of the public has access to, impassable or making passage unreasonably inconvenient or hazardous. This section also makes it an offense for an individual to disobey a reasonable request/order to move by a person that the individual knows to be or is informed is a peace officer or a person with authority to control the use of the premises, when the order is made to prevent the obstruction of any of these areas.

Whoever violates this section is guilty of a misdemeanor of the fourth degree.

### **(BEWARE OF OLD CHEAT SHEETS) -- Former CCC 2333.01 thru 2333.04**

**Pedestrian or Vehicle Interference**, or as it is also known, the “Aggressive Panhandling” section, is **not enforceable** any longer due to a Supreme Court Ruling. Panhandling/soliciting money, by itself, is protected 1st Amendment activity, and loitering in a public place is not illegal. There are also still several other viable legal/constitutional options available to deal with “panhandling” that involves criminal behavior:

**Menacing/Aggravated Menacing:** If a panhandler threatens a person from whom they solicit, this could rise to the level of menacing (**CCC 2303.22**) or aggravated menacing (**2303.21**), depending on the level of threat. For example, the threat of, “I will kick your butt, hit you, spit on you, if you don’t give me money,” could rise to the level of menacing if the victim believed the solicitor would cause them physical harm based on the threat. The threat of, “I will kill/stab/cut/shoot you,” would rise to the level of aggravated menacing if the victim of the threat believed the solicitor would cause them serious physical harm.

**Criminal Trespass:** If a solicitor enters onto private property (a business or a private patio) to solicit this could be criminal trespass if the solicitor has been clearly warned in the past not to be on the property, has been told to leave and has refused to do so at that time, or if there is clear signage indicating that only patrons/customers may be on the property. (**See CCC 2311.21**).

#### **D. Traffic Stops, Sweeps, and Searches**

**State v. Bergk, 2017-Ohio-8210 (5<sup>th</sup> App. Dist.):** Courts have generally held that, if an officer positions his cruiser so that a person cannot exit a parking lot without asking the officer to move, the officer has exhibited a show of authority constituting a seizure (a stop).

Courts recognize that a community-caretaking/emergency-aid exception to the Fourth Amendment warrant requirement is necessary to allow police to respond to emergency situations where life or limb is in jeopardy. In dealing with this exception, the key issue is whether the officers had reasonable grounds to believe that some kind of emergency existed. The officer must be able to point to specific and articulable facts, which, taken with rational inferences from those facts, reasonably warrant intrusion into protected areas.

An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. Indeed, the lawfulness of the initial stop will not support a fishing expedition for evidence of crime. Still, the detention of a stopped driver may continue beyond the normal time frame when additional facts are encountered to give rise to a reasonable, articulable suspicion of criminal activity beyond that which prompted the initial stop.

In this case, although the officer had reasonable grounds to believe that an emergency existed and his initial investigative detention was not unreasonable (driver appeared “not right” according to drive-thru employees, had fender bender and they were concerned for her safety), the prolonged investigative detention of defendant exceeded the purpose of the initial stop and was not based on reasonable, articulable suspicion of criminal activity beyond that which prompted the initial stop.

During the suppression hearing, the officer testified that, at the time the canine walked around defendant’s vehicle, he had already received information that she was valid and had no restrictions and that he was not investigating any type of operating a vehicle while under the influence of alcohol stop, having determined that she was not under the influence of alcohol or drugs

**State v. Hall, 2017-Ohio-446 (10<sup>th</sup> App. Dist.):** This is a CPD case. Officers have a right to investigate a violation of ORC § 4511.194 (physical control) when they encounter a person passed out in their vehicle with their keys in their hand in a bar parking lot. A search or seizure does not become illegal because police were hoping to search or seize, assuming what the police initially witnessed gave them probable cause to investigate or even arrest for a crime. Defendant was passed out in his car in parking lot of bar with his

keys in his hand. Officers knocked on window, but couldn't wake up defendant, so they opened door, and saw cocaine.

**State v. Johnson, 2017-Ohio-5527 (10<sup>th</sup> App. Dist.): This is a CPD case.** Under the "collective knowledge doctrine," knowledge of law enforcement officers is imputed to other officers. The collective knowledge doctrine recognizes that a police officer need not always have knowledge of the specific facts justifying a stop and may rely upon a police dispatch or flyer.

Once a motor vehicle has been lawfully detained for a traffic violation, the police may order the driver to get out of the vehicle without violating the 4<sup>th</sup> Amendment. However, even with consent, *Terry* requires that a search for weapons in the absence of probable cause to arrest must be limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others nearby.

The holding in *Terry* has been extended to automobile stops. Under *Terry*, police may frisk people for weapons during a traffic stop if there is a reasonable belief that they may be armed. An officer may initiate a protective search/sweep of the vehicle when, based on the totality of the circumstances, there is a reasonable suspicion the person is armed.

In addition to the stop-and-frisk doctrine under *Terry*, the Supreme Court of Ohio has recognized that consent signifying a waiver of constitutional rights is also an exception to the search warrant requirement. To establish the consent exception to the probable cause and warrant requirements the State has the burden of establishing by clear and positive evidence that consent was freely and voluntarily given.

When a person is lawfully detained by police and consents to a search, the State must show by clear and convincing evidence that the consent was freely and voluntarily given. Important factors in determining the voluntariness of consent are: (1) the voluntariness of the defendant's custodial status; (2) the presence of coercive police procedures; (3) the extent and level of the defendant's cooperation with the police; (4) the defendant's awareness of his right to refuse to consent; (5) the defendant's education and intelligence; and (6) the defendant's belief that no incriminating evidence will be found.

**State v. Bashada, 2017-Ohio-8501 (5<sup>th</sup> App. Dist.):** Officer's stop of defendant's vehicle, based solely on fact that the vehicle's color was dark gray while the registration indicated it was black, not justified as R.C. 4503.21 and 4549.08 do not contain requirements related to registered color of a vehicle.

***PARTIAL VIN HITS*** reminder-- A partial VIN hit, in and of itself, does not allow you to make a traffic stop. If you get a partial VIN hit, and the person commits a traffic

violation, you also cannot use the partial VIN hit as the sole basis for turning the routine traffic stop into a felony stop. If you run a license plate through LEADS and get a partial VIN hit, you must read all of the screens associated with the hit to determine if the vehicle you entered into LEADS closely matches the vehicle coming back with the partial VIN hit – if it does not you cannot stop the vehicle based on the partial VIN hit.

**State v. Orosz, 2017-Ohio-707 (11<sup>th</sup> App. Dist.):** In considering the reasonableness of protective searches in the context of automobile stops, the United States Supreme Court has "recognized the inordinate risk confronting an officer as he approaches a person seated in an automobile.

BUT to justify a pat-down of the driver or a passenger during a traffic stop \* \* \*, the police must harbor reasonable suspicion that the person subjected to the frisk is armed and dangerous.

Things like time of day, location, and a person's history can be a part of your justification for a pat-down, but you must be able to tie all that together with some behavior by the person who is being patted-down. The officer in this case does a nice job tying the observed behavior together with the history/reputation of the people. He also is very detailed in his descriptions of defendant's behavior, especially when describing nervousness and furtive movements. This can make the difference!

**State v. Lynn, 2018-Ohio-3335 (12<sup>th</sup> App. Dist.):** **This is a brand new case.** Under the automobile exception, law enforcement officers may search a motor vehicle without a warrant if the officers have probable cause to believe the vehicle contains contraband. Probable cause in these instances is a belief reasonably arising out of circumstances known to the seizing officer, that an automobile or other vehicle contains that which by law is subject to seizure and destruction. The determination of probable cause is fact-dependent and turns on what the officers knew at the time they conducted the search.

If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search. Once a law enforcement officer has probable cause to believe that a vehicle contains contraband, he or she may search a validly stopped motor vehicle based upon the well-established automobile exception to the warrant requirement.

The odor of raw marijuana provides different probable cause than the odor of burnt marijuana. The odor of raw marijuana - especially an overwhelming odor of raw marijuana - creates probable cause to believe that a large quantity of raw marijuana will be found. Under such circumstances, an officer may rationally conclude that a large quantity of raw marijuana would be located in a vehicle's trunk. Where an officer detects a strong

odor of raw marijuana, but no large amount is found within the passenger compartment of the vehicle, the officer has probable cause to search the trunk, including the trunk's contents.

The Ohio Constitution, like the United States Constitution, does not prohibit warrantless searches of an automobile trunk after law enforcement has found contraband in the passenger compartment.

**State v. Drake, 2017-Ohio-755 (10<sup>th</sup> App. Dist.):** This is a CPD case. Ohio courts have held that the smell of burning marijuana from a car, by a person qualified to recognize the smell, is sufficient to establish probable cause to search the car.

**State v. Hall, 2017 Ohio 2682 (2<sup>nd</sup> App. Dist.):** When an officer detains a motorist for a traffic violation, the stop should delay the motorist only for the amount of time necessary to issue a citation or warning. The reasonable stop time includes the amount of time it takes to conduct a computer check on the driver's license, registration, and vehicle plates. In determining if an officer completed these tasks within a reasonable length of time, the court evaluates whether the officer diligently conducted the investigation.

The critical question in each case is whether conducting the sniff prolongs--i.e., adds time to the stop.

**State v. Bryner, 2018-Ohio-3215 (9<sup>th</sup> App. Dist.):** This is a brand new case from Loraine County. An individual may move to suppress evidence taken from a vehicle if he or she possesses a legitimate expectation of privacy in either the vehicle itself or an item seized from the vehicle. A closed container, such as a purse, is an item that the Fourth Amendment protects. Even so, an individual's expectation of privacy in a vehicle and its contents may not survive if probable cause is given to believe that the vehicle is transporting contraband.

When a trained drug dog alerts to the presence of drugs inside a vehicle, it gives law enforcement probable cause to search the entire vehicle. That search extends to every part of the vehicle and its contents, including all movable containers and packages, that may logically conceal the object of the search

The use of a drug detection dog does not constitute a search within the meaning of the Fourth Amendment and a law enforcement officer is not required, prior to a dog sniff, to establish either probable cause or a reasonable suspicion that drugs are concealed in a vehicle. The only prerequisite is that the canine team must be lawfully present at the location where the sniff occurs.

Motel guests have no reasonable expectation of privacy in a motel's parking lot. Accordingly, the police may use a trained dog in a motel parking lot to sniff out drugs without implicating the Fourth Amendment

When a trained narcotics dog alerts to the presence of drugs inside a car, an officer has probable cause to search the entire car and its contents insofar as they could logically conceal the object of the search

**State v. Simmons, 2018-Ohio-273 (8<sup>th</sup> App. Dist.):** The offenses of carrying a concealed weapon and improper handling of a firearm in a motor vehicle both require the State to prove beyond a reasonable doubt that the defendant acted "knowingly."

In order to convict a defendant of carrying a concealed weapon, the State is required to prove that the defendant knowingly carried or had, concealed on his person or ready at hand, a handgun.

This case presents a common fact pattern: multiple people in a car, and a gun found somewhere in the car, such as under a seat, but not on the occupants. It is imperative you articulate facts indicating why/how you believe someone in the vehicle knew of gun—it must be more than the gun was close to a particular person. Here, the officers did a good explaining why they believed the charged person knew of the gun.

We occasionally hear officers say something to the effect of, “they were in the car with the gun, so that’s possession.” That by itself is not enough. Officers must articulate more to get to possession if the gun is in the car, but not on anyone’s person. This case provides a good example of establishing possession through circumstantial evidence.

**United States v. Doyle, 2018 U.S. App. LEXIS 404 (6<sup>th</sup> Cir.) :** A warrantless search of a vehicle incident to a lawful arrest is constitutional where it is reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle.

KEEP IN MIND: most of the time, when you arrest a person out of a vehicle, you will not be able to perform a search of the vehicle incident to the arrest of that occupant because you will not have reason to believe evidence relevant to that arrest will be found in the vehicle. For example, if you are arresting a person on an existing arrest warrant, or for DUS, or for No-ops, it is exceedingly unlikely that you will be able to articulate that you had reason to believe there was evidence relevant to that type of crime in the vehicle at that time. It may be that you will then impound/inventory the vehicle, but that is a different process that requires a different legal explanation.

**State v. Eversole, 2017 Ohio 8436 (3<sup>rd</sup> App. Dist.):** Police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest.

In many cases, as when a recent occupant is arrested for a traffic violation, there will be no reasonable basis to believe the vehicle contains relevant evidence. But in others the offense of arrest, a drug crime for instance, will supply a basis for searching the passenger compartment of an arrestee's vehicle and any containers therein.

An officer may search a vehicle (incident to arrest) when it is reasonable to believe, based upon common sense factors and the totality of the circumstances that evidence of the offense of the arrest is inside.

Law enforcement may only search a vehicle incident to an operating vehicle while intoxicated (OVI) arrest when that law-enforcement officer has reason to believe, based on common-sense factors, and the totality of the circumstances, that evidence of the offense of arrest is inside. That is, for law enforcement to justly search a vehicle incident to an arrest for OVI there must be additional indicators that alcohol was being consumed, or drugs were being used, in the vehicle.

**State v. Banks-Harvey, 2018-Ohio-201 (January 16, 2018, S. Ct Ohio):** A law-enforcement agency's policy that an arrestee's personal effects must accompany the arrestee to jail cannot, on its own, justify the warrantless retrieval of an arrestee's personal effects from a location that is protected under the Fourth Amendment. A search of personal effects obtained as a result of following such a policy is not a valid inventory search.

Even assuming that there is a written policy to not only search a purse that is to be transported with an arrestee, but also to retrieve an arrestee's purse, the existence of such a policy is insufficient to establish the reasonableness of the search under the Fourth Amendment when the retrieval itself is unlawful.

**State v. Gangwer, 2017 Ohio App. LEXIS 1236 (6<sup>th</sup> App. Dist.):** R.C. 2921.331(A) provides that no person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic. It is lawful to require, during a traffic stop, that a motorist remain inside the vehicle while the officer obtains information.

**City of Cleveland v. Oles, 2017-Ohio-5834 (July 19, 2017):** Determining whether front-seat questioning during a traffic stop is a custodial interrogation requiring *Miranda*

warnings demands a fact-specific inquiry that asks whether a reasonable person in the suspect's position would have understood himself or herself to be in custody while being questioned in the front seat of the cruiser.

In some cases, the totality of the circumstances will demonstrate that questioning a suspect in the front seat of a police vehicle is a custodial interrogation that requires *Miranda* warnings. But, front-seat questioning, by itself, does not necessarily constitute a custodial interrogation.

The following factors have been identified that may provide guidance: questioning a suspect during a traffic stop in the front seat of a police vehicle does not rise to the level of a custodial interrogation when: (1) the intrusion is minimal; (2) the questioning and detention are brief; and (3) the interaction is nonthreatening or non-intimidating.

Three basic common sense things to take from this case: 1) If you can avoid doing so, don't put people in your cruiser during a traffic or *Terry* stop. That way it will be clear that you haven't transformed a brief roadside detention into *Miranda* custody; 2) If you feel the need to place a detainee (traffic or *Terry*) in your cruiser for some reason, handle them like the officer did in this case so it likely isn't *Miranda* custody—it will simply be seen as a brief detention at that point and *Miranda* warnings are unnecessary even if you are asking incriminating questions; and 3) If you place the detainee in your cruiser, and you are concerned that it has become *Miranda* custody due to how you have treated them, *Mirandize* them before interrogating. "Interrogation" means questions likely to illicit an incriminating response such as, "how much did you have to drink?"

**\*\*\* 2255 --** If a vehicle is seized, officers must check the box in the middle of the 2255 form designated by letter "C." The second box under letter "C," which states, "Vehicle seized under R.C. 4511.195(OVI)," must be checked if the vehicle is seized, otherwise the car will be released. Prosecution has noticed lately that officers have failed to check this box where the officers intended to seize.

## II. Charging Decisions and Arrest Processes

### A. Probable Cause

*Steiger v. Hahn*, 2018 U.S. App. LEXIS 81 (6th Cir.): PC to arrest exists if facts and circumstances within officer's knowledge are sufficient to warrant a prudent person in believing, in the circumstances shown, that the suspect has committed, is committing or is about to commit an offense. The officer must examine the totality of the circumstances, recognizing both the **inculpatory and exculpatory evidence**.



**B.R. v. McGivern, 2017 U.S. App. LEXIS 22032 (6th Cir.):** A warrantless arrest by a law officer is reasonable under the Fourth Amendment where there is probable cause to believe that a criminal offense has been or is being committed. In order for a wrongful arrest claim to succeed under 42 U.S.C.S. § 1983, a plaintiff must prove that the police lacked probable cause. Whether probable cause exists depends upon the reasonable conclusion to be drawn from the facts known to the arresting officer at the time of the arrest.

An **eyewitness's statement** that he or she saw a crime committed or was the victim of a crime is generally sufficient to establish probable cause. An eyewitness identification will constitute sufficient probable cause unless, at the time of the arrest, there is an apparent reason for the officer to believe that the eyewitness was lying, did not accurately describe what he had seen, or was in some fashion mistaken regarding his recollection of the confrontation.

**United States v. Doyle, 2018 U.S. App. LEXIS 404 (6th Cir.):** The U.S. Court of Appeals for the Sixth Circuit has held that eyewitness identification creates probable cause unless the arresting officer had reason to believe that the eyewitness was lying, did not accurately describe what he had seen, or was in some fashion mistaken regarding his recollection. Because eyewitness statements are based on firsthand observations, they are generally entitled to a presumption of reliability and veracity.

How do you decide if a witness statement is reasonably trustworthy and supportive of PC? If the eyewitness personally observed the crime, was a victim of that crime, and identified the perpetrator of that crime, the statement would be seen as reliable and supportive of PC unless you have a specific reason to disbelieve the person.

**United States v. Odoms, 2018 U.S. Dist. LEXIS 96452 (S.D. Ohio):** This is a CPD case—**Officers Houseberg and Brumfield**. Generally if there is probable cause to arrest an individual based on a **valid arrest warrant** then the arrest is lawful irrespective of an officer's subjective motive. The subjective motive of an officer should be investigated only in cases alleging selective enforcement based on an impermissible factor such as race or in retaliation to First Amendment activity.

**Seales v. City of Detroit, 2018 U.S. App. LEXIS 2335 (6<sup>th</sup> Cir.):** Arrest warrants in the hands of a police officer, unless facially invalid, are presumed valid.

\*\*\*If you are trained to administer oaths/witness the signing of criminal complaints, you **must** actually, out loud, administer the oath before having another officer sign off on the complaint. If you fail to do so, the complaint could be found faulty, and the underlying charge dismissed.

## **B. Domestic Violence, Violation of Protection Orders, and Menacing**

### **Domestic Violence**

#### **DV Charging Reminders**

There have been an increasing amount of Domestic Violence cases that have been getting charges dismissed in Arraignment court because of errors made by the charging officers. Here are the most common things that prosecution has been seeing which is leading to the dismissals, as well as some general reminders on other important things to keep in mind when filing DV charges.

**1. Complaints filed with ORC sections listed but without the corresponding subsection**

- a. ORC 2919.25 has subsections A, B, and C
- b. Each subsection has different elements and is a different level of offense, thus you must list the subsection

**2. Complaints filed without the necessary relationship language for the family or household member element to be met**

- a. See Criminal Complaint Manual for template wording
- b. Ex. “Joe Doe did knowingly cause physical harm, to wit: scratches and bruising to the face of, a family or household member, to wit: Jane Doe, the live-in girlfriend of Joe Doe who have resided together for three years, by means of punching her in the face, in violation of ORC 2919.25(A) of the Ohio Revised Code, a misdemeanor of the first degree.”

**3. Complaints filed without an officer’s signature (only the printed name)**

**4. Complaints filed without an officer’s signature but WITH a notarized signature from another officer**

- a. This is especially problematic! The complaint MUST be signed first, witnessed by another officer, and THEN notarized to commemorate the oath being sworn and the witnessing of the signature
- b. There should be NO circumstance where a complaint is pre-notarized or notarized without having witnessed the charging officer swear the oath and sign it first. This is illegal!

**5. Only the first side of the victim/witness statement being scanned in to P1**

- a. Please remember to scan both sides of any/all witness statements so prosecution has all the victim’s/witnesses information and contact numbers available for arraignment.

## DV Written Statements

***A written statement, by itself, sworn out by a victim of domestic violence CAN be enough to establish PC to arrest someone.*** However, that does not mean that it's the only consideration in every circumstance. Basically, you still need to make a determination based on the totality of the circumstances, which includes your observations, your investigation, and any other "reasonably trustworthy information" given to you by the victim or a witness. If you get called to the scene of a DV and the victim has visible and recent injuries and is alleging that her husband just beat her up and fled the scene and she gives you all his information, you determine that they live together, etc., and she is willing to fill out a witness statement, that can be enough for you to file charges on the husband.

On the other hand, if there is a situation where your investigation leads you to believe (based on evidence you can articulate) that the crime either did not occur or could not possibly have occurred, or that the alleged suspect could not have committed the crime (like s/he was at work when the crime was committed), then the witness statement by itself would not establish PC for a charge based on the totality of the circumstances. In this circumstance, you would need to describe what evidence you have that leads you to disbelieve the victim and make sure to document thoroughly why you don't have PC despite having the witness statement.

The directive is based on the language in ORC 2935.03(B)(3)(a) which refers to both DV and VPO and states:

(3) (a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes

that there are reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that the person in question is guilty of committing the offense.

(iii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order.

### **Lethality Assessment Reminders:**

Reminder about when to administer the LAP (Lethality Assessment Program). The LAP must be administered if both of the following are present:

- 1.) **The parties are Intimate Partners or former intimate partners,** whether or not they have ever lived together and whether or not they share a child; **AND**
- 2.) **There is any of the following:**
  - a. **a manifestation of danger,** OR
  - b. probable cause to believe an assault occurred, OR
  - c. multiple responses to the same parties or same address. OR
  - d. The officers gut feeling tells them it's dangerous.

The LAP is ***NOT*** to be administered to siblings, parent/child relationships, uncle/nephew and you get the idea on others.

### **Language Barriers and Domestic Violence**

If the parties relative to a Domestic Violence charge (suspect or victim) do not speak English, or have limited English speaking skills, please note that fact on the PC Affidavit, as well as listing what language the involved parties do in fact speak so that interpreters may be obtained for arraignment court.

\*See legislative section for new City Code sections on DV and Intimate Partners.

### **Violation of Protection Orders**

To prove violation of R.C. 2919.27(A) the State must show defendant was served the order of protection, or was shown the protection order, or was told of the protection order by a LEO/judge/magistrate and that he recklessly violated its terms

Reminder-- *Senate Bill 7* became effective Date 9/27/17. Personal service of a copy of a protection order/consent agreement is NO LONGER mandatory in order to charge

VPO in some circumstances. Prosecution can now prove a VPO charge, even when personal service has not occurred, under ORC 2919.27, IF the defendant recklessly violates the terms of the protection order/consent agreement, and:

1. Defendant has been shown the protection order/consent agreement (or a copy of either), OR;
2. Defendant was informed of the issuance of the protection order/consent agreement by a law enforcement officer, judge, or magistrate.

\*Personal Service is important and you should take efforts to assure that occurs.

### **\*QUESTIONS & ANSWERS ABOUT THESE CHANGES:**

**Q.** If there is evidence that an ex-girlfriend showed a protection order to her ex-boyfriend, and he later violates the order by coming to her home, can he be charged for a VPO even if he hasn't been personally served with the order?

**A.** Yes, if there is evidence *anyone* showed the order to the defendant, and he then recklessly violated the terms of the order, he may be charged.

**Q.** What if the ex-girlfriend tells the ex-boyfriend of the protection order, but doesn't show it to him, and he then comes to her home anyways, can he be charged with a VPO even if he hasn't been served with the order?

**A.** No, he cannot be charged in this scenario because it hasn't been shown to him by anyone, and he wasn't informed of the order by a law enforcement officer, judge or magistrate.

**Q.** Once this law is in effect (9/27/17) can an officer detain a suspect (respondent on the order) at the scene of an alleged VPO to find out if the suspect/respondent has been previously shown the order by someone, or been informed of the order previously by a LEO, or a judge or a magistrate?

**A.** If an officer responds to the scene where the allegation is that the respondent violated the terms of the protection order (for example, by coming over to the protected party's house) and the officer finds the respondent at the scene but verifies that s/he has never been served with his/her copy of the order, we think the officer can detain that person in order to determine whether s/he was either shown a copy of the protection order (by either the protected party OR a third party) **or** informed of its' existence by a LEO/judge/magistrate. The length of detention should be as long as it takes to figure this out, which *may* allow FCSO time to arrive to effectuate personal service.

\*If, during officer contact with the respondent, s/he makes admissions to the officer that s/he was shown a copy of the order or had an officer on a prior run tell him/her that

there was a protection order in place, then that could be the basis for probable cause to charge the respondent with VPO. If so, once s/he is taken into custody, FCSO can effectuate service after that.

However, same scenario as in the first paragraph, but the respondent states that he has never seen a copy of the protection order or been told by an officer or a judge/magistrate about the existence of the protection order and there is no evidence to indicate otherwise....then the officer would not be able to detain the respondent at the scene in order for FCSO to effectuate service. Officers could also not charge VPO in this circumstance.

Finally, same scenario, if the protected party states that s/he merely *told* the respondent about the existence of the protection order (which, let's say the respondent confirms) but there is no evidence that the respondent was shown a copy, then the officer would not be able to detain the respondent at the scene solely for the purpose of having him/her served by FCSO, and could also not charge VPO here either.

**Q:** Can the petitioner/protected party of a protection order violate the order by allowing the respondent to violate the terms of the protection order?

**A:** NO! We have stated this many times in many different ways but it still comes up. The one and only person who can violate the protection order is the person who is the respondent; that is, the person against whom the protection order is issued and the person against whom you would file charges and would become the defendant.

If the protected party allows the respondent to come to his/her house, or they talk on the phone to each other or email each other about the kids, or go out to dinner together, or hang out together for their kid's birthday party, or whatever the situation is, and that situation is prohibited by one of the terms of the protection order, the person who is violating the order is the respondent. Always, and only, the respondent.

### **Aggravated Menacing/Menacing**

**State v. Gardner, 2017-Ohio-7241 (8<sup>th</sup> App. Dist.):** Officers sometimes see barriers to filing aggravated menacing charges, which don't exist. Aggravated menacing does not require proof that the defendant is able to carry out his or her threat or that the defendant intends to carry out the threat or believes himself/herself capable of carrying it out. Not does it require an imminent fear of serious physical harm. Officers have told me they didn't file an aggravated menacing charge because, even though the suspect threatened to shoot the victim, the suspect didn't have a gun on them at that time, so the officer didn't perceive this as an imminent threat, or one that could be carried out at the time. This isn't

the test. What is necessary is the victim's subjective belief that the defendant will cause them serious physical harm.

**City of Toledo v. Abdugheneima, 2017-Ohio-8423 (6<sup>th</sup> App. Dist.):** If a petitioner on a protection order gets a text from the respondent, and the number from which the text emanates is that of the respondent, can the respondent be charged with violation of the protection order, even though there are apps that enable a person to contact someone from one phone number but make it look like it came from another number? The answer is “yes” unless you have specific information/evidence that such an app was in fact used.

\*3<sup>rd</sup> party threats may also be the basis for an Agg. Men charge. For example, if a person called the radio room threatening to kill a specific officer, this would be chargeable. Also, keep in mind that Agg. Men and Menacing are exceptions to the on-view rule.

### **IWC Related Issues**

#### **ORC 3109.042 Custody Rights of Unmarried Mother**

(A) An unmarried female who gives birth to a child is the **sole** residential parent and legal custodian of the child **until** a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian...

If an unmarried female births a child, she is/remains the sole custodian until a court says otherwise. So, even if the female lets the purported father have unofficial “visitation” with the child, or even if he gives her some money for the child over time, or even if he is listed on the birth certificate, the mother retains sole custody of that child until a court says otherwise. In other words, the male has no rights to that child until he goes to court.

#### **C. Criminal Trespass**

**Dressler v. Rice, 2018 U.S. App. LEXIS 17733 (6<sup>th</sup> Cir.):** Ohio law allows private landowners, including places like Kroger, to tell anyone to leave their premises as long as they are not violating anti-discrimination laws. Private landowners do not need a reasonable reason to request an individual to leave. Once a private landowner informs an individual that they must leave the premises then the individual must leave the premises. If the person refuses to leave then they are trespassing.

**The Second Amendment does not prevent a private landowner from excluding people from carrying guns on their land.** A private landowner is authorized to revoke an individual’s privilege to be on their premises simply because they have a gun.

Police have probable cause to arrest a business invitee for criminal trespass if the security guard of the premises tells them they told an individual to leave and the individual did not leave and the police observe the individual still on the premises.

**State v. Acoff, 2017-Ohio-8182 (1<sup>st</sup> App. Dist. October 13, 2017):** R.C. 2911.21(A)(4) provides that a person shall not negligently fail or refuse to leave a premises after being notified by signage posted in a conspicuous place. R.C. 2911.21(A)(4) indicates a sign may serve as notice that a person does not have the right to remain on a private property, and that notification from an owner/agent thereof is not only way to communicate to a person they no longer have such a right

A business invitee is a business visitor, or one who rightfully comes upon the premises of another by invitation, express or implied, for some purpose that is beneficial to the owner. A business invitee's rights are not absolute, but are limited by the scope of the owner's invitation. A person has the status of an invitee only while he is on the part of the land to which his invitation extends.

Under automobile exception, officers are permitted to conduct a warrantless search of a lawfully stopped automobile if they have PC to believe that the vehicle contains contraband. When an officer has PC to search an automobile, the officer may conduct a warrantless search of every part of the vehicle and its contents, including all movable containers and packages that could contain the object of the search

The absence of a traffic stop does not prevent application of the automobile exception, as it does not detract from the automobile's inherent mobility or affect the officer's belief that the vehicle contains contraband.

Keep in mind that in this case the “No Loitering” sign was effective because it was on private property. However, it is not illegal to loiter on public sidewalks or in/on other public areas.

**Criminal Trespass Pointers:** This can be a frustrating area of the law for officers because it can be unclear if someone is a trespasser, or if they have been given proper notice they are trespassing. It can be frustrating for businesses because trespassers can disrupt their business. The recent Starbucks incident has made officers even more concerned with how/when to charge for trespassing, so here are our thoughts on how to sort out these incidents—it might seem long, but really it is just a few questions to assure officers are making proper legal decisions relative to alleged trespassers:

If called to a location for trespassing, the officer needs to find out who is in charge when they get to a scene (owner or manager etc.). The officer needs to find out if that person



has authority to trespass a person and be listed as the victim/witness on behalf of company XYZ. Most of the time, the owner or on-site manager likely has that authority. However that is not always the case so the officer needs to ask questions before considering charging or arresting or taking any action against an alleged trespasser. The main questions that should be asked relative to authority are as follows: “Are you in charge and are you authorized on behalf of XYZ corporation to sign off on a criminal trespass charge for this place meaning you will be listed as the charging person?” This should be documented.

The next question to ask the manager/person in charge, and this sometimes gets lost in all of the confusion, is this: “What is the basis for considering the person to be a trespasser—why do you say they are trespassing?” “Are they not a customer?” “Did they break the rules of the place and how?” All of this is a part of an officer’s PC analysis. The officer doesn’t want to find out later the alleged trespasser in fact had a privilege to be in the place, which of course would nullify PC for a CT charge.

The officer then needs to ask the most basic question of the manager/person in charge: “Do you want the trespasser just to leave? Are you willing to charge?” We say this because we see situations where officers treat trespassers as if they are under arrest, and then the owner/manager says, “Oh, I don’t want them to be charged, I just want them to leave.” Ultimately an officer may not charge/arrest for trespass unless an owner/manager wants that charge filed.

Finally, the officer needs to find out if the owner/manager has in fact put the alleged trespasser on notice they are a trespasser subject to being charged. So, the next question should be to the manager/person in charge: “Have you told the person they are trespassing and they have to leave?” Or, “is there signage that tells them that?” You should of course then follow-up with the suspect. If there is the slightest bit of ambiguity, or confusion, meaning the person might not be on notice they are a trespasser, the officer should have the on-site authorized agent/owner/manager inform the alleged trespasser they are trespassing and have to leave or they could be charged.

If after all of this there is evidence the person has trespassed, the officer may charge for CT. CT is not an exception to the on-view rule so to arrest for CT it has to be on-view for the officer. The Starbucks incident rightfully got a lot of attention, but we don’t want officers to think they can never charge with CT, and we don’t want local businesses to think officers will not do anything to someone who is truly trespassing and disrupting a business.

Be careful mixing up Trespass Agent Authorizations with these situations. Trespass Agent Authorizations are generally used for places/locations where there will not be an on-site person to say they want charges. For example, a warehouse owner might grant CPD Agent Authorization to charge anyone found on their grounds with CT when the place is closed between 10pm and 7am. If it is an open business and there is an on-site owner/manager who has authority on behalf of XYZ Company to eject trespassers/charge, then there need not be an agent authorization letter in place/on-file.

#### **D. Search Incident to Arrest**

**State v. Whipple, 2017-Ohio-1094 (Ohio Ct. App., Clermont County Mar. 27, 2017):**

In order for a search to be conducted pursuant to the search incident to arrest exception, the underlying arrest must be lawful—meaning based on probable cause.

For the purpose of a search incident to arrest, the focus of the inquiry is whether the item searched was within the immediate control of the suspect at the beginning of the encounter with law enforcement officials and whether any delay in searching the container can be viewed as reasonable in nature. The Ohio Supreme Court has previously upheld the search of a purse that a woman was carrying at the time of her arrest.

Here, the search of the backpack was a lawful search incident to defendant's lawful arrest because the backpack was within defendant's immediate control and the search was instantaneous with the arrest. Both at the time of the offense and the time of the arrest, defendant had physical control over the backpack. The search included further examination of a cigarette pack found within the backpack and, even if the officer had a lack of concern about the loss of evidence or that defendant may have been armed, the search was nonetheless reasonable because it was discovered in the course of a lawful search.

Bear in mind—this does not apply to searches of vehicles incident to the arrest of an occupant of the vehicle. If you arrest a person from a car, you cannot search the car incident to that person's arrest unless the arrestee is unsecured and within reaching distance of the vehicle (an extremely unlikely scenario supporting a search of a vehicle incident to arrest), or it is reasonable to believe the vehicle contains evidence of the offense of arrest.

**Think about this fact pattern:** You stop a driver for speeding—he is only person in car. You find he has a felony domestic violence warrant that is about a month old. You order him from the car to be arrested. He exits with a backpack in hand. You also can see some boxes in the backseat. You walk him to the back of the cruiser, and place the backpack on

the trunk. You handcuff him. What can you then search incident to his arrest? You can search the backpack incident to his arrest because it was within his immediate control at the time of his arrest. You cannot search the car incident to his arrest because he is secured, and because you have no reason to believe the car contains evidence of the offense of his arrest—what kind of evidence relevant to the old DV warrant could be in the car? We know you likely will impound/inventory the car, but that is not a search incident to arrest.

**State v. Buck, 2017-Ohio-8242 (1<sup>st</sup> App. Dist., October 20, 2017)** -- The warrantless search of defendant's cell phone was justified by **exigent circumstances** for purposes of the 4<sup>th</sup> Amendment because the still-missing kidnapping victim's life was in danger, and the police reasonably believed that his phone had been used in the kidnapping operation

Police officers **must generally obtain a warrant** to search data contained in cell phone, even if the phone was seized incident to an arrest. But the **exigent-circumstances exception may justify** warrantless search of a cell phone's data: Such exigencies could include need to assist persons who are seriously injured or threatened with imminent injury.

#### ***E. Miranda***

**State v. Haynes, 2018-Ohio-607 (February 16, 2018)**: "Interrogation" includes express questioning as well as any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect.

**Loza v. Mitchell, 766 F.3d 466 (6<sup>th</sup> Cir 2014)** – The state court's determination that the officer questioned defendant pursuant to a lawful *Terry* stop and, consequently, that the officer was not required to provide defendant with his *Miranda* rights was reasonable as the officer had a reasonable, articulable suspicion that criminal activity was afoot and he also had reason to suspect defendant might have been involved.

An individual may be detained, but nonetheless may not be in custody for purposes of *Miranda*. There is an absence of any suggestion in United States Supreme Court opinions that *Terry* stops are subject to the dictates of *Miranda* given the comparatively nonthreatening character of such detentions.

Although the officer may ask the detainee a moderate number of questions to determine his identity and to try to obtain information confirming or dispelling the officer's suspicions the detainee is not obliged to respond and, unless the detainee's answers provide the officer with probable cause to arrest him, he must then be released.

**Hendrix v. Palmer, 2018 U.S. App. LEXIS 17383 (6th Cir.):** A person held for interrogation must be clearly informed that he has the right to remain silent, to consult with a lawyer, and to have the lawyer with him during interrogation. After these warnings are given, if the person indicates in any manner that he wishes to remain silent, the interrogation must cease.

It is inconsistent with *Miranda* and its progeny for the authorities, at their instance, to re-interrogate an accused in custody if he has clearly asserted his right to counsel. The Edwards rule against re-interrogation, moreover, is not offense-specific: Once a suspect invokes the *Miranda* right to counsel for interrogation regarding one offense, he may not be re-approached regarding any offense unless counsel is present.

**State v. Hudson, 2018-Ohio-981 (Pickaway County, March 6, 2018):** The Supreme Court of Ohio cautions that once an accused invokes his right to counsel, all further custodial interrogation must cease.

**State v. Cepec, 2016-Ohio-8076 (Ohio Supreme Court December 13, 2016):** Where a suspect speaks freely to police after acknowledging that he understands his rights, a court may infer that the suspect *implicitly waived* his rights. The determination of whether there has been an intelligent waiver of the right to counsel depends on the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the accused.

**State v. Martin, 151 Ohio St. 3d 470 (Ohio Supreme Court, September 13, 2017):** The State has the burden of proving a knowing, voluntary, and intelligent waiver of his *Miranda* rights. A *Miranda* waiver need not be in writing to be valid. Nor is an explicit statement of waiver necessary. Where the prosecution shows that a *Miranda* warning is given *and* that it is understood by the accused, an accused's un-coerced statement establishes an implied waiver of the right to remain silent.

**In re D.B., 2018-Ohio-1247 (Franklin County, March 30, 2018):** The Supreme Court has long held that careful scrutiny is required in cases involving criminal interrogation and waiver of constitutional rights by juveniles.

Recently, the court held that, so long as a child's age was known to the officer at the time of police questioning, or would have been objectively apparent to a reasonable officer, its inclusion in the custody analysis is consistent with the objective nature of that test. With respect to parental involvement, the Supreme Court of Ohio has held that, when assessing whether a juvenile knowingly, intelligently, and voluntarily waived his constitutional rights, a key factor in the totality of the circumstances is the degree to which the juvenile's parent is capable of assisting and willing to assist the juvenile in the waiver analysis. The Supreme Court has held that, using the totality of the circumstances

test, a trial court may determine whether a juvenile understood his constitutional rights and voluntarily waived them in the absence of an interested adult or parent.

**State v. Pablo, 2017-Ohio-8834 (10<sup>th</sup> App. Dist.):** To determine whether a suspect knowingly, intelligently, and voluntarily waived his *Miranda* rights, courts examine the totality of the circumstances. When the suspect is a juvenile, the totality of the circumstances includes the juvenile's age, experience, education, background, and intelligence as well as his capacity to understand the warnings given him, the nature of his Fifth Amendment rights, and the consequences of waiving those rights.

The Supreme Court has explained that a juvenile's access to advice from a parent, guardian or custodian also plays a role in assuring that the juvenile's waiver is knowing, intelligent, and voluntary. WE ARE SEEING RELUCTANCE BY THE COURTS TO BELIEVE THAT A 15-16 YEAR OLD CAN VOLUNTARILY WAIVE THEIR RIGHTS, AND VOLUNTARILY MAKE A STATEMENT, WITHOUT AT LEAST INVOLVING THE PARENT/GUARDIAN IN THE PROCESS.

\*This was not an issue in this case because a complaint had not yet been filed at the time of the interrogation, but don't forget that that pursuant to O.R.C. 2151.352, a child "is entitled to representation by legal counsel at all stages of the proceedings under this chapter or Chapter 2152." The term "proceedings" encompasses the filing of a complaint against a juvenile. Thus, once a complaint/warrant has been filed, a juvenile does have a statutory right to counsel at interrogation.

### III. Constitutional Use of Force – Civil Liability – Non-Deadly Force

#### A. Legal Standards Used to Judge Non-Deadly Uses of Force

**Harmon v. Hamilton Cnty., 2017 U.S. App. LEXIS 497 (6th Cir. Ohio 2017):** The Fourth Amendment **reasonableness** inquiry presents the overarching question of whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The inquiry assesses reasonableness at the moment of the use of force, as judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

Determining whether the amount of force was reasonable requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake. Three factors—also known as the **Graham factors**—inform this inquiry, although the factors are by no means exhaustive: (1) the severity of the crime at issue, (2) whether the suspect poses an

immediate threat to the safety of the officers or others, and (3) whether he is actively resisting arrest or attempting to evade arrest by flight. .

**Goodwin v. City of Painesville, 781 F.3d 314 (6th Cir. Ohio 2015):** Non-compliance alone does not indicate **active resistance**; there must be something more.

**Ruemenapp v. Oscoda Twp., 2018 U.S. App. LEXIS 17735 (6<sup>th</sup> Cir.):** Although the right to make an arrest necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it, cases in the Sixth Circuit clearly establish the right of people who pose no safety risk to the police to be free from **gratuitous violence** during arrest.

**Stevens-Rucker v. City of Columbus, 2018 U.S. App. LEXIS 18683 (6th Cir.):** **Qualified immunity** shields government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. Plaintiff bears the burden of showing that defendants are not entitled to qualified immunity. Qualified immunity gives ample room for mistaken judgments by protecting all but the plainly incompetent or those who knowingly violate the law.

**Ortiz v. Kazimer, 2016 U.S. App. LEXIS 1872 (6th Cir. Ohio):** In the context of a claim of qualified immunity, police officers are liable for failing to stop ongoing excessive (physical) force when they observe it and can reasonably prevent it.

## **B. Standards Applied to Physical Force/Striking**

**Folks v. Pettitt, 676 Fed. Appx. 567 (6th Cir. January 23, 2017):** No reasonable officer could have concluded that it was lawful to **forcibly pull plaintiff**, a cooperative, non-aggressive driver suspected of having a suspended license, from the driver's seat and slam him against his car.

**Flanigan v. Panin, 2018 U.S. App. LEXIS 2794 (6th Cir.):** The U.S. Court of Appeals for the Sixth Circuit's precedent requires officers to use the **least intrusive means** reasonably available. Moreover, the Sixth Circuit has cautioned officers against subduing a suspect by **hitting him in the head** if the officer can target another, less sensitive part of the suspect's body

A reasonable jury could have concluded that the sheriff's deputy used **excessive force**, under the Fourth Amendment, because, if the arrestee's claims that the deputy hit him in the head fifteen to twenty times was true, that was more than what was necessary to

subdue the arrestee and was gratuitous because there was no indication that the arrestee had committed a violent crime, the arrestee had not verbally threatened the deputy, there was no reason to believe he was armed, he was experiencing the aftereffects of being tased and maced, and the arrestee was not in a position from which he could easily overpower the deputy.

**Stanfield v. City of Lima, 2018 U.S. App. LEXIS 6395 (6th Cir.):** Active resistance includes physically struggling with, threatening, or disobeying officers. And it includes refusing to move your hands for the police to handcuff you, at least if that inaction is coupled with other acts of defiance. A simple dichotomy thus emerges: When a suspect actively resists arrest, the police can use a taser (or a knee strike) to subdue him; but when a suspect does not resist, or has stopped resisting, they cannot.

Put simply, **qualified immunity protects all but the plainly incompetent** or those who knowingly violate the law. Officials are not liable for bad guesses in gray areas; they are liable for transgressing bright lines.

**Hanson v. Madison Cty. Det. Ctr., 2018 U.S. App. LEXIS 13261 (6th Cir.):** On defendants' motion for summary judgment in plaintiff's § 1983 action, the video footage of the initial segment of plaintiff's time as a detainee reflected that the first deputy used a **split-second "push or shove"** that did not cross the constitutional line.

The video demonstrated that the second deputy placed both his hands around plaintiff's neck in a **chokehold** after other officers secured him from behind. When viewing the video and hearing audio of plaintiff "gurgling," a jury could conclude that the chokehold was unconstitutional excessive force. Because the video did not blatantly contradict plaintiff's sworn testimony that he was tased ten times, his testimony was required to be credited at summary judgment.

The United States Court of Appeals for the Sixth Circuit has long adhered to the view that the **Fourth Amendment prohibits excessive force under certain pre-trial circumstances**. Fourth Amendment protections do not vanish at the moment of arrest. Instead, Fourth Amendment protections, including those against excessive force, continue during booking and at all times prior to a probable-cause hearing

**The U.S. Supreme Court has recently detailed non-exclusive considerations that may bear on the reasonableness or unreasonableness of the force used in the pre-trial context:** (1) the relationship between the need for the use of force and the amount of force used; (2) the extent of the plaintiff's injury; (3) any effort made by the officer to temper or to limit the amount of force; (4) the severity of the security problem at issue;

(5) the threat reasonably perceived by the officer; and (6) whether the plaintiff was actively resisting.

**Kulpa v. Cantea, 708 Fed. Appx. 846 (6th Cir. 9/6/17):** The law is clearly established that putting substantial or significant pressure on a suspect's back while that suspect is in a face-down prone position after being subdued and/or incapacitated constitutes excessive force. **Creating asphyxiating conditions** by putting substantial or significant pressure, such as body weight, on the back of an incapacitated and bound suspect constitutes objectively unreasonable excessive force.

### **C. Standards Applied to Electrical Weapons/Mace/Pepper-Spray**

**Smith v. City of Troy, 874 F.3d 938 (6th Cir. 11/7/17):** It was well-established that a non-violent, non-resisting, or only passively resisting suspect who is not under arrest has a right to be free from an officer's use of force.

**Passive resistance does not justify substantial use of force.** A police officer violates a suspect's right to be free from excessive force by repeatedly tasing the suspect without giving him a chance to comply with orders.

**Thomas v. City of Eastpointe, 2017 U.S. App. LEXIS 19643 (6th Cir. 10/6/17):** This court has found **active resistance** where a suspect physically struggles with police, threatens or disobeys officers, or refuses to be handcuffed. But when a suspect is compliant or has stopped resisting, the law is clearly established that using a taser constitutes excessive force.

**Jackson v. Washtenaw Cnty., 678 Fed. Appx. 302 (6th Cir. 1/31/17):** Where a suspect has refused to follow police orders and may be in possession of a weapon, there is no clearly established right to resist that can defeat qualified immunity. **A failure to present one's arms** to an officer upon request without more is at most passive resistance, but **a physical struggle to maintain control of one's limbs** while being placed in handcuffs can be active resistance. Resisting arrest by laying down and deliberately locking one's arms together tightly under one's body while kicking and screaming is active resistance. In the excessive force context, where resistance continues, repeated attempts to induce compliance are permitted.

**Gradisher v. City of Akron, 794 F.3d 574 (6th Cir. Ohio 2015):** In determining whether officers used excessive force, courts have placed great weight on officers' **failure to warn** a suspect before deploying a taser.



#### D. Standards Used to Judge Use of Force to Render Medical Treatment

*Estate of Hill v. Miracle*, 2017 U.S. App. LEXIS 5993 (6th Cir.): Court fashioned new test to decide if force used in a medical emergency is reasonable:

- (1) Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to himself or others?
- (2) Was some degree of force reasonably necessary to ameliorate the immediate threat?
- (3) Was the force used more than reasonably necessary under the circumstances (i.e., was it excessive)?

#### E. Handcuffing As Excessive Force

*Getz v. Swoap*, 2016 FED App. 0197P (6th Cir. Ohio 2016) -- The 4<sup>th</sup> Amendment prohibits **unduly tight or excessively forceful handcuffing** during the course of a seizure. **Handcuffing may be excessive force** if there is evidence that the arrestee (1) complained the handcuffs were too tight; (2) the officer ignored those complaints; and (3) the arrestee experienced some physical injury resulting from the handcuffing.

The 6<sup>th</sup> Circuit has never held that an officer's failure to check for tightness or double lock handcuffs at the moment of arrest is, per se, excessive force.

*Jackson v. Lubelan*, 2016 U.S. App. LEXIS 17036 (6th Cir.): The claimant offered no evidence that the tightness of his handcuffs caused his injuries, and there was simply no injury "resulting" from the handcuffing.

The claimant offered no case that said that lifting an arrestee's handcuffed wrists to facilitate moving him into a police car violated the Fourth Amendment.

**A subjective feeling of pain or numbness standing alone does not constitute a physical injury.** A ruling to the contrary would allow every suspect who is handcuffed to create a material-fact dispute over an excessive-force claim simply by stating that they complained and that the handcuffs hurt.

While handcuffing someone so tightly that the handcuffs themselves cause injury is indeed a clearly established violation of the Fourth Amendment, handcuffing someone

just tightly enough that an awkward arm placement or a minor lift causes an injury is not. That is true even when the suspect complains to the officers.

#### IV. Constitutional Use of Force – Civil Liability -- Deadly Force

##### A. Legal Standards

*Tenn. v. Garner*, 471 U.S. 1 (1985): The use of deadly force is reasonable only if the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others.

##### B. Standards Applied in Recent Cases

*White v. Pauly*, 137 S. Ct. 548 (2017): Officer entitled to **qualified immunity** where he arrived to ongoing police action and shot armed homeowner.

*Kisela v. Hughes*, 2018 U.S. LEXIS 2066: Even assuming a 4<sup>th</sup> Amendment violation occurred, the police officer was at least entitled to qualified immunity because this was **far from an obvious case** in which any competent officer would have known that shooting respondent to protect her roommate would have violated the Fourth Amendment because respondent was armed with a large knife, she was within striking distance of her roommate, she ignored the officers' orders to drop the weapon, and the situation unfolded in less than a minute.

Where the officer has **probable cause to believe that the suspect poses a threat of serious physical harm**, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force.

*Thornton v. City of Columbus*, 2018 U.S. App. LEXIS 6290 (6th Cir.): CPD case—**Officers Dupler and Kasza**. Officers were entitled to qualified immunity as they were justified in shooting the suspect when they saw him inside the house holding a shotgun. Although the suspect did not point the shotgun at the officers, the manner in which he was holding the weapon and the short distance between the suspect and the officers would have led any reasonable officer to believe that the suspect posed a serious physical threat that required use of deadly force. He also had ignored multiple warnings to drop the gun.

The 6<sup>th</sup> Circuit, in an excessive force case, considers the officer's reasonableness under the circumstances he faced at the time he used force. The **court does not scrutinize whether it was reasonable for the officer to create the circumstances**. A different 4<sup>th</sup> Amendment violation cannot transform a later, reasonable use of force into an

unreasonable seizure

**Subjective intent of victim** — unavailable to officers who must make split-second judgments — is irrelevant as to whether his actions gave rise to reasonable perception of danger

**Officers do not have to wait for a person to raise his weapon** before employing deadly force. An officer does not have to wait until a gun is pointed at the officer before the officer is entitled to take action. The U.S. Court of Appeals has rejected a categorical rule that force can only be reasonable if a suspect raises his gun.

*Littlejohn v. Myers*, 684 Fed. Appx. 563 (6th Cir. 2017): Courts note that the **mere fact that a suspect is armed** is, by itself, not sufficient to warrant the application of deadly force. Rather, the inquiry turns on whether the police officer had probable cause to believe that the suspect posed a threat of serious physical harm, either to himself or to others.

*Thomas v. City of Columbus*, 854 F.3d 361 (6th Cir. 4/19/17): To be clear, we (the court) do not hold that an officer may shoot a suspect **merely because he has a gun** in his hand. In an excessive force case, whether a suspect has a weapon constitutes just one consideration in assessing the totality of the circumstances.

*Knowlton v. Richland Cty.*, 2018 U.S. App. LEXIS 4988 (6th Cir. 2/29/18) -- We (the court) have found police use of deadly force reasonable under specific circumstances, even against an unarmed individual, where the individual indicates he or she is armed, as Garber did here. Crucially, however, we have found such police action reasonable when officers are confronted with **additional indicia of immediate danger**, such as a menacing gesture or other indication that the individual intends to use his or her weapon.

*Woodcock v. Bowling Green*, 679 Fed. Appx. 419 (6th Cir. 2/16/17): The court found that the estate properly prevailed in a § 1983 Fourth Amendment excessive force claim against the police officer who shot its decedent because, based on the totality of the circumstances known to the officer at the time of the incident, the **use of deadly force was objectively unreasonable**.

The decedent had called the police twice that night, told them he had a gun, and threatened to assault or kill his brother, but during a 12 minute encounter prior to the shooting, while he witnessed the decedent, who appeared to have been intoxicated, walking slowly down the railroad tracks, the officer never saw the decedent attack or threaten anyone, and while the officer might have thought that the decedent had a gun in

the back pocket of his pants, the decedent never gave the officer a reason to think that he would immediately use it.

*Carden v. City of Knoxville*, 699 Fed. Appx. 495 (6th Cir.7/12/17): Deadly force will be excessive if used against an **unarmed, fleeing felon** who an officer lacked probable cause to believe posed a threat of serious physical harm. This court assesses the reasonableness of a seizure in **distinct stages**, leaving the reasonableness of the use of deadly force at a particular moment to depend primarily on objective assessment of the danger a suspect poses at that moment.

*Timothy W. Caudill v. City of Columbus*, 2017 Ohio App. LEXIS 7617 (10<sup>th</sup> App. Dist.): In determining whether police conduct rises to the level of **recklessness**, under R.C. 2744.03(A)(6)(b), Ohio Supreme Court considers whether there was a conscious disregard of, or indifference to, a known risk that was unreasonable under the circumstances.

*Brown v. Battle Creek Police Dep't*, 2016 U.S. App. LEXIS 22447 (6th Cir.): The United States Court of Appeals for the Sixth Circuit holds that **a dog is property**, and the unreasonable seizure of that property is a violation of the Fourth Amendment.

A police officer's use of deadly force against a dog while executing a warrant to search a home for illegal drug activity is reasonable under the Fourth Amendment to the U.S. Constitution when, given the totality of the circumstances and viewed from the perspective of an objectively reasonable officer, the dog poses an imminent threat to the officer's safety.

### **C. Deadly Force Directed at Those in Motor Vehicles**

*Latits v. Phillips*, 878 F.3d 541 (6th Cir. 12/27/17): Deadly force is justified against a driver who objectively appears ready to drive into an officer or bystander with his car, but generally not once the car moves away, leaving the officer and bystanders in a position of safety, unless the **officer's prior interactions** with the driver suggest that the driver will continue to endanger others with his car. Deadly force is justified by prior interactions demonstrating continuing dangerousness only when the suspect demonstrated multiple times that he either was willing to injure an officer that got in the way of escape or was willing to persist in extremely reckless behavior that threatened the lives of all those around.

*McGee v. Knolton*, 2018 U.S. App. LEXIS 14309 (6<sup>th</sup> Cir.): A sheriff was not entitled to summary judgment based on qualified immunity in a § 1983 excessive-force case

because there were disputed issues of material fact as to the **spacial relationship** between the sheriff and the arrestee when the officer fired his weapon.

In particular, there were disputed material facts as to the direction and speed at which the arrestee drove his vehicle out of the parking spot, the sheriff's position in relation to the vehicle when he fired his weapon, and whether there was a pause between the first and second set of shots, which had to be resolved by the trier of fact in order to determine if the sheriff was entitled to qualified immunity.

When an officer faces a situation in which he could justifiably shoot, he **does not retain the right to shoot at any time thereafter** with impunity. Additionally, even a split-second decision, if sufficiently wrong, may not be protected by qualified immunity.

## V. Constitutional Use of Force—Civil Liability – Mental Illness

**Roell v. Hamilton Cty., 2017 U.S. App. LEXIS 17100 (6th Cir.):** Despite decedent's apparent diminished capacity, he had committed a series of property crimes, was a threat to his neighbors and to the deputies, and was actively resisting arrest. Pursuant to the 4<sup>th</sup> Amendment, a reasonable officer on the scene could have concluded that the use of force (taser) was necessary based on the totality of the circumstances.

**Zucker v. City of Farmington Hills, 2016 U.S. App. LEXIS 4895 (6th Cir. Mich. 2016)** -- Absent suspected criminal activity, a law-enforcement agent may not seize a person simply in order to assess his mental fitness. The Fourth Amendment protects individuals from state-sanctioned detention for a psychiatric evaluation absent probable cause to believe that the person is dangerous to himself or others. In this context, a showing of probable cause requires only a probability or substantial chance of dangerous behavior, not an actual showing of such behavior.

Because the evidence showed that the officers had reliable evidence that plaintiff had a weapon while in a delusional state, the officers had probable cause to temporarily detain, search, and seize plaintiff. Because plaintiff failed to allege facts that would create a genuine dispute about whether he was actively resisting the officers' efforts to subdue him, the district court did not err when it held that plaintiff could not overcome qualified immunity and maintain his Fourth Amendment excessive-force claims.

**Champion v. Outlook Nashville, Inc., 380 F.3d 893 (2004)** -- The diminished capacity of an unarmed detainee must be taken into account when assessing the amount of force exerted. **Landis v. Baker, 297 Fed. Appx. 453 (6<sup>th</sup> Cir. 2008)** -- Different tactics should be employed against an unarmed, emotionally distraught individual who is resisting arrest

or creating disturbance than would be used against an armed and dangerous criminal who has recently committed a serious offense.

**VI. Deliberate Indifference to Serious Medical Needs of Those Injured by Officers or Who are Injured Prior to Contact**

**Barberick v. Hilmer, 2018 U.S. App. LEXIS 8525 (6th Cir.):** In a 42 U.S.C.S. § 1983 action that stemmed from the death of a decedent while in police custody, an officer and a deputy were entitled to qualified immunity because the law governing the asserted constitutional violation was not clearly established where the administratrix of the decedent's estate failed to identify controlling authority that would make clear that an officer's failure to seek out further medical assistance immediately after receiving an EMT evaluation could constitute deliberate indifference.

An officer who seeks out the opinion of a doctor is generally entitled to rely on a **reasonably specific medical opinion** for a reasonable period of time after it is issued, absent circumstances such as the onset of new and alarming symptoms or a violation of policy.

**Stevens-Rucker v. City of Columbus, 2018 U.S. App. LEXIS 18683 (6th Cir.):** An officer does not act with **reckless disregard** when he immediately summons help and then focuses on his own safety.

There is no authority suggesting that the due process clause of U.S. Const. amend. XIV establishes an affirmative duty on the part of police officers to render CPR in any and all circumstances. Rather, **due process requires** that police officers seek the necessary medical attention for a detainee when he or she has been injured by either promptly summoning the necessary medical help or by taking the injured detainee to a hospital. As long as the officer acts promptly in summoning aid, he or she has not deliberately disregarded the serious medical need of the detainee even if he or she has not exhausted every medical option.

## VII. Constitutionally Sound Home Entries and Searches and Civil Liability

### A. Da Rules

**Brenay v. Schartow**, 2017 U.S. App. LEXIS 17817 (6th Cir.): The police, like any Girl Scout, may approach a person's door, knock, and ask a question or two. But the 4<sup>th</sup> Amendment draws a firm line at the door. Physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed. If the government wants inside, they need **a warrant, consent, or an exigent circumstance to justify their entry.**

**Grumbley v. Burt**, 2015 U.S. App. LEXIS 1429 (6<sup>th</sup> Cir) -- The **warrantless and nonconsensual entry into the home** in order to make a routine felony arrest was a clear violation of the Fourth Amendment. Absent exigent circumstances, the threshold of the home may not reasonably be crossed without a warrant.

### B. Exigent Circumstances

**State v. Kinnebrew**, 2018-Ohio-121 (6<sup>th</sup> App. Dist): The **"emergency-aid"** exception to the warrant requirement allows officers to enter a dwelling without a warrant and without probable cause when they reasonably believe, based on specific/articulable facts that a person within the dwelling is in need of immediate aid.

**State v. Parker**, 2018-Ohio-3239 (11<sup>th</sup> App. Dist.): **This is a brand new case from Warren.** The doctrine of exigency applies in two separate sets of circumstances: first, police may commence a warrantless search and seizure to avoid the imminent destruction of vital evidence. Second, a warrant is unnecessary where the police are faced with a need to protect or preserve life or avoid serious injury

The emergency aid exception allows officers to enter a dwelling without a warrant and without probable cause when they reasonably believe, based on specific and articulable facts, that someone is in need of immediate aid. The case must be viewed through the eyes of a reasonable and prudent police officer acting in response to an emergency situation. The officer must be able to point to specific and articulable facts, which, taken with rational inferences from those facts, reasonably warrant intrusion into protected areas. Officers do not need ironclad proof of a likely serious, life-threatening injury to invoke the emergency aid exception.

**Grise v. Allen**, 2017 U.S. App. LEXIS 21358 (6th Cir.): A deputy's decision to enter the husband and wife's home with paramedics was justified by **exigent circumstances**; seeing the elderly wife lying on the floor and apparently unable to get up, the deputy was right to be concerned for her well-being. The deputy's search of the husband and wife's

home was legally justified as a **protective sweep**; the deputy only entered the rooms immediately adjoining the room where the paramedics were attending to the wife.

While warrantless searches are presumptively unreasonable, certain exigent circumstances may justify the absence of a warrant. One such exception, often called the **community caretaking exception**, provides that law enforcement may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury. So long as there is an objectively reasonable basis for believing that a person within the house is in need of immediate aid, courts should excuse the lack of a warrant.

Even where the constitutionality of police conduct is in some doubt, an officer is still entitled to qualified immunity absent a showing that such conduct violated clearly established statutory or constitutional rights of which a reasonable person would have known.

**United States v. Friskey**, 2017 U.S. App. LEXIS 11038 (6th Cir.): When officers possess PC to suspect that there is a **burglary in progress**, they are also confronted with the necessary exigency to enter a home without a warrant. A cursory check of the premises is valid if it is narrowly confined to a **cursory visual inspection** of those places in which a person might be hiding

### C. Search and Arrest Warrant Concerns

**Greer v. City of Highland Park**, 2018 U.S. App. LEXIS 5330 (6th Cir. 3/2/18): Police officers who allegedly entered a home to execute a **search warrant** were properly denied qualified immunity as to Fourth Amendment claims brought by the occupants of the home. The occupants alleged that the officers failed to **knock or announce** their presence and refused to present the warrant when asked, and it was clearly established that the Fourth Amendment prohibited the unannounced, forcible entry of a dwelling absent exigent circumstances.

Officers executing a search warrant must knock and announce that they are seeking entry into a home and then wait a **reasonable amount of time** before entering. Although the potential presence of drugs lessens the length of time law enforcement must ordinarily wait outside before entering a residence, it does not justify abandonment of the knock-and-announce rule. Furthermore, when officers execute a warrant at night, the length of time the officers should wait increases.

**Nighttime searches** have long been recognized as more intrusive than searches conducted during the day.



It is clearly established that the purpose of a search warrant—informing citizens that the searching agents are authorized—cannot be accomplished if executing officers withhold **presentation of the warrant** despite an occupant's requests to view it.

**ORC Ann. 2935.12 Forcible entry in making arrest or executing search warrant**

(A) When making an arrest or **executing an arrest warrant**,,, the peace officer,,, making the arrest or executing the warrant,,, **may break down an outer or inner door** or window of a dwelling house or other building, if, **after notice of his intention** to make the arrest or to execute the warrant,,, he is **refused admittance**...

*State v. Bembry*, 151 Ohio St. 3d 502 (2017) -- Ohio's codified version of the **knock-and-announce principle** provides the same basic rule: police executing a warrant must give notice of their presence and purpose and may enter a home only after refusal of admission.

*State v. Turpin*, 2017-Ohio-7435 (2<sup>nd</sup> App. Dist.): The knock and announce requirement can be bypassed in the following limited circumstances: danger to officers/others, imminent destruction of evidence, and futility, meaning people inside already know officers are present and through their actions make it clear they aren't going to admit officers. ORC 2935.12 applies to arrest warrants.

*United States v. Spikes*, 158 F.3d 913 (6<sup>th</sup> Cir. 1998) --The **amount of time officers need to wait before entering a home** depends on how much time it would take for a person in the house to open the door.

*State v. Martin*, 151 Ohio St. 3d 470 (2017) -- For Fourth Amendment purposes, an arrest warrant founded on probable cause implicitly carries with it the **limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within**. However, an arrest warrant does not authorize police to enter the premises of a third party to arrest the subject of the warrant. For that, they must obtain a search warrant unless an exception to the warrant requirement justified.

*United States v. Gantt*, 2018 U.S. App. LEXIS 7170 (6<sup>th</sup> Cir.) -- Officers who are lawfully on the premises to serve an arrest warrant are clothed with the authority to make a protective sweep of those premises. **First**, officers effectuating an arrest may, as a precautionary matter and without PC or reasonable suspicion, look in closets and other **spaces immediately adjoining the place of arrest** from which an attack could be immediately launched. **Second**, an officer undertaking a **more extensive sweep of the premises** must articulate facts that would warrant a reasonably prudent officer to believe that the area to be swept harbored an individual posing a danger to those on the scene.

The protective sweep may extend only to a **cursory inspection of those spaces where a person may be found**, and the sweep may last no longer than it takes to complete the arrest and depart the premises.

*State v. Byrd*, 2017-Ohio-6903 (2<sup>nd</sup> App. Dist.) -- The protective-sweep exception to the warrant requirement requires some **positive indication** that another person or persons remain in the residential premises where a subject is arrested and that they pose a threat to the safety of officers or others. Mere suspicion that a weapon remains inside is insufficient. To conduct a protective sweep, you need more than ignorance or an assumption that more than one person is present in a residence.

#### **D. Curtilage Searches**

*Collins v. Virginia*, 2018 U.S. LEXIS 3210: The scope of the automobile exception to the Fourth Amendment extends no further than the automobile itself. The automobile exception permits police to search the vehicle. **Nothing in the U.S. Supreme Court's case law suggests that the automobile exception gives an officer the right to enter a home or its curtilage to access a vehicle without a warrant.**

For Fourth Amendment purposes, the conception defining the curtilage is familiar enough that it is easily understood from one's daily experience. Just like the front porch, side garden, or area outside the front window, **a driveway enclosure that constitutes an area adjacent to the home and to which the activity of home life extends is properly considered curtilage.**

Under the **plain-view doctrine**, any valid warrantless seizure of incriminating evidence requires that the officer have a lawful right of access to the object itself. Even where the object is contraband, the Supreme Court has repeatedly stated and enforced the basic rule that the police may not enter and make a warrantless seizure. It is one thing to seize without a warrant property resting in an open area, and it is quite another thing to effect a warrantless seizure of property situated on private premises to which access is not otherwise available for the seizing officer. A plain-view seizure thus cannot be justified if it is effectuated by unlawful trespass.

It is a settled rule that warrantless arrests in public places are valid, but, absent another exception such as exigent circumstances, officers may not enter a home to make an arrest without a warrant, even when they have probable cause. That is because being arrested in the home involves not only the invasion attendant to all arrests but also an invasion of the sanctity of the home. Likewise, searching a vehicle parked in the curtilage involves not only the invasion of the Fourth Amendment interest in the vehicle but also an invasion of the **sanctity of the curtilage.**

*State v. Green*, 2017-Ohio-7757 (Columbiana County September 18, 2017) --

Curtilage is defined as area to which extends the intimate activity associated with the sanctity of a man's home and the privacies of life. It is placed under the home's "umbrella" of 4<sup>th</sup> Amendment protection.

Factors to consider when determining if property is curtilage include: **(1)** proximity of the area to the home; **(2)** whether the area is included within an enclosure surrounding the home; **(3)** nature of the uses to which the area is put; and **(4)** steps taken to protect the area from observation by passersby.

The front porch has been labeled a classic example of curtilage. However, even if an area of the home qualifies as curtilage, an officer is not per se prohibited from entering the area without a warrant. For instance, an officer is (generally) permitted to enter a person's (front) porch to knock on their door.

The determination of whether an officer can enter the door to an enclosed porch to knock on an interior door hinges upon whether the totality of the circumstances reveal that it was reasonable to expect that an ordinary visitor would have entered the area that the officers did in order to gain access to the entrance of the residence.

#### **VIII. First Amendment Issues for the Police and Civil Liability**

*D.D. v. Scheeler*, 2016 U.S. App. LEXIS 6882 (6th Cir.): Ohio's disorderly conduct statute and the First Amendment, U.S. Const. amend. I, require more than the uttering, or even shouting, of distasteful words. They require that the speech in question constitute "fighting words." No matter how rude, abusive, offensive, derisive, vulgar, insulting, crude, profane or opprobrious spoken words may seem to be, their utterance may not be made a crime unless they are **fighting words**.

Moreover, there can be no disorderly conduct where the language is not threatening, does not constitute "fighting words" and is not likely by its very utterance to inflict injury or provoke the average person to immediate retaliatory breach of peace. **Police officers are held to a higher standard than average citizens, because the First Amendment requires that they "tolerate coarse criticism."**

*Bible Believers v. Wayne County*, 805 F.3d 228 (6th Cir. Mich. 2015): In a 42 U.S.C.S. § 1983 action against a county and sheriff's officials, the court ruled that defendants violated the plaintiff's First Amendment rights because sheriff's deputies effectuated a **heckler's veto** by cutting off plaintiffs' protected speech in response to a hostile crowd's reaction.

Offensive religious proselytizing, as well as speech that drives a crowd to extreme agitation, is not subject to sanction simply because of the violent reaction of offended listeners.

Before removing a speaker due to safety concerns, and thereby permanently cutting off his speech, the police must first make bona fide efforts to protect the speaker from the crowd's hostility by other, less restrictive means.

**Mattia v. City of Ctr. Line, 2017 U.S. Dist. LEXIS 207611 (USDC Mich.)** : Certainly, the First Amendment "offers sweeping protection to all manner of speech," even loathsome, "distasteful and highly offensive" speech. When that right is abridged, an injury occurs, even when there are no actual damages.

Mattia alleged that Sgt. Dempsey told him that if he did not quit displaying his sign, he would be cited for a violation of the ordinance and arrested. Dempsey disputes that assertion, stating in his affidavit that Mattia was not threatened with arrest. Leaving that aside, however, Mattia plainly was told by Champine and the city attorney that displaying his sign on *any* public sidewalk in Center Line violated city ordinances. And Mattia has expressed an intention to continue his anti-abortion messaging activity, even in the face of the prohibitive interpretation the city attorney declared in his letter.

## **IX. Other Constitutional/Civil Liability Issues**

**Carpenter v. United States, 2018 U.S. LEXIS 3844**: Cell site sector data provides law enforcement with a detailed and historical record of a suspect's whereabouts that may disclose private information regarding political affiliation, religious activity, etc. People maintain a reasonable expectation of privacy in the location of their physical whereabouts. Therefore, when law enforcement access historical cell site sector data information they are performing a search under the Fourth Amendment. Because this is a search, law enforcement are required to obtain a warrant in order to access this data.

This case does NOT control access to real time ping data. Officers are not required to obtain a warrant to access real time cell site sector information. To obtain real time ping information on a suspect, officers can continue to use their prior method of getting a court order, supported by the Stored Communications Act to access this information. Only historical cell site sector information and other information that might provide law enforcement with historic and detailed information on a suspect's prior locations is controlled by this new case.

To obtain a search warrant the officer can use much of the same language that they used in their previous forms that establishes probable cause. What has the officer

observed/heard of that supports probable cause that the historical cell site sector information will lead to evidence of a crime?

**Cole v. City of Memphis, 839 F.3d 530 (6th Cir.):** City's policy to sweep a street infringed **intrastate travel** because it purposely impeded travel and was more than an incidental inconvenience.

**In re Freeman, 2017 U.S. App. LEXIS 19043 (6<sup>th</sup> Cir.):** A defendant claiming a **Brady violation** must establish the following three components: The evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued.

**State v. Polk, 2017-Ohio-2735 (Ohio May 11, 2017):** The search in this case was carried out by a school employee, not a police officer. However, it is important you understand the law relative to in-school searches by school officials if you are a school resource officer, or if you are a patrol officer who might respond to a school as a result of what is found during an in-school search. You may be asked to stand-by during an in-school search, or to perform a follow-up search based on what was earlier found in a bag or locker by school employees. In this case, a CPD Officer used force, and performed a follow-up search of a student, based on what was earlier found in an unattended bag of a student.

A school's protocol requiring searches of unattended book bags - to determine ownership and whether the contents are dangerous - furthers the compelling governmental interest in protecting public school students from physical harm.

In striking a balance between students' expectation of privacy and school officials' need to maintain an environment in which learning can take place, it is evident that the school setting requires some easing of restrictions to which searches by public authorities are ordinarily subject - namely, the requirements of probable cause and a search warrant. The substantial need of teachers and administrators for freedom to maintain order in the schools does not require strict adherence to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. The legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search.

The reasonableness standard requires that the court first ask whether the search was justified at its inception - that is, whether there were reasonable grounds for suspecting that the search would turn up evidence that the student had violated or was violating either the law or the rules of the school.

## X. Cruiser Involved Accidents and Civil Liability

*Ibrahim v. City of Dayton*, 2018-Ohio-1318 (2<sup>nd</sup> App. Dist.): Appellant had not shown a genuine dispute of material fact precluding summary judgment on the question of whether, at the time a police officer's vehicle struck appellant's vehicle, the officer was responding to an **emergency call** as defined by R.C. 2744.01(A).

At the time the officer was actively investigating the situation by attempting to make contact with a person whom he reasonably believed to have information about a disturbance.

The trial court did not err by holding that the city was entitled to immunity pursuant to R.C. 2744.02(B)(1)(a), as the record did not give rise to any genuine dispute of material fact on the question of whether the officer's operation of his vehicle **was willful or wanton**; the record included no evidence contradicting the officer's sworn testimony that he reversed his vehicle for a very short distance at a very low speed.

R.C. 2744.02(B)(1)(a) establishes that a municipal corporation has a **full defense to liability** arising from the negligent operation of any motor vehicle by a police officer responding to an emergency call, so long as the operation of the vehicle does not constitute willful or wanton misconduct. The term "emergency call," according to R.C. 2744.01(A), means a call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer. Of this nonexhaustive list of examples, only the third refers to imminent hazards, thereby indicating that the other listed examples need not involve inherently dangerous situations. The phrase "inherently dangerous situations" thus places no limitation on the term "call to duty." R.C. 2744.01(A).

Under the exception to municipal immunity established by R.C. 2744.02(B)(1)(a), a municipal corporation is not liable for injury to person or property allegedly caused by any act or omission of a member of its police department operating a motor vehicle while responding to an emergency call, unless the operation of the vehicle constitutes willful or wanton misconduct

Pursuant to R.C. 2744.02(B)(1)(a), the terms "willful" and "wanton" delineate distinct degrees of care and are not interchangeable. Willful misconduct implies an intentional deviation from a clear duty or from a definite rule of conduct, a deliberate purpose not to discharge some duty necessary to safety, or a purpose to engage in wrongful acts with knowledge or appreciation of the likelihood of resulting injury. Wanton misconduct, on

the other hand, is the failure to exercise any care for those to whom a duty of care is owed in circumstances in which there is great probability that harm will result.

Under R.C. 2744.03(A)(6)(b) an employee of a political subdivision is immune from liability unless the employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner.

## **XI. Legislation**

### **Columbus City Code Changes**

#### **New City Code Gun Laws**

#### **CCC Ord. 1328-2018: Effective date 6/13/18**

This new section allows for increased penalties for offenders who possess or use weapons when committing certain crimes and allows officers to seize more weapons at the time of arrest in those instances, as well as making jail time mandatory when offender is convicted. Also, it increases the ability to seek forfeiture of weapons at conviction in certain offenses. New code sections are created for Domestic Violence, **Intimate Partner Violence**, and Violation of a Protection Order.

Specifically, here is what has changed:

1. **Allows for weapons to be seized and forfeited** if they are used during the commission of one of the following criminal offenses:
  - a. Negligent Homicide (2303.05)
  - b. Negligent Assault (2303.14)
  - c. Aggravated Menacing (2303.21)
  - d. Menacing (2303.22)
  - e. Domestic Violence (2319.25(A), (B) or (C))
  - f. Intimate Partner Violence (2319.25(D), (E) or (F))
  - g. Violation of a Protection Order (2319.27)
2. **Adds mandatory jail time** to the sentencing penalties if offender possessed a firearm or dangerous ordnance when committing one of the following criminal offenses:
  - a. Assault (2303.13)
  - b. Aggravated Menacing (2303.21)
  - c. Menacing (2303.22)

- d. Domestic Violence (2319.25(A), (B) or (C))
  - e. Intimate Partner Violence (2319.25(D), (E) or (F))
  - f. Violation of Protection Order (2319.27)
3. **Creates new City Code sections** for the following offenses:
- a. Domestic Violence (2319.25(A), (B), (C))
  - b. Intimate Partner Violence (2319.25 (D), (E), (F))
  - c. Violation of Protection Order (2319.27)
4. Changes the element language of the following City Code sections to match the language in the same ORC sections. **However, City code sections will have increased penalties as listed above.**
- a. Negligent Homicide (2303.05)
  - b. Assault (2303.13)
  - c. Negligent Assault (2303.14)
  - d. Aggravated Menacing (2303.21)
  - e. Menacing (2303.22)

### **Why is this important?**

First, with these new City code sections, more weapons may be seized at time of arrest from offenders who commit certain types of crimes (listed above) and, since jail time will be mandatory (and work release is prohibited), there is an increased punishment just solely for using the weapon while committing the crime. Also, more of these weapons, which have been used in the commission of the listed crimes, may now be forfeited at time of conviction.

Second, with the new Domestic Violence and Intimate Partner Violence sections, more relationships are included and more victims are protected by including their relationship and creating a charge for the offenders which doesn't necessarily exist under state code. **Charges for Intimate Partner Violence will be charged under the DV code section (2319.25 – subsections D, E, or F).** The definition of “intimate partner” for purposes of 2319.25 is a person in a dating relationship with the offender who does not meet the definition of family of household member. 2319.25(K)(3). “Dating relationship” is defined in 2319.25(K)(4). Practically, and legally speaking, the new City Code DV and VPO charge should only be used if the offender does not have a prior DV or VPO conviction respectively. If the offender has a prior DV or VPO conviction, they shall be charged with the State Code DV or VPO respectively.



Third, with the new DV, IPV, and VPO sections, seizure and forfeiture of weapons used during the commission of these crimes AND mandatory jail time are added to the penalties upon conviction.

Fourth, it eliminates confusion between City code sections and State code sections that had different wording.

**1547-2018: Effective Date 6/07/18**

**NEW CRIMINAL CODE LAWS DEALING WITH IMITATION FIREARMS**

**The primary purpose of these new code sections is to prohibit the selling and furnishing of imitation firearms to minors, and to prohibit the altering/display of imitation firearms by anyone, as many of these weapons look identical to real weapons and present danger to officer and citizen safety. Violations are M1s.**

Imitation Firearm (2323.51) is essentially: any BB device or firearm replica that would lead a reasonable person to believe that the device is a firearm. It does not include a non-firing, collector replica of an antique firearm developed prior to 1898.

1. **2323.52(B):** Prohibits the giving/selling/furnishing of imitation firearms to minors (under the age of 18)

**a. EXCEPTIONS:**

1. Lawful use during a theatrical production
  2. At a public/private shooting range or paintball facility
  3. If the entire exterior surface of device is either a bright color OR device is see-through
2. **2323.53(A):** Prohibits the alteration of an imitation firearm in any way that makes the device look more like a real firearm
  3. **2323.53(B):** Prohibits the possession of an imitation firearm which has had the blaze orange tip or other markings either removed or obscured
    - a. **EXCEPTION TO BOTH (A) AND (B) →** Lawful use during a theatrical production
  4. **2323.54(A):** Prohibits open display of an imitation firearm in a public place
  5. **2323.54(B):** Prohibits possession of an imitation firearm in a school safety zone, if the person indicates that he possesses the object AND that it's a firearm, **OR** the person displays or brandishes the object AND indicates that it's a firearm

**a. EXCEPTIONS TO BOTH (A) AND (B) SECTIONS ARE LISTED  
IN SECTION (D)**

**CCC Ord. 1116-2018: Effective date 6/13/18**

**NEW CRIMINAL CODE LAWS DEALING WITH FIREARMS**

**Why is this important and how is it different from current law?**

First, the new City Code sections bring the City Code in line with already established State and/or Federal law provisions criminalizing possession or use of firearms. This expands officers' ability to charge violations which they previously could not.

Second, with the new City Code WUD section, there are many more offenses included than are currently in the State Code, so officers will be able to charge more offenders with WUD accordingly. In addition to having convictions for one of several felony offenses (F4 or above – listed below), being subject to a valid protection order or having a conviction for a “misdemeanor crime of domestic violence” (federal definition) are now disabilities under the City Code! Convictions for WUD also carry **mandatory jail time** of at least 180 days (*not eligible for work release*).

Third, more weapons may be seized and forfeited from offenders who commit certain types of crimes (listed below).

Fifth, practically speaking, if officers want weapons forfeited which have been used in the commissions of the crimes as outlined below, officers should file those charges under the City Code and need to include language in the complaint itself requesting forfeiture (this will be included in the CCM). **However**, keep in mind that violations under the City Code are misdemeanors, not felonies.

**1. Allows for weapons to be seized and forfeited** when they are used in the commission of any of the following new City Code Offenses:

- a. WUD (2323.13)
- b. Weapons while intoxicated (2323.15)
- c. Defacing identification marks of firearm (2323.201)
- d. Underage purchase of firearm or handgun (2323.211)
- e. Possessing criminal tools (2323.24)
- f. Failure to secure dangerous ordnance (2323.19)
- g. Unlawful transaction in weapons (2323.20)
- h. Failure to report loss (2323.20)
- i. Discharging weapons (2323.30)

## 2. 2323.13 – Having Weapons Under Disability

- a. Unless relieved from disability under operation of law or legal process, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

- i. The person is under indictment for, has been convicted of, or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been any of the following felonies **punishable by imprisonment for a term exceeding one year:**

1. Homicide and Assault

- a. 2903.041, 2903.06, or 2903.08

2. Sex offenses

- a. 2907.04, 2907.07, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, or 2907.323

3. Terrorism offenses

- a. 2909.04, 2909.22, 2909.23, 2909.26, 2909.27, 2909.28, or 2909.29

4. Offenses against the public peace

- a. 2917.33 or 2917.47

5. Offense against justice and public administration

- a. 2921.02, 2921.05, 2921.11, 2921.12, 2921.13, 2921.31, 2921.321, 2921.33, 2921.331, 2921.35, 2921.36, 2921.38, 2921.41, 2921.42, 2921.51, or 2921.52

6. Weapons Control offenses

- a. 2923.12, 2923.122, 2923.123, 2923.13, 2923.131, 2923.16, 2923.162, 2923.17, 2923.20, 2923.201, 2923.241, 2923.32, or 2923.42

7. Ethnic intimidation and desecration of places of worship offenses

- a. 2927.11 or 2927.12

- ii. The person is subject to a court order (i.e. protection order) that:

1. Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
2. Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; AND
  - a. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; OR
  - b. By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- iii. The person has been convicted of a misdemeanor crime of domestic violence (as defined in 18 USC 921(a))

**3. Creates the following new code sections:**

- a. **2323.15:** Using weapons while intoxicated → M1 offense
- b. **2323.163:** Procedure for storing and returning surrendered firearms (*Terry*/traffic stops)
  - a. Allows officers to seize weapons which have been ordered turned over to the Division of Police pursuant to the terms of a Protection Order issued pursuant to the ORC, as well as weapons that are contraband out of a domestic violence incident, and turn them into the property room.
  - b. There is also a provision for awarding reasonable attorney's fees if officers improperly seize a firearm and don't return it timely to the person from whom it was seized. (This part is already in the State Code). This section does not prohibit the police from retaining a weapon while a protection order is pending.

- c. **2323.201(A)(1):** Prohibits altering/defacing identification marks on a firearm  
→ M1 offense
- d. **2323.201(B):** Prohibits possessing a firearm with an altered/defaced identification mark → M1 offense
  - i. EXCEPTION: Does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of manufacture
- e. **2323.211(B):** Prohibits underage (under 21) purchase of firearms/handguns  
→ M2 offense
  - i. EXCEPTIONS:
    - 1. The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.
    - 2. The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.
- f. **2323.23:** Provides for immunity from prosecution if a person voluntarily surrenders a firearm/dangerous ordnance to the division of Police if they would be in violation of the WUD section by possessing the item. It is not considered "voluntary surrender" if it occurs when the person is being taken into custody or during a pursuit or attempt to take the person into custody...
- g. **2323.24:** Possession of Criminal Tools → M1 offense
  - i. EXCEPTION: This section shall not apply if the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony, violation of which would be prosecuted under state law.

## **Changes to the City of Columbus Parking Code**

### **CCC Ord. 1189-2018: Effective Date 6/20/18**

#### **CHANGES TO THE PARKING CODE – NEW SECTIONS ARE CONSIDERED PARKING INFRACTIONS**

#### **Why is this important to officers?**

We get a LOT of questions about parking, towing, people leaving cars on the street and not moving them, etc. and these new sections include additional charges which officers can use to cite offenders and help ease the frustration of citizens.

#### **Enacts CCC 2151.25 – Parking in dedicated car-sharing space**

- No person shall park a vehicle in a designated car-sharing vehicle parking space, except for vehicles with a valid dedicated car-sharing permit

#### **Enacts CCC 2151.26 – Overtime Parking**

- No vehicle shall remain parked in a parking space in excess of the posted time restriction
- Vehicles shall be considered in violation if the vehicle has not been moved at least **75 feet** from the original parking space within the posted time restricted area

#### **Amends CCC 2105.16 – Individual parking spaces**

- Each vehicle shall be parked entirely within an individual parking space and only one vehicle shall be parked within an individual parking space

#### **Amends CCC 2150.02 – Impoundment and immobilization**

- Changes from 5 to 3 the number of minimum parking infraction judgements allowed before vehicle can be impounded/immobilized
- A vehicle involved in **3 or more** parking infractions in which judgments or default judgments have been filed with the Clerk of the Municipal Court pursuant to CCC 2150.07(C) is subject to impoundment or immobilization by law enforcement officers of the City of Columbus or their agents.
- A vehicle parked, stopped or standing on a public street or highway in commission of a parking offense is subject to impoundment by division of Police or PVB personnel

#### **Amends CCC 2151.09 – Maximum continuous street parking in same location**

- No person who is the owner, agent, operator, or other person in charge of any vehicle shall permit such vehicle to remain parked, standing, or abandoned upon any street for **longer than 72 consecutive hours without moving such vehicle at least 75 feet.**

Amends **CCC 2151.21 – Failure to register or display**

- Makes it a **secondary offense** to cite for failure to display a front license plate on a parked motor vehicle. Similar provision listed in ORC 4503.21.
- “A law enforcement officer shall only issue a ticket, citation, or summons, or cause the arrest or commence a prosecution, for the failure to display a license plate in plain view on the front of a parked motor vehicle if the officer first determines that another offense has occurred and either places the operator or vehicle owner under arrest or issues a ticket, citation, or summons to the operator or vehicle owner for the other offense.”

### **Other City Code Changes**

#### **Ord. 0525-2017 – Effective date 4/27/17**

Enacts **CCC 2331.10** prohibiting the practice of conversion therapy or reparative therapy on minors

#### **CCC 2331.10(B):**

No mental health professional shall knowingly engage, within the geographic boundaries of the City of Columbus, in sexual orientation or gender identity change efforts with a minor, without regard to whether the mental health professional is compensated or receives any form of remuneration for his or her services.

- Misdemeanor offense. Minimum fine of \$500 up to a maximum fine of \$1,000 per occurrence and notwithstanding the terms of imprisonment set forth in ORC 2929, a jail term not to exceed one (1) year. **CCC 2331.10(C)**

#### **Ord. 1589-2017 – Effective Date 7/19/17**

Amends almost all sections of CCC 525 – Charitable Solicitations – and renumbers several of the sections accordingly

- Repeals **CCC 525.02** (Charitable Solicitations Board)
- Allows for the permit for charitable solicitations to be granted or revoked by the Public Safety Director or his designee

- Modifies **CCC 525.15** to prohibit solicitation through social media, email, or electronic material unless certain conditions are met

**Ord. 1497-2017 – Effective date 7/19/17**

Repeals and replaces **CCC 597** – Alarm User License and Alarm Dealer License

**Ord. 1304-2017 – Effective date 7/5/17**

Enacts **CCC 161.10** which prohibits the denial of city services, misuse of city resources and/or solicitation of information about immigration status, unless otherwise authorized.

**CCC 161.10**

A. Definitions. As used in this section:

1. "Public official" means any elected or appointed officer, or employee, or agent of the city whether in a temporary or permanent capacity.
2. "Public servant" means any person performing ad hoc a governmental function including without limitation a member of a temporary commission, master, arbitrator, advisor, or consultant.

B. No department, employee, public official, or public servant of the city of Columbus shall deny access to city services based on the immigration status of any person unless required by law or court order.

C. No department, employee, public official, or public servant of the city of Columbus shall solicit information about an applicant's immigration status in any application for city services unless required by law or court order.

D. No department, employee, public official, or public servant of the city of Columbus shall use city moneys, equipment, or personnel for the sole purpose of detecting or apprehending any person based on the person's suspected immigration status, except in response to a court order.

E. No department, employee, public official, or public servant of the city of Columbus shall request information about or otherwise investigate or assist in the investigation of a person's immigration status unless a warrant exists, a criminal violation was reported, or an arrest was made.

**Ord. 0265-2017 – Effective date 5/23/17**

Amends **CCC 919.13** to allow possession/consumption of beer or liquor in certain parks, golf courses, zoo, et al., in certain circumstances.



### **CCC 919.13 - Alcoholic beverages prohibited.**

(A) No person shall knowingly possess with the purpose to consume any liquor or beer as defined in ORC 4301 while being in or upon any park.

(B) For the purposes of subsection (A) of this section, any person found in or upon any park and in possession of any liquor or beer is presumed to knowingly possess the liquor or beer with the purpose to consume such.

(C) Subsection (A) of this section shall not apply to the following locations:

1. Municipal golf courses when concessions which include the possession, sale and/or consumption of liquor or beer are contracted by the recreation and parks department.
2. The Columbus Zoo premises when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the Columbus Zoological Park Association.
3. Franklin Park Adventure Center when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the director of the recreation and parks department.
4. The Cultural Arts Center when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the director of the recreation and parks department.
5. Goodale Park, Harrison Park, or Schiller Park when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the director of the recreation and parks department.
6. Certain enclosed, public rental shelter houses and/or facilities when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the director of the recreation and parks department.
7. Downtown District event parkland/open space when the possession, sale and/or consumption of alcoholic beverages is permitted by written authorization from the director of the recreation and parks department.

(D) The possession, sale and/or consumption of liquor or beer, when permitted by subsection (C), shall be in compliance with all applicable laws pertaining thereto (Ord. 1648-91), and with any recreation and parks department administrative rules. Failure to comply with any laws or administrative rules shall be sufficient grounds for immediate revocation of permit.

### **Ohio Revised Code Changes**

#### **SB 7 – Effective Date 9/27/17**

Personal service of a copy of a protection order/consent agreement is NO LONGER mandatory in order to charge VPO in some circumstances.

Prosecution can prove a Violation of Protection Order charge under **ORC 2919.27**, IF the defendant recklessly violates the terms of the protection order/consent agreement after:

- Defendant is **shown** the protection order/consent agreement (or a copy of either), OR
- Defendant is **informed** of the issuance of the protection order/consent agreement by a law enforcement officer, judge, or magistrate

The level of offense for VPO can be elevated to an F5 (from an M1) if any of the conditions listed in **ORC 2919.27(B)(3)** are met.

#### **HB 9 – Effective date 4/30/17**

Amends **ORC 4511.132(A)** to specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles.

Allows bicycles to proceed through an intersection with malfunctioning traffic lights due to the vehicle detector being unable to detect the presence of the bicycle at the light.

#### **ORC 4511.132(A):**

The driver of a vehicle, streetcar, or trackless trolley who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way, or, if the vehicle is a bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle:

- (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
- (2) Yield the right-of-way to all vehicles, streetcars, or trackless trolleys in the intersection or approaching on an intersecting road, if the vehicles, streetcars, or trackless trolleys will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;
- (3) Exercise ordinary care while proceeding through the intersection.

#### **HB 26 – Effective date 6/30/17**

Amends **ORC 4503.21** –Display of License Plates and Validation Stickers – to include “license plate” in (A)(1) section, which shall be displayed in plain view on the front and rear of a motor vehicle. Exceptions listed in **4503.21(A)(1)(a)-(c)**.

Also makes failure to display a front license plate on a parked motor vehicle a secondary offense and requires another offense to have occurred and to be charged in order to charge violation of 4503.21

- Allows officer to issue a ticket, citation, or summons, or cause the arrest of a person, for failure to display a license plate in plain view on the front of a parked motor vehicle if the officer first determines that another offense has occurred and either places the operator or vehicle owner under arrest or issues a ticket, citation, or summons to the operator or vehicle owner for the other offense. **ORC 4503.21(B)**. For example, the vehicle had an expired registration and did not display a front license plate. In all other circumstances, the failure to display a front license plate remains a primary offense and a person may be issued a ticket, citation, or summons or be arrested or stopped solely for committing such a violation.
- MM offense (strict liability for violations of (A) subsection)
- If, in violation of (A), failure to display license plate on the front of a motor vehicle occurs while vehicle is otherwise legally parked, the person may not be fined more than \$100 and points are not assessed in this situation. **ORC 4503.21(C)(2)**

Amends **ORC 4511.661(A)** to exempt drivers of motor vehicles which are parked on residential property (and locked motor vehicles, regardless of where they are parked) from being charged if vehicle is left unattended without stopping the engine, locking the ignition, and removing the key from the ignition. Emergency and safety vehicles are still exempted.

Amends **ORC 4519.02**, amends **ORC 4519.40**, and enacts **ORC 4519.41(F)** which contains provisions for operation of snowmobiles, off-highway motorcycles, or all-purpose vehicles under certain circumstances and in specific areas of Ohio.

### **HB 63 – Effective date 10/17/17**

Allows for 6 years of additional prison time if the offender is convicted of using an accelerant in committing a Felonious Assault under **ORC 2903.11(A)** and convicted of accelerant specification

- Enacts “**Judy’s Law**” which allows for enhanced penalties if the offender uses an accelerant to commit a violation of **ORC 2903.11(A)(1)** or **(A)(2)** which resulted in a permanent, serious disfigurement or permanent, substantial incapacity to the victim
- “Accelerant” means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire. **ORC 2929.01(EEE)**
- Enacts **ORC 2941.1425** which states that the mandatory prison term can only be imposed if the indictment, count in the indictment, or information charging the offense includes the accelerant specification. **ORC 2941.1425(A)(1), (2) and 2941.1425(B)**

## **Marsy's Law**

The Ohio Constitution (Article 1, Section 10a) was recently amended with the passage of the **Ohio Crime Victims' Bill of Rights**, also known as **Marsy's Law**.

This law affords victims certain Constitutional rights (listed below) which must be protected in a manner no less vigorous than the rights afforded to the defendant. For law enforcement purposes, this new law expands the category of people who are considered to be a "victim" of crime. This change affects all officers, but particularly Patrol.

**The new definition of "victim" is, "any person against whom a criminal offense or delinquent act is committed or any person who is directly and proximately harmed by the commission of the offense or act."** The suspect, defendant, or offender is not a victim, and the term victim does not include "a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim."

**When officers have contact with a victim of a criminal offense/delinquent act, the victim needs to be advised of their new rights.** *This can be done by handing the victim the Ohio Attorney General's tear-off sheet entitled "YOU HAVE RIGHTS" which are currently being distributed to officers and a second small sheet from the Division which lists contact information for the investigating agency (CPD) and the prosecutor's offices.* **All victims (of either felony or misdemeanor crimes) should receive these two sheets.**

Additionally, if someone is a victim of one of the following criminal offenses, they must also be given a copy of the **Ohio Crime Victims' Rights Brochure** (formerly called "Picking up the Pieces") and the **Guide to Protection Orders**. These offenses include: all felonies, Negligent Homicide, Vehicular Homicide, Assault, Aggravated Menacing, Menacing by Stalking, Menacing, Sexual Imposition, Domestic Violence, Intimidation of a Crime Victim or Witness. If the person is a victim of an OVI or Hit/Skip, they must be given a copy of the Ohio Crime Victims' Rights Brochure. If the victim is deceased or incapacitated, an immediate family member who has been directly and proximately harmed by the offense should receive the materials instead. For more information, officers can refer to Division Directive 3.08.

**Marsy's Law affords victims the following rights:**

- (1) To be treated with fairness and respect for the victim's safety, dignity and privacy;**
- (2) Upon request, to reasonable and timely notice of all public proceedings involving the criminal offense against the victim, and to be present at all such proceedings;**

- (3) To be heard in any public proceeding involving release, plea, sentencing, disposition, or in any public proceeding in which a right of the victim is implicated;**
- (4) To reasonable protection from the accused or any person acting on behalf of the accused;**
- (5) Upon request, to reasonable notice of any release or escape of the accused;**
- (6) Except as authorized by section 10 of Article I of the Ohio Constitution (the criminal defendant's right to Due Process), to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;**
- (7) To full and timely restitution from the person who committed the criminal offense against the victim;**
- (8) To proceedings free from unreasonable delay and a prompt conclusion of the case;**
- (9) Upon request, to confer with the attorney for the government (i.e. the prosecutor);**
- (10) To be informed, in writing, of all rights enumerated in this section.**





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## Non-Uniformed Officer In-Service 2018 – Legal Updates

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## Interviews, Interrogations, and *Miranda*

- I. **General Rules:** An individual must be informed of and understand their rights *before* “custodial interrogation.” Upon “invocation,” questioning must cease until either re-initiation by the suspect occurs or there is a break in custody. If a suspect understands their rights, and chooses to talk, they have waived their rights even without a written waiver.

**Rule #1:** The warning that an individual has the right to an attorney, the right to remain silent, and that anything they say can be used as evidence against them, must be given *before* custodial interrogation.

**See: *Miranda v. Arizona*, 384 U.S. 436 (1966):** “When an individual is taken into custody or otherwise deprived of his freedom by the authorities in any significant way and is subjected to questioning,” the court found he “must be warned prior to any questioning that he has the **right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney,**” and that opportunity to exercise these rights must be afforded to him. While the individual may waive these rights and agree to answer questions, “unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him.”

**Rule #2:** You must assure that the suspect understands their rights *before* interrogation.

**See: *Berghuis v. Thompson*, 560 U.S. 370 (2010):** If the State establishes that a *Miranda* warning was given and the accused made an un-coerced statement, this showing, standing alone, is insufficient to demonstrate a valid waiver of *Miranda* rights. **The prosecution must make the additional showing that the accused understood these rights.**

**See: *State v. Valentine*, 2016-Ohio-277 (Franklin County, January 26<sup>th</sup>, 2016):** Where a suspect, after being fully apprised of his constitutional rights under *Miranda*, indicates an understanding of those rights, but subsequently acts in such a way as to reasonably alert the interrogating officer that the **warnings given have been misapprehended**, the officer must, before any further questioning, insure that the suspect fully understands his constitutional privilege against self-incrimination.

**Rule #3:** Waiver of *Miranda* rights must be made voluntarily, knowingly, and intelligently by the suspect--waivers do not have to be in writing. **See: *Miranda v. Arizona*, 384 U.S. 436 (1966)**

**See: *State v. Cepec*, 2016-Ohio-8076 (Ohio Supreme Court December 13, 2016):** Where a suspect speaks freely to police after acknowledging that he understands his rights, a court may infer that the suspect ***implicitly waived his rights***. The determination of whether there has been an intelligent waiver of the right to counsel

depends on the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the accused.

**See: *North Carolina v. Butler*, 441 U.S. 369 (1979):** An **express written or oral statement of waiver** of the right to remain silent *or* of the right to counsel is usually strong proof of the validity of that waiver, but is not inevitably either necessary or sufficient to establish waiver.

**See: *State v. Martin*, 151 Ohio St. 3d 470 (Ohio Supreme Court, September 13, 2017):** The State has the burden of proving a knowing, voluntary, and intelligent waiver of his *Miranda* rights. A ***Miranda* waiver need not be in writing to be valid.** Nor is an explicit statement of waiver necessary. Where the prosecution shows that a *Miranda* warning is given *and* that it is understood by the accused, an accused's uncoerced statement establishes an implied waiver of the right to remain silent.

**See: *State v. Spring*, 2017-Ohio-768 (Ohio Ct. App., Jefferson County Mar. 3, 2017):** To determine whether a valid waiver occurred, courts should consider the totality of the circumstances, including the age, mentality, and prior criminal experience of the accused; the length, intensity, and frequency of interrogation; the existence of physical deprivation or mistreatment; and the existence of threat or inducement. For purposes of a *Miranda* waiver, the **presence of drugs and/or alcohol** does not render a statement inadmissible per se. Rather, while their presence should be considered, the amount must sufficiently impair the confessor's ability to reason

**See: *State v. Valentine*, 2016-Ohio-277 (Franklin County, January 26<sup>th</sup>, 2016) --** An accused's **mental condition**, although a relevant consideration, does not by itself prevent an effective waiver of constitutional rights.

**See: *Shields v. United States*, 698 Fed. Appx. 807 (6th Cir. June 26, 2017):** **Mental retardation** alone, however, does not prevent a defendant from making a valid waiver of *Miranda* in order to confess to a crime.

**See: *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973):** A **third party** cannot waive a defendant's *Miranda* rights. "It is inconceivable that the Constitution could countenance the waiver of a defendant's right to counsel by a third party."

**See: *United States v. Woodley*, 2017 U.S. App. LEXIS 22081 (6th Cir.):** The Supreme Court long has held that a criminal defendant may waive his or her Sixth Amendment right to counsel, even at a critical stage of the proceedings. Even so, reviewing courts must be vigilant to ensure that any such waiver reflects an intentional relinquishment or abandonment of a known right or privilege. Consequently, the key inquiry becomes: Was the accused, who waived his Sixth Amendment rights during **post-indictment questioning**, made sufficiently aware of his right to have counsel present during the questioning, and of the possible consequences of a decision to

forgo the aid of counsel?

**Rule #4:** If *Miranda* rights are clearly and unambiguously *invoked* at any time, *police must stop* questioning the suspect until an attorney is present, or until there is a break in custody. Also, if a suspect is in custody, and you are interrogating a suspect relative to one crime, and they invoke their right to counsel, you cannot then move onto interrogating them about any crime until an attorney is present, or until there is a break in custody.

See: *Bobby v. Dixon*, 132 S.Ct. 26 (2011); *McNeil v. Wisconsin*, 501 U.S. 171 (1991): Unless it is a custodial interrogation, a person cannot invoke their *Miranda* rights **anticipatorily**.

See: *Miranda v. Arizona*, 384 U.S. 436 (1966), *Edwards v. Arizona*, 451 U.S. 477 (1981), and *Michigan v. Mosley*, 423 U.S. 96 (1975), which found a “right to cut off questioning” inherent in the *Miranda* privileges that must be respected.

See: *State v. Hudson*, 2018-Ohio-981 (Pickaway County, March 6, 2018): The Supreme Court of Ohio cautions that once an accused invokes his right to counsel, all further custodial interrogation must cease.

See: *Hendrix v. Palmer*, 2018 U.S. App. LEXIS 17383 (6th Cir.): A person held for interrogation must be clearly informed that he has the right to remain silent, to consult with a lawyer, and to have the lawyer with him during interrogation. After these warnings are given, if the person indicates in any manner that he wishes to remain silent, **the interrogation must cease**.

It is inconsistent with *Miranda* and its progeny for the authorities, at their instance, to re-interrogate an accused in custody if he has clearly asserted his right to counsel. The *Edwards* rule against **re-interrogation**, moreover, is not offense-specific: Once a suspect invokes the *Miranda* right to counsel for interrogation regarding one offense, he may not be re-approached regarding any offense unless counsel is present.

See: *Davis v. United States*, 512 U.S. 452 (1994): If a suspect does not invoke his rights after being *Mirandized*, police may continue questioning him unless and until he unambiguously invokes his rights. After a knowing and voluntary waiver of the *Miranda* rights, law enforcement officers may continue questioning until and unless the suspect clearly requests an attorney. A request for counsel must be clear and unambiguous—“maybe I should get a lawyer” is insufficient.

See: *State v. Tichener*, 2016-Ohio-1021 (Fairfield County March 14, 2016): The trial court properly determined that the defendant waived his right to counsel, as upon reading his *Miranda* rights, his inquiry that “I mean, should I get an attorney” was not a sufficient request for counsel, and moreover, he signed a waiver of his *Miranda* rights and then confessed to his actions.

**See: *Connecticut v. Barrett*, 479 U.S. 523 (1987):** While in custody on suspicion of sexual assault, the defendant was three times advised by police of his *Miranda* rights. Each time, he signed an acknowledgement that he had been given his rights, said he would not give a written statement, but said he would be willing to talk to police. On the second and third occasion, he added he would not make a written statement without an attorney. He then orally admitted his involvement in the assault. The defendant's indication that he would not give a written statement without an attorney did not count as an invocation of the right to counsel for the purposes of a later oral statement.

**See: *Berghuis v. Thompson*, 560 U.S. 370 (2010):** The “unambiguous invocation” requirement of *Davis* applies to the right to remain silent as well as the right to an attorney. After giving Thompson his *Miranda* rights, officers interrogated him about a shooting. At no point did Thompson say he wanted to remain silent, that he did not want to talk to police, or that he wanted an attorney. He was mostly silent, but answered “yes” when asked if he prayed for forgiveness for the shooting. Thompson did not invoke his right to remain silent by simply remaining silent. As *Davis v. United States* (above) says, one's right to counsel must be invoked unambiguously. There is no reason to adopt a different standard for one's right to remain silent. If *Miranda* warnings have been given and understood, **an accused un-coerced statement establishes implied waiver.**

**See: *Salinas v. Texas*, 133 S. Ct. 2174 (2013)** Petitioner, without being placed in custody or receiving *Miranda* warnings, voluntarily answered some of the police officer's questions about a murder, but fell silent when asked whether ballistics testing would have matched his shotgun to shell casings found at the scene of the crime. Petitioner claimed that the prosecution's use of his silence at trial violated the Fifth Amendment. The general rule is a witness must assert the privilege against self-incrimination to subsequently benefit from it. A defendant normally does not invoke the privilege by remaining silent. A defendant's failure at any time to assert the constitutional privilege against self-incrimination leaves him in no position to complain that he was compelled to give testimony against himself.

**See: *United States v. Calvetti*, 2016 U.S. App. LEXIS 16496 (6th Cir.):** Defendant's **signing of consent to search form** after invoking her right to remain silent does not violate the Fifth Amendment because the consent is not evidence of a testimonial or communicative nature. Giving consent to search is not in itself a testimonial statement because it does not relate a factual assertion or disclose information. The Supreme Court has rejected the argument that consent to a search could not be valid unless defendant knew that he had a right to refuse the request.

**See: *Maryland v. Shatzer*, 559 U.S. 98 (2010):** Break in custody (detailed in later section); ***Montejo v. Louisiana*, 556 U.S. 778 (2009):** Montejo was arrested in connection with a robbery/murder. He waived his rights and was interrogated. He was brought before a judge for a preliminary hearing and an attorney was appointed to him. Police then visited Montejo at the prison and asked him to go with them to

find the murder weapon. He was again Mirandized, went on the search, and wrote a letter of apology to the victim's widow. Upon return to the prison, he first met his court-appointed attorney. Because he never told police he wanted his attorney, they were permitted to speak to him even after he had been arraignment. He had not previously invoked during custodial interrogation.

**Rule #5:** You may interrogate/question after invocation of rights only if/when the suspect **reinitiates or after a sufficient break in custody**. There is a presumption that after *Miranda* rights have been invoked, any waiver of those rights in response to a subsequent police attempt at a custodial interrogation is involuntary. Once a suspect has invoked his right to counsel, he is not subject to further interrogation until counsel has been made available to him, *unless* the accused initiates the communication with police *or* there has been a break in custody.

**See: *Edwards v. Arizona*, 451 U.S. 477 (1981):** After being arrested and Mirandized, the defendant was questioned on January 19 until he said he wanted an attorney. The next day, January 20, officers came to the jail, Mirandized him again, and obtained his confession. This violated his rights. The defendant had not waived his right to counsel on January 20. Once the right to counsel has been invoked, a waiver of that right must be voluntary and must constitute a knowing and intelligent relinquishment of a known right or privilege. The question is not whether his statement was voluntarily, but whether he knowingly relinquished his right to counsel. A valid waiver cannot be established by showing only that he responded to police questioning after again being advised of his rights. An accused who expresses desire to deal with police only through counsel is not subject to further interrogation until counsel has been made available to him, unless the accused himself initiates further communication with police.

**Rule #6:** Re-initiation by the suspect of an interrogation occurs when, without influence by the authorities, the suspect shows willingness and a desire to talk about his case. In other words, if a suspect invokes their rights, which will terminate interrogation, later interrogation would be permissible if the suspect of their own accord reinitiated contact with the police to discuss their case. A suspect could communicate willingness and a desire to talk with police directly or through a third person. Whether the communication is direct or indirect is immaterial--what is important is the impetus for discussion comes from the suspect himself. See *Hennes v. Bagley*, 644 F.3d 308 (6<sup>th</sup> Cir. 2011)

**See: *Bachynski v. Stewart*, 813 F.3d 241 (6<sup>th</sup> Cir. Ohio 2015):** After a suspect invokes her right to counsel, courts may still admit a subsequent confession if (1) the suspect, as opposed to the officers, initiates the interrogation with the police and (2) the suspect waives her right to counsel.

**See: *State of Ohio v. Ian Winkler*, Franklin County Common Pleas Case No. 17 CR 965 (3/9/18):** The law is very clear that once a suspect invokes his right to counsel and refuses to waive his right against self-incrimination as protected by the 5<sup>th</sup> and 14<sup>th</sup> Amendments, he "is not subject to further interrogation by the authorities

unless counsel has been made available to him, *unless the accused himself initiates* further communication, exchanges or conversations.” Statement by officer, “if you want to initiate a conversation with us,” seen as improper and counter to self-initiation requirement.

**Rule #7:** A break in custody ends the presumption of involuntariness of *Edwards v. Arizona*. Where a suspect who initially invokes his rights is interrogated after a break in custody that is of sufficient duration to dissipate coercive effects, the suspect’s communication with police is not presumed involuntary. Two weeks is sufficient duration to establish a break in custody.

See *Maryland v. Shatzer*, 559 U.S. 98 (2010): Police tried to question a suspect who was incarcerated, and he invoked. He was then returned to the general prison population. Two-and-a-half years later, a different officer attempted to interrogate him while he was still incarcerated. He waived his rights and provided an inculpatory statement. The court found that where a suspect has been released from custody and returned to his normal life for some time before the later attempted interrogation, there is little reason to think that his change of heart has been coerced. A release back into the general prison population is a break in custody. The Court also concluded that the **appropriate duration for a break in custody is 14 days**.

**Rule #8:** Generally, police are not required to **re-administer** *Miranda* warnings to a suspect when a relatively short period of time has elapsed since the initial warnings.

*State v. Cox*, 2018-Ohio-1938 (10<sup>th</sup> App Dist.): Exceptions to this general principle are weighed in Ohio by considering five factors: (1) the length of time between the giving of the first warnings and subsequent interrogation (2) whether the warnings and the subsequent interrogation were given in the same or different place (3) whether the warnings were given and the subsequent interrogation conducted by the same or different officers (4) the extent to which the subsequent statement differed from any previous statements and (5) the apparent intellectual and emotional state of the suspect

## II. Concepts Better Defined: The Meaning of Custody and Interrogation

### A. General Definitions

**Rule #1:** “Custodial interrogation” means questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. See: *Miranda v. Arizona*, 384 U.S. 436 (1966)

See: *State v. Martin*, 151 Ohio St. 3d 470 (September 13, 2017): The requirement of *Miranda* warnings applies only when a suspect is subjected to **both custody and interrogation**.

**Rule #2:** “Interrogation” means express questioning or its functional equivalent, meaning any words or actions by police that the police knew were reasonably likely to elicit incriminating statements.

**See: *Rhode Island v. Innis*, 446 U.S. 291 (1980):** Police arrested a man on suspicion of armed robbery where the gun was missing. They Mirandized him and he asked for an attorney. On the way to the station the officers discussed amongst themselves the dangers of the gun being missing in an area full of children. The suspect then said he would lead police to the gun. The conversation the officers had was not an interrogation. **“Interrogation” refers to express questioning as well as its functional equivalent**, meaning any words or actions of the police that the police know are reasonably likely to elicit an incriminating response from the suspect. The officers’ conversation was neither. It may be said that defendant was subject to “subtle compulsion,” but he did not establish that his response was the product of action the police knew were likely to elicit his response.

**See: *McKinney v. Hoffner*, 830 F.3d 363 (6th Cir. Mich. 2016):** Interrogation to refer not only to express questioning, but also to any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably **likely to elicit an incriminating response**.

**See: *State v. Haynes*, 2018-Ohio-607 (February 16, 2018):** “Interrogation” includes express questioning as well as any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect. “Interrogation” must reflect a measure of compulsion above and beyond that inherent in custody itself. Police officers are not responsible for unforeseeable incriminating responses. A suspect who volunteers information, and who is not even asked any questions, is not subject to a custodial interrogation and is not entitled to Miranda warnings. Informing a suspect of the reason for his detention is a statement normally attendant to custody, particularly when the suspect prompts the statement.

**See: *State v. Drake*, 2017-Ohio-755 (Ohio Ct. App., Franklin County Mar. 2, 2017):** Defendant's Fifth Amendment rights were not violated, as he initiated a discussion with an officer and volunteered information about marijuana and a firearm; thus, although defendant was in custody, he was not subjected to custodial interrogation and not entitled to *Miranda* warnings.

**Rule #3:** A police officer's subjective view that the individual under questioning is a suspect, if undisclosed, does not bear upon the question whether the individual is in custody for purposes of *Miranda*; the inquiry is an objective one. An officer's knowledge or beliefs may bear upon the custody issue if they are conveyed to the individual being questioned, but are relevant only to the extent they would affect how a reasonable person in the position of the individual being questioned would gauge the breadth of his or her freedom of action. Even a clear statement from an officer that the person under interrogation is a prime suspect is not,

in itself, dispositive of the custody issue, for some suspects are free to come and go until the police decide to make an arrest.

**See: *Stansbury v. California*, 511 U.S. 318 (1994):** When investigating a child's disappearance, police learned the child had spoken to an ice-cream truck driver, the petitioner here. They went to Stansbury's home and asked if he would accompany them to the police station; he agreed. Officers questioned him but did not issue *Miranda* warnings until Stansbury mentioned his criminal record. It is clear the subjective and undisclosed suspicions of the officers are irrelevant; the question here is whether the objective circumstances indicate that Stansbury was in custody during the entire interrogation.

**See: *State v. Brock*, 2017-Ohio-759 (Ohio Ct. App., Darke County Mar. 3, 2017):** The trial court did not err by denying defendant's motion to suppress because defendant was not in custody when his statements were made and his *Miranda* rights were not violated. The evidence offered at the hearing made clear that defendant was a suspect at the time of the interviews, that he was not restricted in any meaningful way from leaving, and that he was not threatened, intimidated, or dominated and neither the location of the interview nor defendant's status as a suspect was conclusive as to the nature of his interaction with the police. The ultimate inquiry is simply whether there was a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest.

The *Jones* factors, while not a rigid list of factors that a court must consider in making an assessment as to whether there was a degree of restraint associated with formal arrest, are relevant in determining whether an interrogation was custodial. The factors are as follows: (1) what was the location where the questioning took place - i.e., was the defendant comfortable and in a place a person would normally feel free to leave; (2) was the defendant a suspect at the time the interview began (bearing in mind that *Miranda* warnings are not required simply because the investigation has focused); (3) was the defendant's freedom to leave restricted in any way; (4) Was the defendant handcuffed or told he was under arrest; (5) were threats made during the interrogation; (6) was the defendant physically intimidated during the interrogation; (7) did the police verbally dominate the interrogation; (8) what was the defendant's purpose for being at the place where the questioning took place; (9) were neutral parties present at any point during the questioning; (10) did police take any action to overpower, trick, or coerce the defendant into making a statement.

## **B. Specific Examples of What Is/Is Not “Custodial Interrogation”**

**Rule #1:** The roadside questioning of a motorist detained pursuant to a routine traffic stop does not constitute “custodial interrogation” for the purposes of the *Miranda* rule. A policeman's unarticulated plan has no bearing on the question whether a suspect was “in custody” at a particular time; the only relevant inquiry is how a reasonable man in the suspect's position would have understood his situation. It is only after a suspect has been taken into custody that the *Miranda* warning is necessary.



**See: *Berkemer v. McCarty*, 468 U.S. 420 (1984):** An officer pulled over a driver suspected of OVI. The officer determined he would be cited and would not be allowed to leave the scene, but did not tell him he would be taken into custody. He failed sobriety tests, and answered the officer's question regarding consumption of intoxicants. He was then formally arrested and taken for a blood test, where he gave other statements. He was never Mirandized. **The roadside questioning of a motorist detained pursuant to a routine traffic stop does not constitute "custodial interrogation" for the purposes of the Miranda rule.** A traffic stop does not sufficiently impair exercise of the privilege against self-incrimination to require a warning of one's constitutional rights. Although the arresting officer decided as soon as respondent stepped out of his car that he would be taken into custody and charged, the officer never communicated this intention to the driver. A policeman's unarticulated plan has no bearing on the question whether a suspect was "in custody" at a particular time; the only relevant inquiry is how a reasonable man in the suspect's position would have understood his situation. Since respondent was not taken into custody for the purposes of Miranda until he was formally arrested, his statements made prior to that point were admissible.

**See: *City of Cleveland v. Oles*, 152 Ohio St. 3d 1 (July 19, 2017):** Determining whether **front-seat questioning** during a traffic stop is a custodial interrogation requiring Miranda warnings demands a fact-specific inquiry that asks whether a reasonable person in the suspect's position would have understood himself or herself to be in custody while being questioned in the front seat of the police vehicle. Determining whether the totality of the circumstances in a particular case indicates that a custodial interrogation occurred requires a more exacting inquiry by the courts than the simple application of a bright-line rule of law.

In some cases, the totality of the circumstances will demonstrate that questioning a suspect in the front seat of a police vehicle is a custodial interrogation that requires Miranda warnings. But, front-seat questioning, by itself, does not necessarily constitute a custodial interrogation. The following factors have been identified that may provide guidance: questioning a suspect during a traffic stop in the front seat of a police vehicle does not rise to the level of a custodial interrogation when: (1) the intrusion is minimal; (2) the questioning and detention are brief; and (3) the interaction is nonthreatening or non-intimidating.

**Rule #2:** But you can (often inadvertently) turn a roadside stop into "custody." Where during an otherwise routine traffic stop, the officer took the suspect's keys, ordered the suspect to get in his cruiser, and told the suspect he was going to search his car, that suspect was "in custody" for the purposes of *Miranda*. Though he was eventually *Mirandized*, all pre- and post- *Miranda* statements were inadmissible. Any physical evidence obtained as the direct result of those excluded statements is inadmissible as well.

**See: *State v. Farris*, 109 Ohio St.3d 519 (2006):** Though typically, a person is *not* in custody during a traffic stop, the officer's treatment of Farris after the original stop

placed him in custody. Specifically, when the officer took his keys, told him to get in the cruiser, and aid he was going to search his car, Farris was not free to leave. He was then in custody. Because he was in custody, he should have been given his *Miranda* rights immediately. As such, all pre-*Miranda* statements are inadmissible. His post-*Miranda* statements are also inadmissible: all of the officer's questions constitute a single interrogation because of the timing and substance of the questions, and the interrogation was based on a violation of *Miranda*. Further, the physical evidence found in the car is also inadmissible. Evidence obtained as the direct result of statements made in custody without the benefit of *Miranda* warnings should be excluded. While the officer could have searched the passenger compartment of the car after smelling marijuana, the "plain smell" rule does not give him access to the trunk; he only searched the trunk after hearing Farris admit to having a pipe in his trunk.

**Rule #3: *Terry* stops are usually not custodial!** The temporary and relatively nonthreatening detention involved in a *Terry* stop (or a traffic stop) does *not* constitute "custody" for the purposes of *Miranda*, thus *Miranda* warnings are typically not needed before asking incriminating questions during such a stop.

**See: *Maryland v. Shatzer*, 559 U.S. 98 (2010), *Berkemer v. McCarty*, 468 U.S. 420 (1984):** *Terry* stops are akin to traffic stops in that they are temporary and usually harmless detentions done under reasonable suspicion.

**See: *Loza v. Mitchell*, 766 F.3d 466 (6th Cir 2014) –** The state court's determination that the officer questioned defendant pursuant to a lawful *Terry* stop and, consequently, that the officer was not required to provide defendant with his *Miranda* rights was reasonable as the officer had a reasonable, articulable suspicion that criminal activity was afoot and he also had reason to suspect defendant might have been involved; An individual may be detained, but nonetheless may not be in custody for purposes of *Miranda*. There is an absence of any suggestion in United States Supreme Court opinions that *Terry* stops are subject to the dictates of *Miranda* given the comparatively nonthreatening character of such detentions. Although the officer may ask the detainee a moderate number of questions to determine his identity and to try to obtain information confirming or dispelling the officer's suspicions the detainee is not obliged to respond and, unless the detainee's answers provide the officer with probable cause to arrest him, he must then be released.

**See: *State v. C.J.*, 2018-Ohio-1258 (Warren County, April 2<sup>nd</sup>, 2018):** General on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process ordinarily does not fall within the ambit of custodial interrogation. That is because such general questioning is only an attempt to elicit basic facts relative to the officer's investigation. Having an individual stay while relevant facts are ascertained does not necessarily elevate the situation to custodial interrogation.

**Rule #4:** When an officer is conducting a lawful pat-down, the question “What is in your pocket?” is not an investigatory question or otherwise calculated to elicit an incriminating response, but rather a natural and automatic response to the unfolding events during the normal course of an arrest. It therefore does not require *Miranda* warnings even if the suspect is in custody when the pat-down occurs.

**See: United States v. Woods, 711 F.3d 737 (6<sup>th</sup> Cir. 2013):** Officer Mardigian was lawfully patting down Woods and, while doing so, came across a hard object in Woods's pocket that he could not identify. He then asked Woods what the object was. To ask “What's that?” or “What is in your pocket?” in such a situation is essentially an automatic, reflexive question directed at ascertaining the identity of an object that is legitimately within the officer's power to examine as part of a search incident to an arrest, and as such is “normally attendant” to an arrest. It had nothing to do with an interrogation as that term is commonly understood, even though Woods was “in custody” at the time

**Rule #5:** Police encounters in a person's home typically do not rise to the kind of custodial situation that necessitates *Miranda* warnings because the home presumably is the one place where individuals will feel most unrestrained in deciding whether to permit strangers into the house, in moving about once the police are there, in speaking as little or as much as they want, in curbing the scope of the interview, or in simply asking the officers to leave. **See: United States v. Panak, 552 F.3d 462 (6<sup>th</sup> Cir. 2009).** A suspect is not in custody when the suspect agrees to speak with police inside his home, invites police agents inside, answers questions, and is not being restrained.

**See: United States v. Conder, 529 Fed.Appx. 618 (6<sup>th</sup> Cir. 2013):** Defendant was not in custody when he was questioned by law enforcement officers in his mobile home, and thus *Miranda* warning was not required; defendant himself granted officers permission to enter, officers did not restrain defendant's freedom of movement or draw their weapons, although entire encounter might have lasted up to an hour and forty-five minutes, one officer asked only five questions before defendant made self-incriminating statements, and defendant refused to consent to search of his vehicle or his cellular telephone, suggesting that environment was not coercive.

**See: United States v. Melcher, 2016 U.S. App. LEXIS 21589 (6<sup>th</sup> Cir. Mich. 2016):** A suspect is in custody if police have either arrested him or restricted his freedom of movement as though he were under arrest. The test for custody is objective; courts ask how a reasonable person in the suspect's position would gauge the breadth of his freedom of action. To answer that question, courts look to “all of the circumstances” surrounding the interview, paying special mind to the following four factors: where the interview was conducted; the duration and manner of the officers' questioning; whether the officers restrained the suspect's movement; and whether they told him he could refuse to be interviewed. A suspect is in custody if police have either arrested him or restricted his freedom of movement as though he were under arrest. The test for custody is objective; courts ask how a reasonable person in the suspect's position would gauge the breadth of his freedom of action. To

answer that question, courts look to "all of the circumstances" surrounding the interview, paying special mind to the following four factors: where the interview was conducted; the duration and manner of the officers' questioning; whether the officers restrained the suspect's movement; and whether they told him he could refuse to be interviewed.

**See: State v. Weiland, 2016-Ohio-5034 (Ohio Ct. App., Stark County July 18, 2016)** -- Courts have generally found an individual is not in custody when questioning takes place in the individual's home and the individual is free to move about and is questioned by an officer over a brief period of time.

**Rule #6:** BUT, a person can be "in custody" in their own home if you take steps to make the situation "custodial." Where a suspect is interrogated in his own bed while under arrest and not free to leave, he is in custody for *Miranda* purposes.

**See: Orozco v. Texas, 394 U.S. 324 (1969):** The defendant was convicted of murder. Evidence showed the defendant left the scene after killing the victim and returned to his boardinghouse. At around 4am, police arrived, were admitted, and entered the defendant's bedroom to question him. The officers testified that from the moment the defendant gave his name, he was not free to go and was under arrest. Officers never gave him his rights. The statements he gave were admitted at trial. The fact that he was in his own bed when questioned does not lessen *Miranda's* requirements—he was in custody when he was not free to leave.

**Rule #7:** Where an individual comes **voluntarily to a police station**, or another place, is immediately informed they are not under arrest, and leaves the police station at the end of the interview without hindrance, that individual was not "in custody" for the purposes of *Miranda*. **See: Oregon v. Mathiason, 429 U.S. 492 (1977)**

**See: State v. Mattox, 2018-Ohio-992 (Montgomery County, March 16, 2018):** The trial court did not err by denying defendant's motion to suppress his statements because *Miranda* warnings were not required since he was not in police custody in either instance. Defendant "voluntarily appeared" in response to the detective's request, and he "was permitted to leave on both occasions

For purposes of determining whether an interview is custodial, the subjective views of the interviewer and the person being interviewed are immaterial; instead, the determination should focus on the essentially objective question of whether a reasonable person in the same position would feel at liberty to terminate the interview and leave. Among others, the factors a court should consider in applying this standard are: the location of the interview; the duration of the interview; whether the interviewee is physically restrained; whether the interviewee is threatened or tricked; and whether the interviewee is released at the end of the interview.

**Rule #8: In re D.B., 2018-Ohio-1247 (Franklin County, March 30, 2018)** -- Ohio courts have generally held that a **conversation by telephone** does not constitute a

custodial interrogation that would require a Miranda warning, because there is no restraint of freedom and the conversation can be terminated at any time by hanging up the phone.

**Rule #9: State v. Jackson, 2018-Ohio-2169 (Oh. S. Ct):** The appellate court erred when it concluded that the social worker and child advocate acted as an agent of law enforcement in conducting an interview of defendant pursuant to R.C. 2151.421(K) because the record contained no evidence that she acted as an agent of law enforcement for *Miranda* purposes.

There was no evidence that law enforcement asked the social worker to interview defendant before or after the detective's failed attempt to interview him or that law enforcement influenced her interview of defendant in any way.

Because the social worker was not an agent of law enforcement, the appellate court also erred when it concluded the trial court violated the Fifth and Sixth Amendments, as applied to the states through the Fourteenth Amendment, in admitting her testimony.

**Rule # 10:** A 14 day **break-in-custody** provides plenty of time for a suspect to get re-acclimated to his normal life, to consult with friends and counsel, and to shake off any residual coercive effects of his prior custody. Lawful imprisonment imposed upon conviction of a crime does not create the coercive pressures identified in *Miranda*. **Maryland v. Shatzer**, 559 U.S. 98, (U.S. 2010).

**Rule #11:** The United States Supreme Court had expressly declined to adopt a per se rule. Standard prison conditions and restrictions did not necessarily implicate the same interests that *Miranda* sought to protect. Thus, **being in prison, without more, was not enough to constitute *Miranda* custody.** Taking the inmate to a conference room, as opposed to questioning him in the presence of fellow inmates, did not necessarily convert a noncustodial situation to one in which *Miranda* applied. Factors that leaned toward finding the inmate's questioning was custodial were offset by others: he was told at the outset, and reminded thereafter, that he could leave and go back to his cell whenever he wanted, he was not physically restrained or threatened and was not uncomfortable, was offered food and water, and the door to the conference room was sometimes left open. Those objective facts were consistent with an interrogation environment in which a reasonable person would have felt free to terminate the interview and leave. Being told if he did not cooperate he would be returned to his cell was not coercion by threatening harsher conditions. **Howes v. Fields**, 565 U.S. 499 (U.S. 2012).

See **Simpson v. Warden, Warren Corr. Inst.**, 651 Fed. Appx. 344 (6th Cir. Ohio 2016): There are a number of factors relevant to the question whether a prisoner is in custody when he is interrogated in prison. As an initial step, this question turns on whether a reasonable person in the prisoner's position would have felt free to leave the interrogation, an inquiry that includes factors such as: (1) the location of the questioning; (2) its duration; (3) statements made during the interview; (4) the presence or absence of physical restraints; and (5) the release of the interviewee at the end of the questioning. However, standard conditions of confinement and associated restrictions on freedom—i.e., the conditions and restrictions that attend prisoners' daily lives—do not automatically render prison interrogations custodial. *Howes* gives

three reasons why this is so: (1) questioning a person who is already serving a prison term does not generally involve the shock that very often accompanies arrest; (2) a prisoner, unlike a person who has not been sentenced to a term of incarceration, is unlikely to be lured into speaking by a longing for prompt release; and (3) a prisoner, unlike a person who has not been convicted and sentenced, knows that the law enforcement officers who question him probably lack the authority to affect the duration of his sentence.

**See: *Holland v. Rivard*, 800 F.3d 224 (6th Cir. Mich. 2015):** Imprisonment alone is not enough to create a custodial situation within the meaning of *Miranda*. Rather, whether incarceration constitutes custody for *Miranda* purposes depends upon whether it exerts the coercive pressure that *Miranda* was designed to guard against—the danger of coercion that results from the interaction of custody and official interrogation. To determine whether a suspect was in *Miranda* custody the U.S. Supreme Court has asked whether there is a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest. This test, no doubt, is satisfied by all forms of incarceration. U.S. Supreme Court cases make clear, however, that the freedom-of-movement test identifies only a necessary and not a sufficient condition for *Miranda* custody. The determination of custody should focus on all of the features of the interrogation, including the language that is used in summoning the prisoner to the interview and the manner in which the interrogation is conducted

For an individual who is already incarcerated, questioning in a jailhouse conference room likely does not involve the same inherently compelling pressures that are often present when a suspect is yanked from familiar surroundings in the outside world and subjected to interrogation in a police station.

### III. Coercion and Violations of *Miranda*

**Rule #1:** Statements taken during legal custody would of course be inadmissible if they were the product of coercion, if *Miranda* warnings were not given, or if there was a violation of the rule of *Edwards v. Arizona*, which relates to reinstating communication after invocation of one's rights. **See: *New York v. Harris*, 495 U.S. 14 (1990)**

**Rule #2:** Coercion is assessed from the totality of the circumstances. If the circumstances are shown to have overborne the suspect's free will, any statement or confession has been coerced.

**See: *United States v. Ray*, 803 F.3d 244 (6th Cir. Mich. 2015) --** Circumstances courts are to consider in determining whether a confession was involuntary include the age of the accused, his level of education and intelligence, his physical condition and emotional state at the time of the confession, his expressed fears of violent reprisals, actual physical punishment, the proximity of the coerciveness of the confession as given, and the inherent coerciveness of the confession as given. In deciding whether a defendant's will could have been overborne, courts may also consider whether the defendant had prior experience in the criminal justice system.

Coercion need not depend upon actual violence by a government agent; a credible threat is sufficient. For instance, threats to arrest members of a suspect's family may cause a confession to be involuntary. Whether a threat to prosecute a third party is coercive turns on whether the threat could have been lawfully executed. The government must prove the voluntariness of the defendant's statement by a preponderance of the evidence.

#### **Other Examples of Coercion:**

- Threats. For example, where police told a suspect that state financial aid for her children would be cut off and her children would be taken away from her if she did not cooperate, the confession is coerced. This was especially true given the suspect's lack of prior dealing with police and the fact that she had no friend or advisor present to assist her. See *Lynum v. Illinois*, 372 U.S. 528 (1963)
- Use of close friend to relay false information. Where police called in an officer who was the suspect's close friend and had him falsely state the suspect's phone call had gotten him into trouble, that his job was in jeopardy, and that loss of his job would be disastrous to his family, the interrogation was coercive. See *Spano v. New York*, 360 U.S. 315 (1959)
- Persuasion and influence of a suspect crosses the line into **coercion** when a promise is made that if a suspect confesses, he or she will face a reduced charge. See *State v. Winger*, 2017-Ohio-7660 (Marion County, September 18, 2017)

#### **Examples of Acceptable Tactics:**

- Falsely telling a suspect that their co-suspect has been brought in and confessed is not coercive.
- Portraying sympathy toward suspect is not coercive. For example, suggesting that the victim started the fight by speaking or acting provocatively. See *Frazier v. Cupp*, 394 U.S. 731 (1969);
- Admonitions to tell the truth are not coercive *State v. Purefoy*, 2018-Ohio-246 (Summit County, January 24, 2018)

**Rule #3:** A “two-step” interrogation where questions are asked, the *Miranda* warning is given, and the questions are re-asked, violates *Miranda*. Police committed a *Miranda* violation that led to the suppression of incriminating statements when they interrogated a suspect without Mirandizing her. That they later Mirandized her, obtained a waiver, and got her to repeat the information does not remedy the violation and does not render the post-warning statements admissible.

**See: Missouri v. Seibert, 542 U.S. 600 (2004):** Defendant Seibert feared charges of neglect when her son died in his sleep. She was present when two of her sons and their friends discussed burning their house down to conceal his death. Donald, an unrelated 18 year old living with them was left to die in the fire. Five days later, police arrested Seibert but did not Mirandize her. Police questioned her, obtained a confession, then gave her a break. When he returned, he Mirandized her and obtained a signed waiver. He then got Seibert to repeat the information she gave by bringing up both pre- and post- warning statements. The Court suppressed both the pre- and post- warning statements. The “two-step” interrogation was nearly continuous, and the second statement was clearly the product of the invalid first statement. Thus, both had to be suppressed.

**See: United States v. Pacheco-Lopez, 531 F.3d 420 (6th Cir. 2008):** According to the Seibert plurality, the relevant factors for determining whether a midstream Miranda warning could be effective are: (1) the completeness and detail involved in the first round of questioning; (2) the overlapping content of the statements made before and after the warning; (3) the timing and setting of the interrogation; (4) the continuity of police personnel during the interrogations; and (5) the degree to which the interrogator's questions treated the second round as continuous with the first. The results of the effectiveness inquiry inform the subsequent analysis: If yes to the question of effective warning, a court can take up the standard issue of voluntary waiver and voluntary statement; if no, the subsequent statement is inadmissible for want of adequate Miranda warnings because the earlier and later statements are realistically seen as parts of a single, unwarned sequence of questioning

Unless Miranda warnings could place a suspect who has just been interrogated in a position to make an informed choice, there is no practical justification for accepting the formal warnings as compliance with Miranda, or for treating the second stage of interrogation as distinct from the first, unwarned and inadmissible segment.

## **VI. How *Miranda* and Right to Counsel Applies to Juveniles**

### **A. General Rules: Invocation and Waiver**

**Rule #1:** A juvenile CAN be *Mirandized* and interrogated without a parent present, but there are concerns... A juvenile can, theoretically, waive his *Miranda* rights just like an adult can. The waiver must be knowing and voluntary, which is assessed under the totality of the circumstances approach. Such an approach takes into account factors such as the suspect's age, education, intelligence, experience, background, and capacity to understand, such that any circumstances unique to a juvenile are considered

**See: In re D.B., 2018-Ohio-1247 (Franklin County, March 30, 2018):** The Supreme Court has long held that careful scrutiny is required in cases involving criminal interrogation and waiver of constitutional rights by juveniles. Recently, the



court held that, so long as a child's age was known to the officer at the time of police questioning, or would have been objectively apparent to a reasonable officer, its inclusion in the custody analysis is consistent with the objective nature of that test. With respect to parental involvement, the Supreme Court of Ohio has held that, when assessing whether a juvenile knowingly, intelligently, and voluntarily waived his constitutional rights, a key factor in the totality of the circumstances is the degree to which the juvenile's parent is capable of assisting and willing to assist the juvenile in the waiver analysis. The Supreme Court has held that, using the totality of the circumstances test, a trial court may determine whether a juvenile understood his constitutional rights and voluntarily waived them in the absence of an interested adult or parent

**See: *In re D.F.*, 2015-Ohio-2922 (Ohio Ct. App., Franklin County July 21, 2015):**

You may *Mirandize* and interrogate a juvenile without a parent present. BUT, courts take a hard look at this, especially with a younger juvenile! Although a juvenile can appreciate his or her rights against self-incrimination and voluntarily waive them in the absence of an interested adult or parent, a court must consider the totality of the circumstances in order to ascertain whether or not the juvenile's waiver was given voluntarily.

In construing whether a juvenile defendant's confession has been involuntarily induced, courts should consider the totality of the circumstances, including the age, mentality, and prior criminal experience of the accused; the length, intensity and frequency of the interrogation; the existence of physical deprivation or mistreatment; and the existence of threat or inducement. A confession is involuntary if it is the product of coercive police activity. Coercive law enforcement tactics may include, but are not limited to, physical abuse, threats, deprivation of food, medical treatment or sleep, use of certain psychological techniques, exertion of improper influences or direct or implied promises, and deceit.

Although it is not a conclusive factor in the court's analysis, the absence of a parent or similarly interested adult weighs against the ability of a child to knowingly and intelligently consent to a waiver of constitutional rights.

***State v. Pablo*, 2017-Ohio-8834 (10<sup>th</sup> App. Dist.):** To determine whether a suspect knowingly, intelligently, and voluntarily waived his *Miranda* rights, courts examine the totality of the circumstances. When the suspect is a juvenile, the totality of the circumstances includes the juvenile's age, experience, education, background, and intelligence as well as his capacity to understand the warnings given him, the nature of his Fifth Amendment rights, and the consequences of waiving those rights.

The Supreme Court has explained that a juvenile's access to advice from a parent, guardian or custodian also plays a role in assuring that the juvenile's waiver is knowing, intelligent, and voluntary. WE ARE SEEING RELUCTANCE BY THE COURTS TO BELIEVE THAT A 15-16 YEAR OLD CAN VOLUNTARILY WAIVE THEIR RIGHTS, AND VOLUNTARILY MAKE A STATEMENT,

WITHOUT AT LEAST INVOLVING THE PARENT/GUARDIAN IN THE PROCESS.

**Rule #2: A Juveniles' Statutory Right to Counsel:** A juvenile does not have a statutory right to counsel at an interrogation conducted prior to the filing of a complaint or prior to appearing in juvenile court. But, they do have a statutory right to counsel once a complaint is filed because that is the commencement of proceedings.

**See: *In re M.W.*, 2012 Ohio 4538 (Ohio Supreme Court):** R.C. 2151.352 provides that a child "is entitled to representation by legal counsel at all stages of the proceedings under this chapter or Chapter 2152." Because the term "proceedings," as used in this statute, means court proceedings, a juvenile does not have a statutory right to counsel at an interrogation conducted prior to the filing of a complaint or prior to appearing in juvenile court.

#### **B. How do you Decide if a Juvenile is “in custody” for *Miranda* Purposes?**

**Rule:** A juvenile's age is a factor in determining whether they are in custody. A juvenile might feel as though they are not free to leave—and are therefore in custody—even if an adult might not. A child's age properly informs the *Miranda* custody analysis so long as their age was known or objectively apparent to the questioning officer at the time of the questioning. Its inclusion in the analysis is consistent with the objective nature of the test.

**See: *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011):** Police stopped and questioned a 13 year old upon seeing him near the site of two break-ins. Five days later, after evidence linked him, police went to his school. An officer took him to a closed-door conference room where he was questioned for 30 minutes by police and school administrators. They did not Mirandize him, let him call his parents, or tell him he was free to leave. He eventually confessed. Only then was he told he could refuse to answer or leave. He then provided more details and was charged. Whether a suspect is “in custody” under *Miranda* is a two-part analysis: (1) what were the circumstances, and (2) given the circumstances, would a reasonable person have felt free to leave.” In some cases, a child's age would affect how a reasonable person perceives what is happening. Age can be accounted for while still maintaining an objective test. A child's age will not be a determinative or significant factor in every case, but it cannot be ignored. So long as the child's age was known or apparent to the questioning officers, it is included in the custody analysis.

#### **IV. The “Public Safety” Exception to *Miranda***

##### **A. General Rule**

**Rule:** The “public safety” exception is a narrow exception to the requirements of *Miranda* that says the requirements of *Miranda* need not be applied to situations where officers' questions are prompted by a concern for public safety. For the exception to apply, police must differentiate between questions necessary to secure the safety of themselves or the

public and questions designed solely to elicit testimonial evidence. Only questions necessary to ensure public safety fall under the exception.

**See: New York v. Quarles, 467 U.S. 649 (1984):** A woman told two officers she had been raped. She described the man and said he had just entered a nearby supermarket and had a gun. The officer detained him, frisked him, and realized he was wearing an empty shoulder holster. He handcuffed him and asked where the gun was. The suspect told him. The officer retrieved the gun, formally arrested him, and read him his *Miranda* rights. Under the public safety exception, police did not violate the defendant's constitutional rights when they asked him for information about the gun before giving him *Miranda* warnings. Although the suspect was in police custody when he made his statements and the facts come within the ambit of *Miranda*, there is a "public safety" exception to the requirement that the *Miranda* warnings be given before a suspect's answers may be used as evidence. The requirements of *Miranda* need not be applied to situations where officers' questions are prompted by a concern for public safety. Because the gun was concealed somewhere in the supermarket, an accomplice, customer, or employee could have come upon it and used it. Responses to questions were needed to ensure a future danger to the public did not result from the concealment of the gun in a public area. This is a narrow exception to *Miranda* that requires police to differentiate between questions necessary to secure the safety of themselves or the public, and questions designed solely to elicit testimonial evidence from a suspect.

#### **B. The "Public Safety" Exception in Context: Guns**

**Rule:** The public safety exception applies "when officers have a reasonable belief based on articulable facts that they are in danger." For an officer to have a reasonable belief that he is in danger, at a minimum, he must have reason to believe (1) that the defendant might have (or recently have had) a weapon, AND (2) that someone other than police might gain access to that weapon and inflict harm with it. The public safety exception applies if and only if both of those two conditions are satisfied. **See: United States v. Williams, 483 F.3d 425 (6<sup>th</sup> Cir. 2007); United States v. Talley, 275 F.3d 560 (6<sup>th</sup> Cir. 2001)**

#### **C. The "Public Safety" Exception in Context: Bombs**

**Rule:** Where police have a reasonable belief they are in danger, even if the bomb is NOT accessible to non-police personnel, the exception applies. Despite absence of *Miranda* warnings, statements made by defendant about pipe bomb and the bomb itself were admissible under the "public safety" exception to *Miranda* even though there was no evidence that a third party could access the bombs.

**See: United States v. Hodge, 714 F.3d 380 (6<sup>th</sup> Cir. 2013):** After receiving a detailed tip from a neighbor addressing a meth lab and pipe bomb in the defendant's house, police executed a search warrant. Officers handcuffed the defendant at the scene, and asked him if there was anything in the house that could get someone hurt, including bombs. This was asked without Mirandizing the defendant. The defendant

initially said no, but then blurted out that there was a bomb inside and described where it was when asked questions about its appearance and composition. The critical inquiry in any case where *Quarles* (see above) is invoked is whether officers have a reasonable belief based on articulable facts that they are in danger. The reasonableness of an officer's perception of danger depends on the type of weapon in question. In a case involving a bomb, the presence of third parties who can access the bomb is usually not a compelling consideration. Bombs are potentially unstable and may cause damage if ignored. As such, the police's questions as to the presence of a bomb fall under the public safety exception to *Miranda*.

## V. The Ohio Revised Code

### § 2933.81 Electronic recording of custodial interrogations; presumption that recorded statements are voluntary

- (A) As used in this section:
  - (1) “Custodial interrogation” means any interrogation involving a law enforcement officer’s questioning that is reasonably likely to elicit incriminating responses and in which a reasonable person in the subject’s position would consider self to be in custody, beginning when a person should have been advised of the person’s right to counsel and right to remain silent and of the fact that anything the person says could be used against the person, as specified by the United States supreme court in *Miranda v. Arizona*(1966), 384 U.S. 436, and subsequent decisions, and ending when the questioning has completely finished.
  - (2) “Detention facility” has the same meaning as in section 2921.01 of the Revised Code.
  - (3) “Electronic recording” or “electronically recorded” means an audio and visual recording that is an authentic, accurate, unaltered record of a custodial interrogation.
- (B) All statements made by a person who is the suspect of a violation of or possible violation of section 2903.01, 2903.02, or 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03, or an attempt to commit a violation of section 2907.02 of the Revised Code during a custodial interrogation in a place of detention are presumed to be voluntary if the statements made by the person are electronically recorded. The person making the statements during the electronic recording of the custodial interrogation has the burden of proving that the statements made during the custodial interrogation were not voluntary. There shall be no penalty against the law enforcement agency that employs a law enforcement officer if the law enforcement officer fails to electronically record as required by this division a custodial interrogation. A law enforcement officer’s failure to electronically record a custodial interrogation does not create a private cause of action against that law enforcement officer.

### § 2935.14 Rights of person arrested.

- If the person arrested is unable to offer sufficient bail or, if the offense charged be a felony, he shall, prior to being confined or removed from the county of arrest, as the case may be, be

speedily permitted facilities to communicate with an attorney at law of his own choice, or to communicate with at least one relative or other person for the purpose of obtaining counsel (or in cases of misdemeanors or ordinance violation for the purpose of arranging bail). He shall not thereafter be confined or removed from the county or from the situs of initial detention until such attorney has had reasonable opportunity to confer with him privately, or other person to arrange bail, under such security measures as may be necessary under the circumstances.

- Whoever, being a police officer in charge of a prisoner, or the custodian of any jail or place of confinement, violates this section shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than thirty days, or both.

**§ 2935.20 Right to counsel.**

- After the arrest, detention, or any other taking into custody of a person, with or without a warrant, such person shall be permitted forthwith facilities to communicate with an attorney at law of his choice who is entitled to practice in the courts of this state, or to communicate with any other person of his choice for the purpose of obtaining counsel. Such communication may be made by a reasonable number of telephone calls or in any other reasonable manner. Such person shall have a right to be visited immediately by any attorney at law so obtained who is entitled to practice in the courts of this state, and to consult with him privately. No officer or any other agent of this state shall prevent, attempt to prevent, or advise such person against the communication, visit, or consultation provided for by this section.
- Whoever violates this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not more than thirty days, or both.

**§ 2151.352 Right to counsel.**

- A child, the child's parents or custodian, or any other person in loco parentis of the child is entitled to representation by legal counsel at *all stages of the proceedings* under this chapter or Chapter 2152 of the Revised Code.

# Search Warrants

## I. Statutory Basis For Issuance and Execution of Search Warrants

### **Criminal Rule 41. Search and seizure**

**(A) Authority to issue warrant.** Upon the request of a prosecuting attorney or a law enforcement officer:

- **(1)** A search warrant authorized by this rule may be issued by a judge of a court of record to search and seize property located within the court's territorial jurisdiction; and,
- **(2)** A tracking device warrant authorized by this rule may be issued by a judge of a court of record to install a tracking device within the court's territorial jurisdiction. The warrant may authorize use of the device to track the movement of a person or property within or outside of the court's territorial jurisdiction, or both.

**(B) Property which may be seized with a search warrant.** A search warrant may be issued under this rule to search for and seize any: (1) evidence of the commission of a criminal offense; or (2) contraband, the fruits of crime, or things otherwise criminally possessed; or (3) weapons or other things by means of which a crime has been committed or reasonably appears about to be committed.

### **(C) Issuance and contents.**

**(1)** A warrant shall issue on either an affidavit or affidavits sworn to before a judge of a court of record or an affidavit or affidavits communicated to the judge by reliable electronic means establishing the grounds for issuing the warrant. In the case of a search warrant, the affidavit shall name or describe the person to be searched or particularly describe the place to be searched, name or describe the property to be searched for and seized, state substantially the offense in relation thereto, and state the factual basis for the affiant's belief that such property is there located. In the case of a tracking device warrant, the affidavit shall name or describe the person to be tracked or particularly describe the property to be tracked, and state substantially the offense in relation thereto, state the factual basis for the affiant's belief that the tracking will yield evidence of the offense. If the affidavit is provided by reliable electronic means, the applicant communicating the affidavit shall be placed under oath and shall swear to or affirm the affidavit communicated.

**(2)** If the judge is satisfied that probable cause exists, the judge shall issue a warrant identifying the property to be seized and naming or describing the person or place to be searched or the person or property to be tracked. The warrant may be issued to the requesting prosecuting attorney or other law enforcement officer through reliable electronic means. The finding of probable cause may be based upon hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information

furnished. Before ruling on a request for a warrant, the judge may require the affiant to appear personally, and may examine under oath the affiant and any witnesses the affiant may produce. Such testimony shall be admissible at a hearing on a motion to suppress if taken down by a court reporter or recording equipment, transcribed, and made part of the affidavit. The warrant shall be directed to a law enforcement officer. A search warrant shall command the officer to search, within three days, the person or place named for the property specified. A tracking device warrant shall command the officer to complete any installation authorized by the warrant within a specified time no longer than 10 days, and shall specify the time that the device may be used, not to exceed 45 days. The court may, for good cause shown, grant one or more extensions of time that the device may be used, for a reasonable period not to exceed 45 days each. The warrant shall be executed in the daytime, unless the issuing court, by appropriate provision in the warrant, and for reasonable cause shown, authorizes its execution at times other than daytime. The warrant shall provide that the warrant shall be returned to a designated judge or clerk of court.

**(D) Execution and return of the warrant.**

**(1) Search warrant.** The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken, or shall leave the copy and receipt at the place from which the property was taken. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer. The judge shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant. Property seized under a warrant shall be kept for use as evidence by the court which issued the warrant or by the law enforcement agency which executed the warrant.

**(2) Tracking device warrant.** The officer executing a tracking device warrant shall enter onto the warrant the exact date and time the device was installed and the period during which it was used. The return shall be made promptly after the use of the tracking device has ended. Within 10 days after the use of the tracking device has ended, the officer executing a tracking device warrant must serve a copy of the warrant on the person who was tracked or whose property was tracked. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked; or by leaving a copy at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location and by mailing a copy to the person's last known address. Upon the request of a prosecuting attorney or a law enforcement officer, and for good cause shown, the court may authorize notice to be delayed for a reasonable period.

**(E) Return of papers to clerk.** The law enforcement officer shall attach to the warrant a copy of the return, inventory, and all other papers in connection therewith and shall file them with the clerk or the judge, if the warrant so requires.

**(F) Definition of property and daytime.** The term "property" is used in this rule to include documents, books, papers and any other tangible objects. The term "daytime" is used in this rule to mean the hours from 7:00 a.m. to 8:00 p.m.

**(G) Definition of tracking device.** The term "tracking device" means an electronic or mechanical device which permits the tracking of the movement of a person or object.

**Ohio Crim. Rule 45(A) Time; Computation.** In computing any period of time prescribed or allowed by these rules, by the local rules of any court, by order of court, or by any applicable statute, the date of the act or event from which the designated period of time begins to run shall not be included. **The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not Saturday, Sunday, or legal holiday.** When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in computation.

\* See also ORC §§ 2933.21 Search warrant to 2933.25 Form of search warrant.

**ORC § 2935.12 Forcible entry in making arrest or executing search warrant (In part)**

**(A)** When,,, executing a search warrant, the peace officer,,, executing the warrant,,, may break down an outer or inner door or window of a dwelling house or other building, if, after notice of his intention,,, to execute the warrant,,, he is refused admittance, but the law enforcement officer or other authorized individual executing a search warrant shall not enter a house or building not described in the warrant.

**ORC § 2933.231 Request for waiver of statutory precondition for nonconsensual entry (In part)**

**(B)** A law enforcement officer, prosecutor, or other authorized individual who files an affidavit for the issuance of a search warrant pursuant to this chapter or Criminal Rule 41 may include in the affidavit a request that the statutory precondition for nonconsensual entry be waived in relation to the search warrant. A request for that waiver shall contain all of the following:

**(1)** A statement that the affiant has good cause to believe that there is a risk of serious physical harm to the law enforcement officers or other authorized individuals who will execute the warrant if they are required to comply with the statutory precondition for nonconsensual entry;



(2) A statement setting forth the facts upon which the affiant's belief is based, including, but not limited to, the names of all known persons who the affiant believes pose the risk of serious physical harm to the law enforcement officers or other authorized individuals who will execute the warrant at the particular dwelling house or other building;

(3) A statement verifying the address of the dwelling house or other building proposed to be searched as the correct address in relation to the criminal offense or other violation of law underlying the request for the issuance of the search warrant;

(4) A request that, based on those facts, the judge or magistrate waive the statutory precondition for nonconsensual entry.

\* See § 2933.52 Interception of wire, oral or electronic communications to § 2933.59. See also § 2933.76 Authorization of pen register or trap and trace device.

## II. Jurisdiction and Time

**State v. Newman, 2017-Ohio-4047 (Guernsey County):** Civ.R. 41(A)(1) states that upon the request of a prosecuting attorney or a law enforcement officer a search warrant authorized by this rule may be issued by a **judge of a court of record** to search and seize property **located within the court's territorial jurisdiction**. In addition, R.C. 2933.21 states that a judge of a court of record may, within his jurisdiction, issue warrants to search a house or place. The Ohio Supreme Court has indeed determined that, unless a probate judge has been assigned by the chief justice pursuant to Ohio Const. art. IV, § 5(A)(3) to temporarily sit or hold court in another division of a court of common pleas, a probate judge does not have the authority to hear evidence and issue search warrants in criminal matters.

The Ohio General Assembly has amended R.C. 2931.01(B), which now reads that, as used in R.C. Chapters 2931 to 2953, except R.C. 2933.21 to R.C. 2933.33: (1) "judge" does not include the probate judge; (2) "court" does not include the probate court. Therefore, the General Assembly intended to remove the restriction against probate judges issuing search warrants under R.C. 2933.21.

**State v. Bowman, 2006-Ohio-6146 (Franklin County):** Under Ohio's statutory provisions, a search warrant shall issue only upon probable cause, supported by oath or affirmation describing with particularity the place to be searched and the things to be seized. R.C. § 2933.22(A). Pursuant to R.C. § 2933.21(A), a judge of a court of record may issue warrants to search a house or place within the judge's jurisdiction. Similarly, Crim. R. 41 provides that, upon the request of a prosecuting attorney or law enforcement officer, a judge of a court of record may issue a search warrant to search and seize property located **within the court's territorial jurisdiction** that may be evidence of the commission of a crime.

**State v. Seaburn, 2017-Ohio-7115 (Seneca County):** Crim.R. 41(C)(2) provides that a search warrant shall command the officer to search, **within three days**, the person or place

named or the property specified. While search warrants must ordinarily be executed within three days of their issuance, Crim.R. 45(A) provides that, in computing any period of time prescribed or allowed by these rules, by the local rules of any court, by order of court, or by any applicable statute, the date of the act or event from which the designated period of time begins to run shall not be included. **The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in computation.**

### III. Expectations of Privacy, the Text of the 4<sup>th</sup> Amendment, and Exceptions

#### A. Generally--To what does the 4<sup>th</sup> Amendment Apply?

**Amendment IV:** The right of the people to be secure in their **persons, houses, papers, and effects**, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

*State v. Buzzard*, 112 Ohio St. 3d 451 (2007): The Fourth Amendment protects an individual's actual and justifiable **expectation of privacy** from the ear and eye of the government.

*United States v. Jones*, 565 U.S. 400 (2012): The text of the Fourth Amendment reflects its close connection to property, since otherwise it would have referred simply to "the right of the people to be secure against unreasonable searches and seizures"; the phrase "in their persons, houses, papers, and effects" would have been superfluous.

*Brenay v. Schartow*, 2017 U.S. App. LEXIS 17817 (6<sup>th</sup> Cir.): The police, like any Girl Scout, may approach a person's door, knock, and ask a question or two. But the 4<sup>th</sup> Amendment draws a firm line at the door. Physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed. If the government wants inside, they need **a warrant, consent, or an exigent circumstance to justify their entry.**

*Grumbley v. Burt*, 2015 U.S. App. LEXIS 1429 (6<sup>th</sup> Cir) -- **The warrantless and nonconsensual entry into the home** in order to make a routine felony arrest was a clear violation of the Fourth Amendment. Absent exigent circumstances, the threshold of the home may not reasonably be crossed without a warrant.

#### B. Examples of How Applied—When do you Need (don't need) a Search Warrant?

*Carlson v. Fewins*, 801 F.3d 668 (6<sup>th</sup> Cir. 2015): The Supreme Court has pointed out succinctly the function of the Fourth Amendment warrant requirement as an instrument designed to force law enforcement agencies to seek review and regulation of their proposed conduct by an independent judicial officer, despite its inconvenience to the officers and some slight delay.

***Florida v. Jardines*, 569 U.S. 1 (2013):** Courts regard the area immediately surrounding and associated with the home —what cases call the **curtilage** — as part of the home itself for Fourth Amendment purposes.

The *Katz* reasonable-expectations test has been added to, not substituted for, the traditional property-based understanding of the Fourth Amendment, and so is unnecessary to consider when the government gains evidence by physically intruding on constitutionally protected areas.

***Collins v. Virginia*, 2018 U.S. LEXIS 3210:** The scope of the automobile exception to the Fourth Amendment extends no further than the automobile itself. The automobile exception permits police to search the vehicle. **Nothing in the U.S. Supreme Court's case law suggests that the automobile exception gives an officer the right to enter a home or its curtilage to access a vehicle without a warrant.**

For Fourth Amendment purposes, the conception defining the curtilage is familiar enough that it is easily understood from one's daily experience. Just like the front porch, side garden, or area outside the front window, **a driveway enclosure that constitutes an area adjacent to the home and to which the activity of home life extends is properly considered curtilage.**

Under the **plain-view doctrine**, any valid warrantless seizure of incriminating evidence requires that the officer have a lawful right of access to the object itself. Even where the object is contraband, the Supreme Court has repeatedly stated and enforced the basic rule that the police may not enter and make a warrantless seizure. It is one thing to seize without a warrant property resting in an open area, and it is quite another thing to effect a warrantless seizure of property situated on private premises to which access is not otherwise available for the seizing officer. A plain-view seizure thus cannot be justified if it is effectuated by unlawful trespass.

It is a settled rule that warrantless arrests in public places are valid, but, absent another exception such as exigent circumstances, officers may not enter a home to make an arrest without a warrant, even when they have probable cause. That is because being arrested in the home involves not only the invasion attendant to all arrests but also an invasion of the sanctity of the home. Likewise, searching a vehicle parked in the curtilage involves not only the invasion of the Fourth Amendment interest in the vehicle but also an invasion of the **sanctity of the curtilage.**

***Morgan v. Fairfield Cty.*, 2018 U.S. App. LEXIS 25293 (6th Cir.):** The curtilage—the area immediately surrounding and associated with the home—is treated as part of the home itself for 4<sup>th</sup> Amendment purposes meaning that if you go in those places it is a search that must be justified.

The right to be free of unwarranted search and seizure would be of little practical value if the State's agents could stand in a side garden and trawl for evidence with impunity. The right to privacy of the home would be significantly diminished if the police—unable to enter the

house—could walk around the house and observe one's most intimate and private moments through the windows.

**The law seems relatively unambiguous that a backyard** abutting the home constitutes curtilage and receives 4<sup>th</sup> Amendment protection.

Officer safety can be an exigency justifying warrantless entry. But qualification for this exception requires a particularized showing of a risk of immediate harm. In the context of warrantless searches, generic possibilities of danger cannot overcome the required particularized showing of a risk of immediate harm.

**State v. Powell, 2017-Ohio-8669 (Montgomery County, 2017):** Fourth Amendment protections of the home generally extend to the **outbuildings** located upon the curtilage, such as barns, and it can be fairly said that property owners have legitimate expectations of privacy in them.

Regarding the expectation of privacy, curtilage questions should be resolved with particular reference to four factors: the proximity of the area claimed to be curtilage to the home, whether the area is included within an enclosure surrounding the home, the nature of the uses to which the area is put, and the steps taken by the resident to protect the area from observation by people passing by.

**State v. Nelms, 2017-Ohio-1466 (Montgomery County, 2017):** The Fourth Amendment applies to **commercial premises**, and extends to areas that can be equated with the "curtilage" of a private home. This area can include the grounds surrounding the premises, if the premises fit within the traditional Fourth Amendment analysis, i.e., the area is one in which the owner has a reasonable expectation of privacy. In search warrants, "curtilage" has been used to designate the area surrounding a commercial property, whether that area be a parking lot or fenced area.

**Kyllo v. United States, 533 U.S. 27 (2001):** When the police obtain by sense-enhancing technology (thermal imaging device) any information regarding the interior of the home that could not otherwise have been obtained without physical intrusion into a constitutionally protected area, that constitutes a search, at least where the **technology in question is not in general public use**.

**State v. Duvernay, 2017-Ohio-4219 (Allen County, 2017):** Where agents obtained **video footage** of defendant's possessing firearms at his and his brother's rural farm, suppression was not warranted under the Fourth Amendment, because defendant had no reasonable expectation of privacy in video footage recorded by a **camera that was located on top of a public utility pole** and that **captured the same views enjoyed by passersby on public roads**.

**State v. Perdue, 2017-Ohio-8762 (Montgomery County, 2017):** One of the exceptions to the warrant requirement is the **automobile exception**, which allows police to conduct a warrantless search of a vehicle if there is probable cause to believe that the vehicle contains

contraband and exigent circumstances necessitate a search or seizure. A vehicle's mobility is the traditional exigency for the automobile exception to the warrant requirement. Therefore, if a car is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment permits police to search the vehicle without more.

**State v. Parker, 2018-Ohio-3239 (11<sup>th</sup> App. Dist.):** The doctrine of exigency applies in two separate sets of circumstances: first, police may commence a warrantless search and seizure to avoid the **imminent destruction of vital evidence**. Second, a warrant is unnecessary where the police are faced with a **need to protect or preserve life** or avoid serious injury

The **emergency aid exception** allows officers to enter a dwelling without a warrant and without probable cause when they reasonably believe, based on specific and articulable facts, that someone is in need of immediate aid.

**United States v. Friskey, 2017 U.S. App. LEXIS 11038 (6<sup>th</sup> Cir.):** When officers possess PC to suspect that there is a **burglary in progress**, they are also confronted with the necessary exigency to enter a home without a warrant. A cursory check of the premises is valid if it is narrowly confined to a **cursory visual inspection** of those places in which a person might be hiding.

**United States v. Damron, 2018 U.S. App. LEXIS 25679 (6<sup>th</sup> Cir.):** The nature of the relationship between state actors and individuals subject to state supervision in lieu of or following release from prison alters the relevant analysis under the Fourth Amendment. The Court upheld the search of a probationer's home pursuant to a state regulation that authorized a warrantless search when a probation officer had reasonable grounds to believe that the probationer was in possession of contraband. Court also recognizes that a police officer's search of a probationer's home pursuant to a probation condition authorizing the search with or without a warrant or probable cause could be reasonable under the totality of the circumstances. .

R.C. 2967.131(C), authorizes the APA to search the place of residence of a parolee or probationer, with or without a warrant, if the officers has reasonable grounds to believe that a parolee or probationer has left the state, is not abiding by the law, or otherwise is not complying with the terms and conditions of his conditional pardon, parole, transitional control, other form of authorized release, or post-release control.

## IV. Search Warrant Probable Cause

### A. Probable Cause Generally

*State v. Groves*, 2016-Ohio-1408 (Franklin County): In determining whether probable cause supports a search warrant, the issuing judge generally is confined to the averments contained in the supporting affidavit.

Affidavits in support of search warrants are normally drafted by non-lawyers in the midst and haste of a criminal investigation. As a result, the issuing judge is expected to interpret the affidavit in a commonsense, practical manner.

*United States v. Tagg*, 2018 U.S. App. LEXIS 7603 (6th Cir.): Probable cause deals with probabilities and depends on the totality of the circumstances. Therefore, probable cause is not a high bar and is a fluid concept that is not readily, or even usefully, reduced to a neat set of legal rules.

**Probable cause requires only a probability or substantial chance of criminal activity, not an actual showing of such activity.** In determining probability, officers and magistrates may rely on common sense conclusions about human behavior. **Affidavits are not required to use magic words**, nor does what is obvious in context need to be spelled out. Facts must be considered together, not apart, since the whole is often greater than the sum of its parts. Finally—and most importantly, probable cause does not require officers to rule out a suspect's innocent explanation for suspicious facts. Instead, the relevant inquiry is not whether particular conduct is innocent or guilty, but the degree of suspicion that attaches to particular types of noncriminal acts.

*State v. Neil*, 2016-Ohio-4762 (Franklin County): When determining whether a search warrant affidavit demonstrates probable cause, a magistrate must **make a practical, common-sense decision** whether, given all the circumstances set forth in the affidavit before him, including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a **fair probability that contraband or evidence of a crime will be found in a particular place**.

*United States v. Abernathy*, 843 F.3d 243 (6th Cir. 2016): To establish probable cause for a search, an affidavit must show a likelihood of two things: first, that the items sought are seizable by virtue of being connected with criminal activity; and second, that the items will be found in the place to be searched. The **nexus** between criminal activity and the item to be seized is automatic when the object of the search is contraband. A police request to search for illegal drugs therefore needs to satisfy only the second showing for a valid warrant: a fair probability that the drugs will be found in a particular place.

When determining whether an affidavit establishes probable cause, the United States Court of Appeals for the Sixth Circuit looks only to **the four corners of the affidavit**; information known to the officer but not conveyed to the magistrate is irrelevant. The Sixth Circuit does not consider recklessly and materially false statements in the affidavit that have been properly stricken during a Franks hearing. Nor does the court consider **"stale"** information.

**State v. Castagnola, 145 Ohio St. 3d 1 (2015):** When a defendant challenges the sufficiency of a search warrant on the basis that the affidavit contains a false statement affecting the magistrate's probable-cause determination, a reviewing court must consider whether those statements were made intentionally or with reckless disregard for the truth.

It is axiomatic that a search-warrant affidavit should leave any significant inference-drawing to the issuing magistrate. At the least the magistrate must be afforded an opportunity to test for himself any significant inference drawn by the affiant; for this reason, in preparing affidavits for search warrants the affiant must—under the compulsion of the Fourth Amendment—take particular care to state explicitly when he or she is drawing conclusions rather than reciting facts. The facts which underlie any such significant inference should be disclosed to the magistrate.

**When an inference made by the detective is presented in a search warrant affidavit as an empirical fact, a trial court should determine whether the hidden inference was so significant as to cross the line between permissible interpretation and usurpation.** A hidden inference should be deemed significant if it can be fairly concluded that it had a substantial bearing on the magistrate's determination of probable cause in each of two respects: (1) Relevance: the more directly relevant the inference is to the magistrate's inquiry, the more substantial its bearing and the more significant it will be; (2) Complexity: the more complex and attenuated the logical process by which a relevant conclusion is reached, the more important it is that the magistrate receive an opportunity to test the inference for validity as part of his neutral and detached function.

**State v. Phillips, 2016-Ohio-5944 (Franklin County):** The Supreme Court has recognized that, while a probable-cause determination for an arrest warrant is similar in nature to that for a search warrant, a search-warrant inquiry is much more complex and presents special considerations. **Some of the special considerations that have been identified for courts to review when making a probable cause determination for the issuance of a search warrant include how stale the information relied upon is, when the facts relied upon occurred, and whether there is a nexus between the alleged crime, the objects to be seized, and the place to be searched.** Crim.R. 41(C) provides that an affidavit in support of a search warrant shall **particularly describe the place to be searched**, name or describe the property to be searched for and seized, state substantially the offense in relation thereto, and state the factual basis for the affiant's belief that such property is there located.

**State v. Dibble, 133 Ohio St. 3d 451 (2013):** In determining whether a law-enforcement affiant intentionally or with a reckless disregard for the truth made a false statement in a search-warrant affidavit, "reckless disregard" means that the affiant had serious doubts of an allegation's truth. Omissions count as false statements if designed to mislead, or made in reckless disregard of whether they would mislead.

## **B. Nexus/Particularity/Scope**

**State v. Phillips, 2016-Ohio-5944 (Franklin County):** When considering whether a nexus exists between the alleged crime and the place to be searched, the circumstances must indicate why evidence of illegal activity will be found in a particular place. **Furthermore, the Sixth**

Circuit has held that a nexus exists between a known drug dealer's criminal activity and the dealer's residence when some reliable evidence exists connecting the criminal activity with the residence. However, when the only evidence of a connection between illegal activity and the residence is unreliable, such as uncorroborated statements by a confidential informant, then a warrant may not issue allowing the search of the residence.

**United States v. Houser, 2018 U.S. App. LEXIS 27671 (6<sup>th</sup> Cir.):** The warrant was based on an affidavit detailing, *inter alia*, the affiant's observation of the sale of a small amount of crack cocaine by defendant Delvon Houser to a confidential informant, which occurred after Houser exited his apartment, met the informant next to the apartment building to make the sale, and then returned to his apartment. The sole aspect of the warrant that Houser challenges is the sufficiency of **the nexus** between the incriminating evidence and the place to be searched.

Probable cause existed for the search of Houser's residence because the warrant affidavit established a nexus between the place to be searched and the evidence sought. The affidavit explained that days before the search, the confidential informant had purchased drugs from Houser. The police corroborated the information the informant provided about Houser's nickname, phone number, car make and model, and Ohio registration information. The affidavit also stated that Houser had a previous drug-trafficking conviction. Finally, undercover officers watched Houser leave his apartment, walk directly to the informant and undercover officer who were beside the building, engage in the drug transaction, and then re-enter the residence.

**State v. Harris, 2018-Ohio-578 (Cuyahoga):** In determining whether a warrant is specific enough, courts have determined that the specificity required varies with the nature of the items to be seized. **The key inquiry is whether the warrant could reasonably have described the items more precisely.**

**State v. Hakim, 2018-Ohio-969 (Cuyahoga):** The Fourth Amendment commands in part, that no warrants shall issue except those particularly describing the things to be seized. The permissible **scope of a search** is therefore governed by the terms set forth in the search warrant. If the scope of the search exceeds that permitted by the terms of a validly issued warrant or the character of the relevant exception from the warrant requirement, the subsequent seizure is unconstitutional without more.

The **Fourth Amendment's particularity requirement** assures that the police cannot indiscriminately rummage through citizens' personal effects. Thus, to prevent a wide-ranging exploratory search, the warrant must enable the executing officers to ascertain and identify with reasonable certainty those items that the issuing judge has authorized them to seize

**United States v. Brown, 828 F.3d 375 (6<sup>th</sup> Cir. 2016):** Because the Fourth Amendment requires a search warrant to describe particularly the place to be searched and the persons or things to be seized, the affidavit supporting the search warrant must demonstrate a nexus between the evidence sought and the place to be searched.

The connection between the residence and the evidence of criminal activity must be specific and concrete, not vague or generalized. If the affidavit does not present sufficient facts



demonstrating why the police officer expects to find evidence in the residence rather than in some other place, a judge may not find probable cause to issue a search warrant. And of course, whether an affidavit establishes a proper nexus is a fact-intensive question resolved by examining the totality of circumstances presented

In the case of drug dealers, evidence is likely to be found where the dealers live. Thus, in some cases, appellate courts have permitted judges to infer a fair probability of finding evidence in a residence even though the warrant affidavit did not state that such evidence had been observed directly. **Appellate courts have never held, however, that a suspect's status as a drug dealer, standing alone, gives rise to a fair probability that drugs will be found in his home.** Rather, appellate courts have required some reliable evidence connecting the known drug dealer's ongoing criminal activity to the residence; that is, appellate courts have required facts showing that the residence had been used in drug trafficking, such as an informant who observed drug deals or drug paraphernalia in or around the residence.

If an affidavit supporting a search warrant fails to include facts that directly connect the residence with the suspected drug dealing activity, or the evidence of this connection is unreliable, it cannot be inferred that drugs will be found in the defendant's home—even if the defendant is a known drug dealer.

***State v. Castagnola*, 145 Ohio St. 3d 1 (2015):** Courts addressing the particularity requirement of the Fourth Amendment are concerned with two issues. The first issue is whether the warrant provides sufficient information to "guide and control" the judgment of the executing officer in what to seize. The second issue is whether the category as specified is too broad in that it includes items that should not be seized. A search warrant that includes broad categories of items to be seized may nevertheless be valid when the description is as specific as the circumstances and the nature of the activity under investigation permit. **Warrants that fail to describe the items to be seized with as much specificity as the government's knowledge and the circumstances allow are invalidated** by their substantial failure to specify as nearly as possible the distinguishing characteristics of the goods to be seized. .

***United States v. Perez*, 629 Fed. Appx. 699 (6th Cir.2017):** A search warrant, which did not describe defendant by name, other than as "Scar," satisfied the Fourth Amendment's particularity requirement because it contained both defendant's alias and a physical description of him. The description was as specific as the circumstances and the nature of the activity under investigation permitted.

***United States v. Jones*, 2017 U.S. App. LEXIS 16703 (6th Cir.2017):** A warrant's description of the place to be searched need not be technically accurate in every detail. But **the description should allow an executing officer to identify the place to be searched.** The description should also reduce any real risk that the officer mistakenly searches the wrong spot. Accordingly, minor inaccuracies will not necessarily invalidate a search warrant. Courts routinely uphold warrants with partial inaccuracies, so long as the description contains enough accurate information to identify the place to be searched with particularity.

**State v. Wilson, 2017-Ohio-5484 (Allen County, 2017):** The search warrant was not defective, despite an incorrect address, because the architectural description of the premises was accurate, as was the description of the physical location, the same officer who applied for the warrant was present for the execution of it, and that officer showed the SWAT team a photo of the entrance and specifically advised them how to enter the residence to conduct the search.

### C. Staleness

**United States v. Curry, 2018 U.S. App. LEXIS 2862 (6th Cir.):** An affidavit in support of a search warrant must present timely information and include facts so closely related to the time of issuing the warrant as to justify a finding of probable cause at that time. However, **there is no arbitrary time limit** that dictates when information becomes stale. Moreover, where recent information corroborates otherwise stale information, probable cause may be found.

When reviewing probable cause, a court applies a four-factor test to determine whether information contained in a search warrant application is stale: (1) the character of the crime (chance encounter in the night or regenerating conspiracy?), (2) the criminal (nomadic or entrenched?), (3) the thing to be seized (perishable and easily transferrable or of enduring utility to its holder?), and (4) the place to be searched (mere criminal forum of convenience or secure operational base?).

For purposes of determining whether information contained in a search warrant application is stale, computer evidence has a particularly long life span; even after evidence is deleted by a user, it often can be recovered by law enforcement.

**State v. Morales, 2018-Ohio-3687 (10<sup>th</sup> App. Dist.): CPD case/Det. Smittle.** Probable cause must exist at the time the application for a warrant is made. The more stale the evidence becomes, the less likely it is to support probable cause. There is no arbitrary time limit that dictates when information offered to support a search warrant application becomes stale. Instead, the test for staleness is whether the alleged facts justify the conclusion that contraband is probably on the person or premises to be searched at the time the warrant issues. Information becomes stale when enough time has elapsed such that there is no longer sufficient basis to believe that the items to be seized are still on the premises

The question of staleness is not measured solely by counting the days between the events listed in the affidavit and the application for warrant. Ohio courts have identified a number of factors to consider in determining whether the information contained in an affidavit is stale, including the character of the crime, the criminal, the thing to be seized, as in whether it is perishable, the place to be searched, and whether the affidavit relates to a single isolated incident or ongoing criminal activity. Whether information is stale depends on the inherent nature of the crime.

**United States v. Rodriguez, 2017 U.S. App. LEXIS 22581 (6th Cir.):** If information contained in the affidavit supporting a search warrant is stale or outdated, it decreases the likelihood that a sufficient nexus exists. But **the passage of time becomes less significant when the crime at issue is ongoing or continuous and the place to be searched is a secure operational base for the crime.**

**United States v. Brown, 801 F.3d 679 (6th Cir. 2015):** In the Fourth Amendment context, evidence of ongoing criminal activity will generally defeat a claim of staleness. In the Fourth Amendment context, **business records are a type of evidence that an agent ordinarily could expect would be kept for long periods of time**

#### **D. Confidential Informants**

**State v. Mitchell, 2013-Ohio-622 (Montgomery County):** Courts have generally recognized three categories of informants: (1) the identified citizen informant, (2) the known informant, i.e., someone from the criminal world who has a history of providing reliable tips, and (3) the anonymous informant. **Where a confidential or anonymous informant is the source of the hearsay, the informant's veracity, reliability and basis of knowledge are all highly relevant in a totality of the circumstances probable cause determination.** There must be some basis in the affidavit to indicate the informant's credibility, honesty or reliability.

**State v. Rigel, 2017-Ohio-7640 (Clark County):** An affidavit which contains **detailed information from informants, police corroboration of an informant's intelligence through its own independent investigation, or additional testimony by the affiant helps to bolster and substantiate the facts contained within the affidavit.** While individual facts and statements themselves may not separately support a probable cause determination; a reviewing court must weigh all of the components together because probable cause is the sum total of all layers of information.

**State v. Urdiales, 2015-Ohio-3632 (Henry County):** When an informant has furnished reliable information in the past, it gives the magistrate a definite indication of credibility. Such an averment provides an underlying circumstance for the magistrate to independently assess the informant's credibility. An informant's past performance is an underlying circumstance from which an affiant can properly conclude that he is credible

The Ohio Supreme Court has recognized that an informant's personal observation of the fact or events described to the affiant is a common and acceptable basis for the informant's information.

In the context of a confidential informant, the Ohio Supreme Court has recognized that an extensive description of the facts or events in an affidavit may add credibility to the information presented therein. A search warrant affidavit may properly be based on tips received from unnamed informants whose identity often will be properly protected from revelation.

**State v. Thompson**, 2014-Ohio-3380 (Butler County): Where a confidential or anonymous informant is the source of the hearsay, there must be some basis in the affidavit to indicate the informant's credibility. An affidavit containing detailed information from informants (permitting an inference that illegal activity was personally observed by the informants), police corroboration of an informant's information through its own independent investigation, or additional testimony by the affiant helps to bolster and substantiate the facts contained in the affidavit.

**United States v. Lombard**, 2018 U.S. App. LEXIS (6<sup>th</sup> Cir.): Corroboration of an anonymous informant's information through independent surveillance may establish probable cause.

**United States v. Hodge**, 714 F.3d 380 (6<sup>th</sup> Cir. 2013) -- Statements from a source named in a warrant application are generally sufficient to establish probable cause without further corroboration because the legal consequences of lying to law enforcement officials tend to ensure reliability. When a witness has seen evidence in a specific location in the immediate past, and is willing to be named in the affidavit, probable cause is generally established.

**State v. Wallace**, 2012-Ohio-6270 (Mahoning County 2102): Police may use a consenting informant to record conversations about illegal activities. **The fact that a confidential informant is used to record conversations is not a violation of U.S. Const. amend. IV.** Both federal and Ohio courts have long permitted the warrantless recording of conversations between a cooperating informant and a defendant.

Ohio's wiretap statute does not apply to a law enforcement officer who intercepts a wire, oral, or electronic communication, if the officer is a party to the communication or if one of the parties to the communication has given prior consent to the interception by the officer. R.C. 2933.52(B)(3). In other words, if a confidential informant is cooperating with the police in the making of the recording, the recording is legal under the wiretap statute.

## **E. Trash pulls**

**State v. Rieves**, 2018-Ohio-955 (Cuyahoga County): The Fourth Amendment does not prohibit the warrantless search and seizure of garbage left for collection outside the curtilage of a suspect's home. This is because **a person has no reasonable expectation of privacy in items left for trash collection in an area that is susceptible to open inspection** and accessible to animals, children, scavengers, snoops, and other members of the public.

**State v. Jones**, 143 Ohio St. 3d 266 (2015): Pursuant to the totality-of-the-circumstances test, the **evidence seized from the single trash pull corroborating tips and background information involving drug activity was sufficient to establish probable cause** for a warrant.

The affidavit demonstrated a "fair probability" that contraband or evidence of a crime would be found at the residence because, among other things, it noted that defendant matched the description identified by a confidential informant as a producer and seller of methamphetamine in the area and the affidavit set forth detailed information about the trash

pull, which provided evidence of methamphetamine production, items containing residue of the drug, and mail addressed to defendant at the address.

"Totality of the circumstances" is the proper standard of review to determine whether probable cause exists to issue a search warrant if the supporting affidavit relies in part on evidence seized from a "trash pull."

**United States v. Abernathy, 843 F.3d 243 (6th Cir. 2016):** The warrant was not supported by PC as required pursuant to the 4<sup>th</sup> Amendment, because the marijuana roaches and T2-laced plastic bags the police recovered from defendant's garbage were insufficient to create a fair probability that drugs would be found in defendant's home. Also, the connection between the small quantity of marijuana paraphernalia recovered from defendant's garbage and his residence was too logically attenuated. Drug paraphernalia recovered from a trash pull establishes PC to search a home when combined with other evidence of the resident's involvement in drug crimes.

## **F. Computers**

**United States v. Richards, 659 F.3d 527 (6th Cir. 2011):** While officers must be clear as to what it is they are seeking on the computer and conduct the search in a way that avoids searching files of types not identified in the warrant, **a computer search may be as extensive as reasonably required to locate the items described in the warrant** based on probable cause

Respect for legitimate rights to privacy in papers and effects requires an officer executing a search warrant to first look in the most obvious places and as it becomes necessary to progressively move from the obvious to the obscure. That is the purpose of an electronic search protocol which structures the search by requiring an analysis of the file structure, next looking for suspicious file folders, then looking for files and types of files most likely to contain the objects of the search by doing keyword searches. But in the end, there may be no practical substitute for actually looking in many (perhaps all) folders and sometimes at the documents contained within those folders, and that is true whether the search is of computer files or physical files. It is particularly true with image files.

In general, so long as a computer search is limited to a search for evidence explicitly authorized in the warrant, it is reasonable for the executing officers to open the various types of files located in the computer's hard drive in order to determine whether they contain such evidence.

**United States v. Rarick, 636 Fed. Appx. 911 (6th Cir. 2016):** In the context of searches of electronic devices, while recognizing the inherent risk that criminals can easily hide, mislabel, or manipulate files to conceal criminal activity, **a court must also take care not to give the Government free rein to essentially do away with the particularity requirement by allowing it to examine every file on the device.**

**United States v. Tagg, 2018 U.S. App. LEXIS 7603 (6th Cir.):** The unique challenges of child-pornography crimes demand a practical approach to the probable-cause question. **Visiting or subscribing to a website containing child pornography creates a**

**reasonable inference that the user has stored child pornography on their computer.** The fact that the website contains both legal and illegal material, while relevant, does not automatically negate probable cause.

The U.S. Court of Appeals for the Sixth Circuit has addressed the Fourth Amendment's, U.S. Const. amend. IV's, nexus requirement as applied to the digital age. Probable cause to believe a person committed a crime does not justify a search of his or her residence absent some independent evidence linking the residence to the crime. However, **a nexus exists when law enforcement connects the Internet protocol address used to access a website to the physical location identified by the warrant.** Because child pornography is typically possessed in the secrecy of the home, a search of the home is a perfectly logical next step for officers who have only circumstantial evidence of where the crime is committed.

**State v. Castagnola, 145 Ohio St. 3d 1 (2015):** Because computers can store a large amount of information there is a greater potential for the "intermingling" of documents and a consequent invasion of privacy when police execute a search for evidence on a computer. Officers must be clear as to what it is they are seeking on the computer and conduct the search in a way that avoids searching files of types not identified in the warrant. Practical accuracy rather than technical precision is the operative consideration.

While the Fourth Amendment does not require a search warrant to specify restrictive search protocols, the Fourth Amendment does prohibit a sweeping comprehensive search of a computer's hard drive. The logical balance of these principles leads to the conclusion that **officers must describe what they believe will be found on a computer with as much specificity as possible under the circumstances.** This will enable the searcher to narrow his or her search to only the items to be seized. Adherence to this requirement is especially important when the person conducting the search is not the affiant.

## **G. GPS Devices**

**United States v. Jones, 565 U.S. 400 (2012):** The U.S. Supreme Court determined that the Government's installation of the GPS device on defendant's vehicle, and its use of that device to monitor the vehicle's movements, constituted a "search." Under the common-law trespassory test, the Government physically occupied private property for the purpose of obtaining information. Such a physical intrusion would have been considered a "search" within the meaning of the Fourth Amendment when it was adopted.

**State v. Rigel, 2017-Ohio-7640 (Clark County):** **Crim.R. 41 governs the issuance of tracking-device warrants and extensions of time.** Crim.R. 41 does not say that an extension must be supported by an affidavit, saying only that a court may grant an extension for good cause shown. (See Crim R. 41 on Page 1).

**State v. Stock, 2018-Ohio-3496 (8<sup>th</sup> App. Dist.):** Crim.R. 41 governs the authority to issue search warrants for tracking devices. Crim.R. 41(G). The rule authorizes warrants for tracking devices to be installed within the court's territorial jurisdiction, but the warrants may authorize tracking within or outside of the court's territorial jurisdiction, or both. Crim.R. 41(A)(2). The warrants are valid for periods not to exceed 45 days but may be extended for

good cause. Crim.R. 41(C)(2). Crim.R. 41(C)(2) provides direction regarding the content of the warrant. The warrant must specify the time frame for installation that may not be more than ten days from the time the warrant is issued and the device may not be used for more than 45 days without permission from the court. The warrant must also provide for device installation during the day unless the court approves otherwise. Crim.R. 41(D)(2) prescribes warrant execution and return. The executing officer must document the date and time of device installation as well as the period of use. Within ten days of use termination, a copy of the warrant must be served on the individual whose person or property is the subject of the warrant by the methods set forth in the statute. Notification may be delayed with court authorization for good cause shown.

## **H. Cell-phones**

**Riley v. California, 134 S. Ct. 2473 (2014):** The U.S. Supreme Court unanimously held that the **police officers generally could not, without a warrant, search digital information on the cell phones seized from the defendants as incident to the defendants' arrests.** While the officers could examine the phones' physical aspects to ensure that the phones would not be used as weapons, digital data stored on the phones could not itself be used as a weapon to harm the arresting officers or to effectuate the defendants' escape. Further, the potential for destruction of evidence by remote wiping or data encryption was not shown to be prevalent and could be countered by disabling the phones.

**State v. Pippin, 2017-Ohio-6970 (Hamilton County):** There is nothing inherently improper about the authorization to search the entire contents of a phone, provided that there is a fair probability of finding evidence related to the listed crime.

**United States v. Castro, 881 F.3d 961 (6th Cir. 2018):** Officers may conduct a more detailed search of an electronic device after it was properly seized so long as the later search does not exceed the probable cause articulated in the original warrant and the device remained secured. That is true even if the officers conducted an initial search soon after the device's seizure but waited months or years to conduct a more intensive search.

In the Sixth circuit, federal officers may help state officials search for evidence of a crime in connection with a state warrant so long as they are searching for the same evidence as the state officers and the same evidence authorized by the state warrant.

Federal officers may use a state warrant to conduct a follow-up search of a seized cell phone without obtaining a second warrant so long as the search does not exceed the probable cause articulated in the original warrant. After law enforcement seizes a device and finds that it contains incriminating information, a suspect loses the device to police custody, as the phone and its contents become evidence for a future prosecution.

**State v. Hidey, 2016-Ohio-7233 (Tuscarawas County):** Although the Ohio Supreme Court has declined to define a cell phone as a closed container, once the cell phone is in police custody, the State has satisfied its immediate interest in collecting and preserving evidence and can take preventive steps to ensure that the information found on the phone is neither lost nor erased.

Because a person has a high expectation of privacy in a cell phone's contents, police must obtain a warrant before intruding into the phone's contents.

**Seizure based on PC is unconstitutional if police act with unreasonable delay in securing warrant.**

The 10-day delay in obtaining a search warrant to search the contents of the phone was not unreasonable, as the time period included a weekend and a federal holiday, defendant's expectation of privacy in the phone was diminished by the fact that he shared it with another person, and the seizure did not restrain his liberty interests.

**State v. Buck, 2017-Ohio-8242 (1st App. Dist.):** The **warrantless search of defendant's cell phone was justified by exigent circumstances** for purposes of the 4th Amendment because the still-missing kidnapping victim's life was in danger, and the police reasonably believed that his phone had been used in the kidnapping operation. Police officers must generally obtain a warrant to search data contained in cell phone, even if the phone was seized incident to an arrest. But the exigent-circumstances exception may justify warrantless search of a cell phone's data: Such exigencies could include need to assist persons who are seriously injured or threatened with imminent injury.

**Carpenter v. United States, 2018 U.S. LEXIS 3844:** Cell site sector data provides law enforcement with a detailed and historical record of a suspect's whereabouts that may disclose private information regarding political affiliation, religious activity, etc. People maintain a reasonable expectation of privacy in the location of their physical whereabouts. Therefore, when law enforcement access historical cell site sector data information they are performing a search under the Fourth Amendment. Because this is a search, law enforcement are required to obtain a warrant in order to access this data.

This case does NOT control access to real time ping data. Officers are not required to obtain a warrant to access real time cell site sector information. To obtain real time ping information on a suspect, officers can continue to use their prior method of getting a court order, supported by the Stored Communications Act to access this information. Only historical cell site sector information and other information that might provide law enforcement with historic and detailed information on a suspect's prior locations is controlled by this new case.

To obtain a search warrant the officer can use much of the same language that they used in their previous forms that establishes probable cause. What has the officer observed/heard of that supports probable cause that the historical cell site sector information will lead to evidence of a crime?

## **I. DNA**

**State v. Keith, 2016-Ohio-1263 (Montgomery County Mar. 25, 2016)** -- A sufficient basis existed for a judge to find probable cause to issue a second search warrant for a sample of defendant's DNA because the detective's information was based on the complainant's



statements, who informed the detective with details of the alleged sexual offense and provided the underwear she was wearing at the time of the incident.

**State v. Goins, 2015-Ohio-3121 (Franklin County Aug. 4, 2015)** -- The trial court did not violate defendant's rights under the Fourth Amendment and Ohio Const. art. I, § 14 when it denied his motion to suppress, as the affidavit upon which a search warrant was based supported a finding of probable cause; the judge issuing the warrant had a substantial basis for concluding a fair probability existed that a sample of defendant's DNA compared with DNA evidence in a victim's rape kit would confirm a match obtained from a database search.

**State v. Williams, 2015-Ohio-405 (6<sup>th</sup> App. Dist.)**: The State presented evidence that DNA found on a cigarette butt collected from the crime scene was consistent with DNA contributions from defendant and his friend. A person has a legitimate expectation of privacy in his or her bodily fluids. The expectation of privacy extends to the DNA in a person's cells. In addition, using a buccal swab on the inner tissues of a person's cheek in order to obtain DNA samples is a search. A DNA sample is not the same as a DNA profile, as a DNA sample is processed by a specialist in order to obtain the DNA profile. After the sample is processed, a record is made of the profile which is separate and distinct from the DNA sample. Since a scientific process must be performed on a DNA sample by a governmental agent to obtain the DNA profile, and the profile is separate and distinct from the sample, a DNA profile obtained from a DNA sample is the work product of the government. Thus, a person has no possessory or ownership interest in the DNA profile.

## **V. Anticipatory Search Warrants**

**State v. Maniaci, 2017-Ohio-8270 (Marion County)**: Anticipatory search warrants take effect at a specified future time or event, not at issuance, and generally do not run afoul of the Fourth Amendment. An anticipatory warrant is one based upon an application showing probable cause that at some future time, but not presently, certain evidence of crime will be located at a specified place to be searched.

**Probable cause for anticipatory warrants is conditional on the occurrence of a particular triggering condition**, usually the future delivery, sale, or purchase of contraband. This type of warrant requires the issuing magistrate to conclude, first, that there is a fair probability that contraband or evidence of a crime will be found in the place to be searched if the triggering condition occurs and, second, that there is probable cause to believe that the triggering condition will occur. If a triggering event does not occur, the warrant is rendered void.

## **VI. Search Warrant Execution**

### **A. Who Should Execute the Search Warrant?**

**Moore v. City of Memphis, 853 F.3d 866 (6<sup>th</sup> Cir. 2017)**: The decision to use "TACT" was not itself an application of force under the Fourth Amendment. What the TACT team did when they got to the house, however, was an application of force (dynamic entry and then a use of deadly force).

**Ramage v. Louisville/Jefferson County Metro Gov't, 520 Fed. Appx. 341 (6th Cir. March 28, 2013):** The appellate court determined that there was no error in the use of a **risk assessment matrix** to decide when to bring in the SWAT team to execute a search warrant. The mother's excessive force claims failed, in part, because the decision to use the SWAT team was reasonable since detectives reasonably anticipated that the son might be armed based on his criminal history, and the security features at the property necessitated the SWAT team's use of their tools and training.

## **B. Stop/Detention/Search Incident to Execution of Search Warrant**

**Bailey v. United States, 568 U.S. 186 (2013):** When law enforcement officers execute a search warrant, safety considerations require that they secure the premises, which may include detaining current occupants. By taking unquestioned command of the situation, the officers can search without fear that occupants, who are on the premises and able to observe the course of the search, will become disruptive, dangerous, or otherwise frustrate the search.

Detentions incident to the execution of a search warrant are reasonable under the Fourth Amendment because the limited intrusion on personal liberty is outweighed by the special law enforcement interests at stake. **Once an individual has left the immediate vicinity of a premises to be searched, however, detentions must be justified by some other rationale.**

**State v. Muldrow, 2017-Ohio-8839 (Franklin County):** The stop of defendant's vehicle was not justified as incident to the warrant to search his house because he left the residence before the search began and there was no reason in the record to support an inference that he would have or could have interfered with the warranted search at that point. Thus, there was no basis to detain him incident to the execution of the warrant and the trial court erred to the extent it found the search was justified on that basis.

However, the trial court correctly found that the **stopping and searching of defendant was supported by reasonable suspicion** because, having been seen "many times" at the residence from which cocaine was being sold, and having arrived and stayed for a short time just long enough to pick up something and leave, it was reasonable to stop him to investigate whether he was on his way to deliver cocaine.

**United States v. Lowry, 2017 U.S. App. LEXIS 21346 (6<sup>th</sup> Cir. 2107):** The officers entered defendant's residence pursuant to a valid search warrant issued by a neutral magistrate. Once officers had secured the residence, defendant's restraints were removed. In *Michigan v. Summers*, the Supreme Court held **officers executing a search warrant have the authority to detain the occupants of the premises while a proper search is conducted** and later explained that such detentions are appropriate because the character of the additional intrusion caused by detention is slight and because the justifications for detention are substantial

**Marcilis v. Twp. of Redford, 693 F.3d 589 (6th Cir. 2012):** Supreme Court precedent recognizes the dangers inherent in narcotics-related searches: The execution of a warrant to search for narcotics is the kind of transaction that may give rise to sudden violence or frantic

efforts to conceal or destroy evidence. The risk of harm to both the police and the occupants is minimized if the officers routinely exercise unquestioned command of the situation. Likewise, the United States Court of Appeals for the Sixth Circuit has made clear that **officers conducting residential searches may detain individuals in handcuffs** and display firearms where the officers have a justifiable fear of personal safety.

### C. Knock and Announce Requirement

**Greer v. City of Highland Park, 884 F.3d 310 (2018):** Officers executing a search warrant **must knock and announce** that they are seeking entry into a home and then wait a reasonable amount of time before entering. Although the potential presence of drugs lessens the length of time law enforcement must ordinarily wait outside before entering a residence, it does not justify abandonment of the knock-and-announce rule. Furthermore, when officers execute a **warrant at night**, the length of time the officers should wait increases

One primary purpose of a search warrant is to demonstrate that the agents have been granted authorization to search. This purpose cannot be served if executing officers withhold presentation of the warrant despite repeated requests to see it. **The decision to withhold a search warrant, therefore, is a relevant factor in determining the reasonableness of a search.**

To satisfy the Fourth Amendment's Reasonableness Clause, officers not only must obtain a valid warrant but they also must conduct the search in a reasonable manner

**It is clearly established law that the Fourth Amendment forbids the unannounced, forcible entry of a dwelling in the absence of exigent circumstances.** The common-law principle that law enforcement officers must announce their presence and provide residents an opportunity to open the door is an ancient one. Exigent circumstances may include the following situations: (1) there would be a danger to the officer; (2) there would be danger of flight or destruction of evidence; (3) a victim or some other person is in peril; or (4) it would be a useless gesture such as when the person within already knew the officer's authority and purpose.

It is clearly established that the purpose of a search warrant—informing citizens that the searching agents are authorized—cannot be accomplished if executing officers withhold presentation of the warrant despite an occupant's requests to view it.

**State v. Bembry, 151 Ohio St. 3d 502 (2017):** Pursuant to **R.C. 2935.12**, when executing a search warrant, the peace officer executing the warrant may break down an outer or inner door or window of a dwelling house or other building, if, **after notice of his intention** to execute the warrant he is refused admittance

### D. Protective Sweeps/Searches Incident to Arrest

**United States v. Gantt, 2018 U.S. App. LEXIS 7170 (6<sup>th</sup> Cir.)** -- Officers who are lawfully on the premises to serve an arrest warrant are clothed with the authority to make a protective sweep of those premises. **First**, officers effectuating an arrest may, as a precautionary matter

and without PC or reasonable suspicion, look in closets and other **spaces immediately adjoining the place of arrest** from which an attack could be immediately launched. **Second**, an officer undertaking a **more extensive sweep of the premises** must articulate facts that would warrant a reasonably prudent officer to believe that the area to be swept harbored an individual posing a danger to those on the scene. The protective sweep may extend only to a  **cursory inspection of those spaces where a person may be found**, and the sweep may last no longer than it takes to complete the arrest and depart the premises.

*State v. Byrd*, 2017-Ohio-6903 (2<sup>nd</sup> App. Dist.) -- The protective-sweep exception to the warrant requirement requires some **positive indication** that another person or persons remain in the residential premises where a subject is arrested and that they pose a threat to the safety of officers or others. Mere suspicion that a weapon remains inside is insufficient.

*State v. Whipple*, 2017-Ohio-1094 (Ohio Ct. App., Clermont County Mar. 27, 2017): For the purpose of a search incident to arrest, the focus of the inquiry is whether the item searched was within the immediate control of the suspect at the beginning of the encounter with law enforcement officials and whether any delay in searching the container can be viewed as reasonable in nature. The Ohio Supreme Court has previously upheld the search of a purse that a woman was carrying at the time of her arrest.

Here, the search of the backpack was a lawful search incident to defendant's lawful arrest because the backpack was within defendant's immediate control and the search was instantaneous with the arrest. Both at the time of the offense and the time of the arrest, defendant had physical control over the backpack. The search included further examination of a cigarette pack found within the backpack and, even if the officer had a lack of concern about the loss of evidence or that defendant may have been armed, the search was nonetheless reasonable because it was discovered in the course of a lawful search.

#### **D. Damage Done During Warrant Execution**

*Spangler v. Wenninger*, 388 Fed. Appx. 507 (6<sup>th</sup> Cir. 2010): The destruction of property is a meaningful interference with personal property and constitutes a seizure within the meaning of the Fourth Amendment.

*United States v. Whisnant*, 391 Fed. Appx. 426 (6<sup>th</sup> Cir. 2010): A warrant that authorizes an officer to search a home for illegal weapons also provides authority to open closets, chests, drawers, and containers in which the weapon might be found. Officers executing search warrants on some occasions must damage property to perform their duty. **The manner in which a warrant is executed is subject to judicial review as to its reasonableness.**

## E. No-Knock Search Warrants

*State v. Baker*, 2017-Ohio-1074 -- A waiver of the "knock and announce" requirement was justified in the circumstances under R.C. 2933.231.

**A waiver of the requirement that the officers "knock and announce" before entry into the home may be appropriate** where the court determines there is probable cause to believe that, if the law enforcement officers or other authorized individuals who execute the warrant are required to comply with the statutory precondition for nonconsensual entry, they will be subjected to a risk of serious physical harm and to believe that the address of the dwelling house or other building to be searched is the correct address in relation to the criminal offense or other violation of law underlying the issuance of the warrant.

*Solis v. City of Columbus*, 319 F. Supp. 2d 797 (USDC SD Ohio, May 26 2004): Just as something more than probable cause is required in order for a hyper-intrusive search to be reasonable, so **something more than usual care in the execution of such a search is constitutionally required**. In order for a municipality's policy to be reasonable under the Fourth Amendment, the municipality must require its officers to be particularly vigilant in executing an extraordinarily intrusive search. That requirement translates into a need to take extra care to ensure that the SWAT team is invading the correct house when it acts pursuant to a no-knock warrant. By increasing the likelihood that police have the correct address, a city may minimize the possibility that a wholly unnecessary search occur. Because, under a no-knock warrant, a citizen loses the protection that would prevent the wrong house from being raided, the city should provide the citizen with the alternative protection of greater care being taken to ensure that the targeted address is correct before the warrant issues.

## Arrest Decisions and Processes

### I. Probable Cause Generally

*Steiger v. Hahn*, 2018 U.S. App. LEXIS 81 (6th Cir.): PC to arrest exists if facts and circumstances within officer's knowledge are sufficient to warrant a prudent person in believing, in the circumstances shown, that the suspect has committed, is committing or is about to commit an offense. The officer must examine the totality of the circumstances, recognizing both the inculpatory and exculpatory evidence.

*B.R. v. McGivern*, 2017 U.S. App. LEXIS 22032 (6th Cir.): A warrantless arrest by a law officer is reasonable under the Fourth Amendment where there is probable cause to believe that a criminal offense has been or is being committed. In order for a wrongful arrest claim to succeed under 42 U.S.C.S. § 1983, a plaintiff must prove that the police lacked probable cause. Whether probable cause exists depends upon the reasonable conclusion to be drawn from the facts known to the arresting officer at the time of the arrest.

An eyewitness's statement that he or she saw a crime committed or was the victim of a crime is generally sufficient to establish probable cause. An eyewitness identification will constitute sufficient probable cause unless, at the time of the arrest, there is an apparent reason for the officer to believe that the eyewitness was lying, did not accurately describe what he had seen, or was in some fashion mistaken regarding his recollection of the confrontation.

**Stillwagon v. City of Del., Ohio, 2018 U.S. App. LEXIS 24002 (6th Cir.):** Based on the extensive evidence of the officers' knowingly making omissions, giving false statements, and fabricating evidence in the prosecution of plaintiff, a jury could reasonably conclude that they engaged in malicious prosecution of him and were not entitled to either absolute or qualified immunity.

Because arrests are "seizures" of persons, they must be reasonable under the circumstances. To determine whether an arrest was reasonable and whether an officer had probable cause for an arrest, a court examines the events leading up to the arrest and then decides, whether the historical facts, viewed from the standpoint of an objectively reasonable police officer amount to probable cause.

**Probable cause is a fluid concept** that depends on the totality of the circumstances and requires only a probability or substantial chance of criminal activity, not an actual showing of such activity. The initial probable cause determination must be founded on both the **inculpatory and exculpatory evidence** known to the arresting officer. Thus, an **officer cannot simply turn a blind eye toward potentially exculpatory evidence**.

The **presumption of probable cause created by a grand-jury indictment** is rebuttable where 1) a law-enforcement officer, in the course of setting a prosecution in motion, either knowingly or recklessly makes false statements or falsifies or fabricates evidence; 2) the false statements and evidence, together with any concomitant misleading omissions, are material to the ultimate prosecution of the plaintiff; and 3) the false statements, evidence, and omissions do not consist solely of grand-jury testimony or preparation for that testimony.

**District of Columbia v. Wesby, 138 S. Ct. 577 (2018):** A reasonable officer could have concluded that there was probable cause to believe the partygoers knew they did not have permission to be in the house, and the officers had probable cause to arrest the partygoers because the officers found a group of people who claimed to be having a bachelor party with no bachelor, in a near-empty house, with strippers in the living room and sexual activity in the bedroom, and who fled at the first sign of police.

In the context of probable cause for an arrest, officers are not required to take a suspect's innocent explanation at face value. Officers are free to disregard either all innocent

explanations, or at least innocent explanations that are inherently or circumstantially implausible. These cases suggest that innocent explanations—even uncontradicted ones—do not have any automatic, probable-cause-vitiating effect.

**Bunkley v. City of Detroit, 2018 U.S. App. LEXIS 24517 (6<sup>th</sup> Cir.):** The district court properly denied qualified immunity to the arresting officers because a jury could find based on the evidence that no reasonable officer would have arrested the petitioner under the facts. The district court properly denied qualified immunity for the police investigator because the evidence showed that she did more than merely accept the witness identification but went so far as to conceal evidence and misinform the prosecutor.

**United States v. Odoms, 2018 U.S. Dist. LEXIS 96452 (S.D. Ohio):** Generally if there is probable cause to arrest an individual based on a **valid arrest warrant** then the arrest is lawful irrespective of an officer's subjective motive. The subjective motive of an officer should be investigated only in cases alleging selective enforcement based on an impermissible factor such as race or in retaliation to First Amendment activity.

## II. Identification Procedures

**In re T.H., 2018-Ohio-2300 (8<sup>th</sup> App. Dist.):** Since the victim separately identified juvenile from a **photo array** aside from the cold stand, the case would have gone forward solely on the **photo array** identification. Juvenile failed to show that the outcome of the adjudication would have been different had the victim's cold stand identification been suppressed by his counsel.

A defendant has a due process right to suppress identification evidence that stems from a pretrial police procedure that is so impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification. Cold-stand or show-up identifications — where the police take a suspect into custody and take him to be identified by a witnesses — are suggestive, but not per se impermissibly suggestive

R.C. 2933.83 creates a system for identification where individual photographs are placed in separate folders to be shown by a blind administrator who does not know which lineup member is being viewed by the eyewitness. R.C. 2933.83(A)(3). In contrast, a six-pack array presents six photographs on one sheet of paper. Although R.C. 2933.83 creates a folder system, it does not require that the system be used: the Ohio Court of Appeals has previously held that R.C. 2933.83 does not require the use of the folder system but, rather, the folder system is one system that can be used by law enforcement for photo lineups

**State v. Lee, 2018-Ohio-1523 (8<sup>th</sup> App. Dist.):** R.C. 2933.83(B)(1) provides that a blind administrator must be used for a photo lineup unless impracticable. In the event it is

impracticable to use a blind administrator, then the reason for the impracticability must be documented. R.C. 2933.83(B)(2).

**State v. Wilcoxin, 2018-Ohio-1322 (2<sup>nd</sup> App. Dist.):** The trial court did not err in overruling defendant's motion to suppress a witness identification of him in a photospread because the trial court reasonably concluded that the photospread was not unduly suggestive under R.C. 2933.83 given that the six photographs were substantially alike and the small tattoo about which defendant complained was neither prominent nor a significant facial feature. Although the mark was visible, it was not clear, given the quality of the photographs, that it even was a tattoo. To require that the photographic display include other persons who look similar to the defendant and have a teardrop tattoo was unreasonable.

There is no requirement that subjects in a photospread bear no differing marks or blemishes. Police stations are not theatrical casting offices; a reasonable effort to harmonize the lineup is normally all that is required. Disparity in physical appearance among the lineup photos is not enough to render an identification suggestive.

**State v. Turner, 2018-Ohio-3898 (9<sup>th</sup> App. Dist.):** The trial court did not err in denying the motion to suppress the eyewitness identification because the witness had ample opportunity to observe the shooter during the incident, and he witnessed from a close proximity when the shooter pulled out a gun, shot the victim, and then instructed the witness himself to turn and face the wall. The trial court found that he indicated certainty in his identification of defendant in the **photo array** and, made his identification a mere four days after the incident;

An appellate court engages in a two-part analysis to determine whether **photo array** procedures were unnecessarily suggestive, such that due process requires suppression of the identification. First, the court must determine whether the identification procedure was unnecessarily suggestive.

Second, if the procedure was unnecessarily suggestive, the court must then determine whether the identification was ultimately unreliable under the all of the circumstances. The court must consider the relevant factors to assess reliability and determine whether the circumstances of the identification created a very substantial likelihood of irreparable misidentification. Those factors include: (1) the witness's opportunity to view the defendant at the time of the incident; (2) the witness's degree of attention; (3) the accuracy of the witness's prior description; (4) the witness's certainty when identifying the suspect at the time of the confrontation; and (5) the length of time elapsed between the crime and the identification.



## II. Exculpatory Evidence

**In re Freeman, 2017 U.S. App. LEXIS 19043 (6<sup>th</sup> Cir.):** A defendant claiming a **Brady violation** must establish the following three components: The evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued.

**State v. Wilks, 2018-Ohio-1562 (Oh. S.Ct.):** Not presenting exculpatory evidence to a grand jury did not err because it was not required. No grand jury prosecutorial misconduct was shown because a grand jury could receive hearsay and a criminal record.

## III. Miscellaneous Felony Issues

**State v. Carnes, 2018-Ohio-3256 (Oh. S.Ct.):** Prior juvenile adjudication may be an element of the weapon-under-disability offense set forth in R.C. 2923.13(A)(2) without violating due process under the Ohio or United States Constitutions

As a result, using a prior juvenile adjudication of delinquency for the commission of an offense that would have been felonious assault if it had been committed by an adult as an element of the offense of having a weapon under disability as set forth in R.C. 2923.13(A)(2) did not violate appellant's due process rights.

**State v. Powell, 2018-Ohio-3944 (10<sup>th</sup> App. Dist.):** Defendant's conviction for aggravated burglary (R.C. 2911.11) was not against the manifest weight of the evidence nor supported by insufficient evidence as regardless of the circumstances of his initial entry into a house, his use of a gun to threaten and then rob the victims terminated whatever privilege attached to his entry.

The testimony was sufficient to support a conviction for aggravated robbery, as the victims both testified that defendant held a gun to one victim's head and counted to 10 while demanding money and, implicitly, drugs.

In order to prove the charge of aggravated burglary, the State is held to prove that the defendant, by force, stealth, or deception, trespassed an occupied structure, when another person other than an accomplice was present, with purpose to commit any criminal offense therein, and the defendant inflicted, attempted to inflict, or threatened physical harm, and/or had a deadly weapon on his person or under his control. R.C. 2911.11(A). "Trespass" is defined under R.C. 2911.21(A)(1) as knowingly and without privilege entering or remaining on the premises of another. "Privilege" is an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity. R.C. 2901.01(A)(12). In the context of trespassing, the trier of fact may determine from the circumstances whether a privilege was revoked.

## Patrol/Uniformed Officers Issues that Impact Detectives

### I. Consensual Contacts and the Transition to a Seizure

*State v. Caplinger*, 2018-Ohio-3230 (5<sup>th</sup> App. Dist.): Various circumstances have led courts to conclude that a consensual encounter may change from consensual to a prohibited seizure under the Fourth Amendment. Such circumstances include the activation of the police cruiser's overhead lights, a known signal for the motorist to stop, where the police vehicle has physically prevented the individual from leaving, or the presence of multiple police officers, the displaying of a weapon or the use of threatening language.

### II. *Terry* Stops/Pat-Downs

*State v. Jackson*, 2017-Ohio-1369 (8<sup>th</sup> App. Dist.): The fact that a defendant was parked in a high-crime area does not diminish the requirements of the Fourth Amendment or its interpretation in *Terry*. In order to detain an individual to investigate for crime, some nexus between the individual and **specific criminal conduct** must reasonably exist and must be articulated by the officer.

*U.S. v. E*, 2018 U.S. Dist. LEXIS 66097 (U.S.D.C, S.D. Ohio): The Constitution requires that "reasonable suspicion to stop a person, whether suspected of a past or ongoing crime, must rest on *specific facts*—available to the officers *before* they initiate contact."

*Terry* was never intended to permit law enforcement to subject citizens to the indignity of a full-body frisk based on suspicion that they violated any law, no matter how minor. "The Fourth Amendment does not tolerate pat-down searches without some specific facts to warrant a reasonable officer in the belief that the person detained was armed and dangerous."

*State v. Campbell*, 2018-Ohio-3181 (10<sup>th</sup> App. Dist.): The Supreme Court of Ohio has observed that the right to frisk is virtually automatic when individuals are suspected of committing a crime, like drug trafficking, for which they are likely to be armed.

*State v. Hairston*, 2017 Ohio App. LEXIS 3934 (10<sup>th</sup> App. Dist.): Reasonable suspicion that an individual was involved in a shooting exists when he is seen in the area where the incident recently occurred, and he is fleeing. But, an individual's mere presence in an area of high crime does not justify an investigative stop without additional factors that demonstrate a particularized reason to suspect the individual of criminal activity.

*Thomas v. City of Columbus*, 2017 U.S. Dist. LEXIS 153371 (U.S.D.C, S.D. Ohio 2017): An officer's **investigative detention can mature into an arrest** if it occurs over an **unreasonable period of time or under unreasonable circumstances**. In determining

whether a seizure is an investigatory detention or arrest, the 6<sup>th</sup> Circuit has considered factors such as the transportation of the detainee to another location, significant restraints on the detainee's freedom of movement involving physical confinement or other coercion preventing detainee from leaving police custody, and use of weapons or bodily force.

### III. Traffic Stops, Sweeps, and Searches

**United States v. Joshua Kelley Pyles, 2018 U.S. App. LEXIS 26238 (6th Cir.):** To justify stopping a car, an "officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Once an officer discovers that a car's owner has an outstanding arrest warrant, he needs only reasonable suspicion that the owner is in the vehicle. It is fair to infer that the registered owner of a car is in the car absent information that defeats the inference.

**Byrd v. United States, 138 S. Ct. 1518 (2018):** As a general rule, someone in otherwise lawful possession and control of a rental car had a reasonable expectation of privacy in it even if the rental agreement did not list him or her as an authorized driver. It is by now well established that a person need not always have a recognized common-law property interest in the place searched to be able to claim a reasonable expectation of privacy in it.

**State v. Johnson, 2017-Ohio-5527 (10<sup>th</sup> App. Dist.):** This is a CPD case. Under the "collective knowledge doctrine," knowledge of law enforcement officers is imputed to other officers. The collective knowledge doctrine recognizes that a police officer need not always have knowledge of the specific facts justifying a stop and may rely upon a police dispatch or flyer.

**State v. Hall, 2017 Ohio 2682 (2<sup>nd</sup> App. Dist.):** When an officer detains a motorist for a traffic violation, the stop should delay the motorist only for the amount of time necessary to issue a citation or warning. The reasonable stop time includes the amount of time it takes to conduct a computer check on the driver's license, registration, and vehicle plates. In determining if an officer completed these tasks within a reasonable length of time, the court evaluates whether the officer diligently conducted the investigation.

The critical question in each case is whether conducting the sniff prolongs--i.e., adds time to the stop.

**State v. Bryner, 2018-Ohio-3215 (9<sup>th</sup> App. Dist.):** The use of a drug detection dog does not constitute a search within the meaning of the Fourth Amendment and a law enforcement officer is not required, prior to a dog sniff, to establish either probable cause or a reasonable suspicion that drugs are concealed in a vehicle. The only prerequisite is that the canine team must be lawfully present at the location where the sniff occurs.

Motel guests have no reasonable expectation of privacy in a motel's parking lot. Accordingly, the police may use a trained dog in a motel parking lot to sniff out drugs without implicating the Fourth Amendment

**United States v. Doyle, 2018 U.S. App. LEXIS 404 (6th Cir.)** : A warrantless search of a vehicle incident to a lawful arrest is constitutional where it is reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle.

#### IV. Criminal Trespass

**Dressler v. Rice, 2018 U.S. App. LEXIS 17733 (6th Cir.)**: Ohio law allows private landowners, including places like Kroger, to tell anyone to leave their premises as long as they are not violating anti-discrimination laws. Private landowners do not need a reasonable reason to request an individual to leave. Once a private landowner informs an individual that they must leave the premises then the individual must leave the premises. If the person refuses to leave then they are trespassing.

**The Second Amendment does not prevent a private landowner from excluding people from carrying guns on their land.** A private landowner is authorized to revoke an individual's privilege to be on their premises simply because they have a gun.

Police have probable cause to arrest a business invitee for criminal trespass if the security guard of the premises tells them they told an individual to leave and the individual did not leave and the police observe the individual still on the premises

#### V. Domestic Violence and Protection Orders

##### **DV Charging Reminders**

There have been an increasing amount of Domestic Violence cases that have been getting charges dismissed in Arraignment court because of errors made by the charging officers. Here are the most common things that prosecution has been seeing which is leading to the dismissals, as well as some general reminders on other important things to keep in mind when filing DV charges.

##### **1. Complaints filed with ORC sections listed but without the corresponding subsection**

- a. ORC 2919.25 has subsections A, B, and C
- b. Each subsection has different elements and is a different level of offense, thus you must list the subsection

**2. Complaints filed without the necessary relationship language for the family or household member element to be met**

- a. See Criminal Complaint Manual for template wording
- b. Ex. “Joe Doe did knowingly cause physical harm, to wit: scratches and bruising to the face of, a family or household member, to wit: Jane Doe, the live-in girlfriend of Joe Doe who have resided together for three years, by means of punching her in the face, in violation of ORC 2919.25(A) of the Ohio Revised Code, a misdemeanor of the first degree.”

**3. Complaints filed without an officer’s signature (only the printed name)**

**4. Complaints filed without an officer’s signature but WITH a notarized signature from another officer**

- a. This is especially problematic! The complaint MUST be signed first, witnessed by another officer, and THEN notarized to commemorate the oath being sworn and the witnessing of the signature
- b. There should be NO circumstance where a complaint is pre-notarized or notarized without having witnessed the charging officer swear the oath and sign it first. This is illegal!

**5. Only the first side of the victim/witness statement being scanned in to P1**

- a. Please remember to scan both sides of any/all witness statements so prosecution has all the victim’s/witnesses information and contact numbers available for arraignment.

**DV Written Statements**

***A written statement, by itself, sworn out by a victim of domestic violence CAN be enough to establish PC to arrest someone.*** The directive is based on the language in ORC 2935.03(B)(3(a) which refers to both DV and VPO and states:

(3) (a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

- (i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

### **Violation of Protection Orders**

To prove violation of R.C. 2919.27(A) the State must show defendant was served the order of protection, or was shown the protection order, or was told of the protection order by a LEO/judge/magistrate and that he recklessly violated its terms

Reminder-- *Senate Bill 7* became effective Date 9/27/17. Personal service of a copy of a protection order/consent agreement is NO LONGER mandatory in order to charge VPO in some circumstances. Prosecution can now prove a VPO charge, even when personal service has not occurred, under ORC 2919.27, IF the defendant recklessly violates the terms of the protection order/consent agreement, and:

1. Defendant has been shown the protection order/consent agreement (or a copy of either), OR;
2. Defendant was informed of the issuance of the protection order/consent agreement by a law enforcement officer, judge, or magistrate.

## **Terrorism**

### **§ 2909.23 Making terroristic threat.**

**(A)** No person shall threaten to commit or threaten to cause to be committed a specified offense when both of the following apply:

**(1)** The person makes the threat with purpose to do any of the following:

- (a)** Intimidate or coerce a civilian population;
- (b)** Influence the policy of any government by intimidation or coercion;
- (c)** Affect the conduct of any government by the threat or by the specified offense.

**(2)** As a result of the threat, the person causes a reasonable expectation or fear of the imminent commission of the specified offense.

**(B)** It is not a defense to a charge of a violation of this section that the defendant did not have the intent or capability to commit the threatened specified offense or that the threat was not made to a person who was a subject of the threatened specified offense.

**(C)** Whoever violates this section is guilty of making a terroristic threat, a felony of the third degree. Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.

## **§ 2909.24 Terrorism.**

**(A)** No person shall commit a specified offense with purpose to do any of the following:

- (1)** Intimidate or coerce a civilian population;
- (2)** Influence the policy of any government by intimidation or coercion;
- (3)** Affect the conduct of any government by the specified offense.

**(B)**

- (1)** Whoever violates this section is guilty of terrorism.
- (2)** Except as otherwise provided in divisions (B)(3) and (4) of this section, terrorism is an offense one degree higher than the most serious underlying specified offense the defendant committed.
- (3)** If the most serious underlying specified offense the defendant committed is a felony of the first degree or murder, the person shall be sentenced to life imprisonment without parole.
- (4)** If the most serious underlying specified offense the defendant committed is aggravated murder, the offender shall be sentenced to life imprisonment without parole or death pursuant to sections 2929.02 to 2929.06 of the Revised Code.
- (5)** Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.

## **Use of Force**

### **I. Constitutional Use of Force – Non-Deadly Force**

#### **A. Legal Standards Used to Judge Non-Deadly Uses of Force**

***Harmon v. Hamilton Cnty.*, 2017 U.S. App. LEXIS 497 (6th Cir. Ohio 2017):** The Fourth Amendment **reasonableness** inquiry presents the overarching question of whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The inquiry assesses reasonableness at the moment of the use of force, as judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

Determining whether the amount of force was reasonable requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests

against the countervailing governmental interests at stake. Three factors—also known as the **Graham factors**—inform this inquiry, although the factors are by no means exhaustive: (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether he is actively resisting arrest or attempting to evade arrest by flight. .

**Ruemenapp v. Oscoda Twp., 2018 U.S. App. LEXIS 17735 (6<sup>th</sup> Cir):** Although the right to make an arrest necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it, cases in the Sixth Circuit clearly establish the right of people who pose no safety risk to the police to be free from **gratuitous violence** during arrest.

## **B. Standards Applied to Physical Force/Striking**

**Flanigan v. Panin, 2018 U.S. App. LEXIS 2794 (6<sup>th</sup> Cir.):** The U.S. Court of Appeals for the Sixth Circuit's precedent requires officers to use the **least intrusive means** reasonably available. Moreover, the Sixth Circuit has cautioned officers against subduing a suspect by **hitting him in the head** if the officer can target another, less sensitive part of the suspect's body

**Stanfield v. City of Lima, 2018 U.S. App. LEXIS 6395 (6<sup>th</sup> Cir.):** **Active resistance** includes physically struggling with, threatening, or disobeying officers. And it includes refusing to move your hands for the police to handcuff you, at least if that inaction is coupled with other acts of defiance. A simple dichotomy thus emerges: When a suspect actively resists arrest, the police can use a taser (or a knee strike) to subdue him; but when a suspect does not resist, or has stopped resisting, they cannot.

**Hanson v. Madison Cty. Det. Ctr., 2018 U.S. App. LEXIS 13261 (6<sup>th</sup> Cir.):** On defendants' motion for summary judgment in plaintiff's § 1983 action, the video footage of the initial segment of plaintiff's time as a detainee reflected that the first deputy used a **split-second "push or shove"** that did not cross the constitutional line.

The video demonstrated that the second deputy placed both his hands around plaintiff's neck in a **chokehold** after other officers secured him from behind. When viewing the video and hearing audio of plaintiff "gurgling," a jury could conclude that the chokehold was unconstitutional excessive force. Because the video did not blatantly contradict plaintiff's sworn testimony that he was tased ten times, his testimony was required to be credited at summary judgment.

The United States Court of Appeals for the Sixth Circuit has long adhered to the view that the **Fourth Amendment prohibits excessive force under certain pre-trial**



**circumstances.** Fourth Amendment protections do not vanish at the moment of arrest. Instead, Fourth Amendment protections, including those against excessive force, continue during booking and at all times prior to a probable-cause hearing

**The U.S. Supreme Court has recently detailed non-exclusive considerations that may bear on the reasonableness or unreasonableness of the force used in the pre-trial context:** (1) the relationship between the need for the use of force and the amount of force used; (2) the extent of the plaintiff's injury; (3) any effort made by the officer to temper or to limit the amount of force; (4) the severity of the security problem at issue; (5) the threat reasonably perceived by the officer; and (6) whether the plaintiff was actively resisting.

### **C. Standards Applied to Electrical Weapons/Mace/Pepper-Spray**

**Smith v. City of Troy, 874 F.3d 938 (6th Cir. 11/7/17):** Passive resistance does not justify substantial use of force. A police officer violates a suspect's right to be free from excessive force by repeatedly tasing the suspect without giving him a chance to comply with orders.

**Jackson v. Washtenaw Cnty., 678 Fed. Appx. 302 (6th Cir. 1/31/17):** Where a suspect has refused to follow police orders and may be in possession of a weapon, there is no clearly established right to resist that can defeat qualified immunity. **A failure to present one's arms** to an officer upon request without more is at most passive resistance, but **a physical struggle to maintain control of one's limbs** while being placed in handcuffs can be active resistance. Resisting arrest by laying down and deliberately locking one's arms together tightly under one's body while kicking and screaming is active resistance. In the excessive force context, where resistance continues, repeated attempts to induce compliance are permitted.

**Gradisher v. City of Akron, 794 F.3d 574 (6th Cir. Ohio 2015):** In determining whether officers used excessive force, courts have placed great weight on officers' **failure to warn** a suspect before deploying a taser.

### **D. Standards Used to Judge Use of Force to Render Medical Treatment**

**Estate of Hill v. Miracle, 2017 U.S. App. LEXIS 5993 (6th Cir.):** Court fashioned new test to decide if force used in a medical emergency is reasonable:

- (1) Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to himself or others?
- (2) Was some degree of force reasonably necessary to ameliorate the immediate threat?
- (3) Was the force used more than reasonably necessary under the circumstances (i.e., was it excessive)?

## E. Handcuffing As Excessive Force

**Getz v. Swoap**, 2016 FED App. 0197P (6th Cir. Ohio 2016) -- The 4<sup>th</sup> Amendment prohibits **unduly tight or excessively forceful handcuffing** during the course of a seizure. **Handcuffing may be excessive force** if there is evidence that the arrestee (1) complained the handcuffs were too tight; (2) the officer ignored those complaints; and (3) the arrestee experienced some physical injury resulting from the handcuffing.

## II. Constitutional Use of Force – Deadly Force

### A. Recent Deadly Force Cases

**Thornton v. City of Columbus**, 2018 U.S. App. LEXIS 6290 (6th Cir.): CPD case—**Officers Dupler and Kasza**. Officers were entitled to qualified immunity as they were justified in shooting the suspect when they saw him inside the house holding a shotgun. Although the suspect did not point the shotgun at the officers, the manner in which he was holding the weapon and the short distance between the suspect and the officers would have led any reasonable officer to believe that the suspect posed a serious physical threat that required use of deadly force. He also had ignored multiple warnings to drop the gun.

The 6<sup>th</sup> Circuit, in an excessive force case, considers the officer's reasonableness under the circumstances he faced at the time he used force. The **court does not scrutinize whether it was reasonable for the officer to create the circumstances**. A different 4<sup>th</sup> Amendment violation cannot transform a later, reasonable use of force into an unreasonable seizure

**Subjective intent of victim** — unavailable to officers who must make split-second judgments — is irrelevant as to whether his actions gave rise to reasonable perception of danger

**Officers do not have to wait for a person to raise his weapon** before employing deadly force. An officer does not have to wait until a gun is pointed at the officer before the officer is entitled to take action. The U.S. Court of Appeals has rejected a categorical rule that force can only be reasonable if a suspect raises his gun.

**Thomas v. City of Columbus**, 854 F.3d 361 (6th Cir. 4/19/17): To be clear, we (the court) do not hold that an officer may shoot a suspect **merely because he has a gun** in his hand. In an excessive force case, whether a suspect has a weapon constitutes just one consideration in assessing the totality of the circumstances.

**Knowlton v. Richland Cty.**, 2018 U.S. App. LEXIS 4988 (6th Cir. 2/29/18) -- We (the court) have found police use of deadly force reasonable under specific circumstances, even against an unarmed individual, where the individual indicates he or she is armed, as Garber did here. Crucially, however, we have found such police action reasonable when officers are confronted with **additional indicia of immediate danger**, such as a menacing gesture or other indication that the individual intends to use his or her weapon.

## **B. Deadly Force Directed at Those in Motor Vehicles**

**Latits v. Phillips**, 878 F.3d 541 (6th Cir. 12/27/17): Deadly force is justified against a driver who objectively appears ready to drive into an officer or bystander with his car, but generally not once the car moves away, leaving the officer and bystanders in a position of safety, unless the **officer's prior interactions** with the driver suggest that the driver will continue to endanger others with his car. Deadly force is justified by prior interactions demonstrating continuing dangerousness only when the suspect demonstrated multiple times that he either was willing to injure an officer that got in the way of escape or was willing to persist in extremely reckless behavior that threatened the lives of all those around.

## **III. Constitutional Use of Force—Mental Illness**

**Champion v. Outlook Nashville, Inc.**, 380 F.3d 893 (2004) -- The diminished capacity of an unarmed detainee must be taken into account when assessing the amount of force exerted. **Landis v. Baker**, 297 Fed. Appx. 453 (6<sup>th</sup> Cir. 2008) -- Different tactics should be employed against an unarmed, emotionally distraught individual who is resisting arrest or creating disturbance than would be used against an armed and dangerous criminal who has recently committed a serious offense.

# Legislation

## Columbus City Code Changes

### New City Code Gun Laws

#### CCC Ord. 1328-2018: Effective date 6/13/18

This new section allows for increased penalties for offenders who possess or use weapons when committing certain crimes and allows officers to seize more weapons at the time of arrest in those instances, as well as making jail time mandatory when offender is convicted. Also, it increases the ability to seek forfeiture of weapons at conviction in certain offenses. New code sections are created for Domestic Violence, **Intimate Partner Violence**, and Violation of a Protection Order.

Specifically, here is what has changed:

1. **Allows for weapons to be seized and forfeited** if they are used during the commission of one of the following criminal offenses:
  - a. Negligent Homicide (2303.05)
  - b. Negligent Assault (2303.14)
  - c. Aggravated Menacing (2303.21)
  - d. Menacing (2303.22)
  - e. Domestic Violence (2319.25(A), (B) or (C))
  - f. Intimate Partner Violence (2319.25(D), (E) or (F))
  - g. Violation of a Protection Order (2319.27)
2. **Adds mandatory jail time** to the sentencing penalties if offender possessed a firearm or dangerous ordnance when committing one of the following criminal offenses:
  - a. Assault (2303.13)
  - b. Aggravated Menacing (2303.21)
  - c. Menacing (2303.22)
  - d. Domestic Violence (2319.25(A), (B) or (C))
  - e. Intimate Partner Violence (2319.25(D), (E) or (F))
  - f. Violation of Protection Order (2319.27)
3. **Creates new City Code sections** for the following offenses:
  - a. Domestic Violence (2319.25(A), (B), (C))

- b. Intimate Partner Violence (2319.25 (D), (E), (F))
  - c. Violation of Protection Order (2319.27)
- 4. Changes the element language of the following City Code sections to match the language in the same ORC sections. **However, City code sections will have increased penalties as listed above.**
  - a. Negligent Homicide (2303.05)
  - b. Assault (2303.13)
  - c. Negligent Assault (2303.14)
  - d. Aggravated Menacing (2303.21)
  - e. Menacing (2303.22)

### **Why is this important?**

First, with these new City code sections, more weapons may be seized at time of arrest from offenders who commit certain types of crimes (listed above) and, since jail time will be mandatory (and work release is prohibited), there is an increased punishment just solely for using the weapon while committing the crime. Also, more of these weapons, which have been used in the commission of the listed crimes, may now be forfeited at time of conviction.

Second, with the new Domestic Violence and Intimate Partner Violence sections, more relationships are included and more victims are protected by including their relationship and creating a charge for the offenders which doesn't necessarily exist under state code. **Charges for Intimate Partner Violence will be charged under the DV code section (2319.25 – subsections D, E, or F).** The definition of “intimate partner” for purposes of 2319.25 is a person in a dating relationship with the offender who does not meet the definition of family of household member. 2319.25(K)(3). “Dating relationship” is defined in 2319.25(K)(4). Practically, and legally speaking, the new City Code DV and VPO charge should only be used if the offender does not have a prior DV or VPO conviction respectively. If the offender has a prior DV or VPO conviction, they shall be charged with the State Code DV or VPO respectively.

Third, with the new DV, IPV, and VPO sections, seizure and forfeiture of weapons used during the commission of these crimes AND mandatory jail time are added to the penalties upon conviction.

Fourth, it eliminates confusion between City code sections and State code sections that had different wording.

**1547-2018: Effective Date 6/07/18**

## NEW CRIMINAL CODE LAWS DEALING WITH IMITATION FIREARMS

**The primary purpose of these new code sections is to prohibit the selling and furnishing of imitation firearms to minors, and to prohibit the altering/display of imitation firearms by anyone, as many of these weapons look identical to real weapons and present danger to officer and citizen safety. Violations are M1s.**

Imitation Firearm (2323.51) is essentially: any BB device or firearm replica that would lead a reasonable person to believe that the device is a firearm. It does not include a non-firing, collector replica of an antique firearm developed prior to 1898.

1. **2323.52(B):** Prohibits the giving/selling/furnishing of imitation firearms to minors (under the age of 18)

**a. EXCEPTIONS:**

1. Lawful use during a theatrical production
  2. At a public/private shooting range or paintball facility
  3. If the entire exterior surface of device is either a bright color OR device is see-through
2. **2323.53(A):** Prohibits the alteration of an imitation firearm in any way that makes the device look more like a real firearm
  3. **2323.53(B):** Prohibits the possession of an imitation firearm which has had the blaze orange tip or other markings either removed or obscured

**a. EXCEPTION TO BOTH (A) AND (B) →** Lawful use during a theatrical production

4. **2323.54(A):** Prohibits open display of an imitation firearm in a public place
5. **2323.54(B):** Prohibits possession of an imitation firearm in a school safety zone, if the person indicates that he possesses the object AND that it's a firearm, **OR** the person displays or brandishes the object AND indicates that it's a firearm

**a. EXCEPTIONS TO BOTH (A) AND (B) SECTIONS ARE LISTED IN SECTION (D)**

**CCC Ord. 1116-2018: Effective date 6/13/18**

## NEW CRIMINAL CODE LAWS DEALING WITH FIREARMS

**Why is this important and how is it different from current law?**

First, the new City Code sections bring the City Code in line with already established State and/or Federal law provisions criminalizing possession or use of firearms. This expands officers' ability to charge violations which they previously could not.

Second, with the new City Code WUD section, there are many more offenses included than are currently in the State Code, so officers will be able to charge more offenders with WUD accordingly. In addition to having convictions for one of several felony offenses (F4 or above – listed below), being subject to a valid protection order or having a conviction for a “misdemeanor crime of domestic violence” (federal definition) are now disabilities under the City Code! Convictions for WUD also carry **mandatory jail time** of at least 180 days (*not eligible for work release*).

Third, more weapons may be seized and forfeited from offenders who commit certain types of crimes (listed below).

Fifth, practically speaking, if officers want weapons forfeited which have been used in the commissions of the crimes as outlined below, officers should file those charges under the City Code and need to include language in the complaint itself requesting forfeiture (this will be included in the CCM). **However**, keep in mind that violations under the City Code are misdemeanors, not felonies.

1. **Allows for weapons to be seized and forfeited** when they are used in the commission of any of the following new City Code Offenses:

- a. WUD (2323.13)
- b. Weapons while intoxicated (2323.15)
- c. Defacing identification marks of firearm (2323.201)
- d. Underage purchase of firearm or handgun (2323.211)
- e. Possessing criminal tools (2323.24)
- f. Failure to secure dangerous ordnance (2323.19)
- g. Unlawful transaction in weapons (2323.20)
- h. Failure to report loss (2323.20)
- i. Discharging weapons (2323.30)

2. **2323.13 – Having Weapons Under Disability**

- a. Unless relieved from disability under operation of law or legal process, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:
  - i. The person is under indictment for, has been convicted of, or has been adjudicated a delinquent child for the commission of an offense that, if

committed by an adult, would have been any of the following felonies  
**punishable by imprisonment for a term exceeding one year:**

1. Homicide and Assault
    - a. 2903.041, 2903.06, or 2903.08
  2. Sex offenses
    - a. 2907.04, 2907.07, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, or 2907.323
  3. Terrorism offenses
    - a. 2909.04, 2909.22, 2909.23, 2909.26, 2909.27, 2909.28, or 2909.29
  4. Offenses against the public peace
    - a. 2917.33 or 2917.47
  5. Offense against justice and public administration
    - a. 2921.02, 2921.05, 2921.11, 2921.12, 2921.13, 2921.31, 2921.321, 2921.33, 2921.331, 2921.35, 2921.36, 2921.38, 2921.41, 2921.42, 2921.51, or 2921.52
  6. Weapons Control offenses
    - a. 2923.12, 2923.122, 2923.123, 2923.13, 2923.131, 2923.16, 2923.162, 2923.17, 2923.20, 2923.201, 2923.241, 2923.32, or 2923.42
  7. Ethnic intimidation and desecration of places of worship offenses
    - a. 2927.11 or 2927.12
- ii. The person is subject to a court order (i.e. protection order) that:
1. Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  2. Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an



intimate partner in reasonable fear of bodily injury to the partner or child; AND

- a. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; OR
  - b. By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- iii. The person has been convicted of a misdemeanor crime of domestic violence (as defined in 18 USC 921(a))

**3. Creates the following new code sections:**

- a. **2323.15:** Using weapons while intoxicated → M1 offense
- b. **2323.163:** Procedure for storing and returning surrendered firearms (*Terry*/traffic stops)
  - a. Allows officers to seize weapons which have been ordered turned over to the Division of Police pursuant to the terms of a Protection Order issued pursuant to the ORC, as well as weapons that are contraband out of a domestic violence incident, and turn them into the property room.
  - b. There is also a provision for awarding reasonable attorney's fees if officers improperly seize a firearm and don't return it timely to the person from whom it was seized. (This part is already in the State Code). This section does not prohibit the police from retaining a weapon while a protection order is pending.
- c. **2323.201(A)(1):** Prohibits altering/defacing identification marks on a firearm → M1 offense
- d. **2323.201(B):** Prohibits possessing a firearm with an altered/defaced identification mark → M1 offense
  - i. EXCEPTION: Does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of manufacture

- e. **2323.211(B)**: Prohibits underage (under 21) purchase of firearms/handguns  
→ M2 offense
  - i. EXCEPTIONS:
    - 1. The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.
    - 2. The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.
- f. **2323.23**: Provides for immunity from prosecution if a person voluntarily surrenders a firearm/dangerous ordnance to the division of Police if they would be in violation of the WUD section by possessing the item. It is not considered “voluntary surrender” if it occurs when the person is being taken into custody or during a pursuit or attempt to take the person into custody...
- g. **2323.24**: Possession of Criminal Tools → M1 offense
  - i. EXCEPTION: This section shall not apply if the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony, violation of which would be prosecuted under state law.

### **Ohio Revised Code Changes**

#### **HB 63 – Effective date 10/17/17**

Allows for 6 years of additional prison time if the offender is convicted of using an accelerant in committing a Felonious Assault under **ORC 2903.11(A)** and convicted of accelerant specification

- Enacts “**Judy’s Law**” which allows for enhanced penalties if the offender uses an accelerant to commit a violation of **ORC 2903.11(A)(1)** or **(A)(2)** which resulted in a permanent, serious disfigurement or permanent, substantial incapacity to the victim
- “Accelerant” means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire. **ORC 2929.01(EEE)**
- Enacts **ORC 2941.1425** which states that the mandatory prison term can only be imposed if the indictment, count in the indictment, or information charging the offense includes the accelerant specification. **ORC 2941.1425(A)(1), (2)** and **2941.1425(B)**

## **Marsy’s Law**

The Ohio Constitution (Article 1, Section 10a) was recently amended with the passage of the **Ohio Crime Victims’ Bill of Rights**, also known as **Marsy’s Law**.

This law affords victims certain Constitutional rights (listed below) which must be protected in a manner no less vigorous than the rights afforded to the defendant. For law enforcement purposes, this new law expands the category of people who are considered to be a “victim” of crime. This change affects all officers, but particularly Patrol.

**The new definition of “victim” is, “any person against whom a criminal offense or delinquent act is committed or any person who is directly and proximately harmed by the commission of the offense or act.”** The suspect, defendant, or offender is not a victim, and the term victim does not include “a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.”

**When officers have contact with a victim of a criminal offense/delinquent act, the victim needs to be advised of their new rights.** *This can be done by handing the victim the Ohio Attorney General’s tear-off sheet entitled “YOU HAVE RIGHTS” which are currently being distributed to officers and a second small sheet from the Division which lists contact information for the investigating agency (CPD) and the prosecutor’s offices.* **All victims (of either felony or misdemeanor crimes) should receive these two sheets.**

Additionally, if someone is a victim of one of the following criminal offenses, they must also be given a copy of the **Ohio Crime Victims’ Rights Brochure** (formerly called “Picking up the Pieces”) and the **Guide to Protection Orders**. These offenses include: all felonies, Negligent Homicide, Vehicular Homicide, Assault, Aggravated Menacing, Menacing by Stalking, Menacing, Sexual Imposition, Domestic Violence, Intimidation of a Crime Victim or Witness. If the person is a victim of an OVI or Hit/Skip, they must be given a copy of the Ohio Crime Victims’ Rights Brochure. If the victim is deceased or incapacitated, an immediate family member who has been directly and proximately harmed by the offense should receive the materials instead. For more information, officers can refer to Division Directive 3.08.

**Marsy's Law affords victims the following rights:**

- (1) To be treated with fairness and respect for the victim's safety, dignity and privacy;**
- (2) Upon request, to reasonable and timely notice of all public proceedings involving the criminal offense against the victim, and to be present at all such proceedings;**
- (3) To be heard in any public proceeding involving release, plea, sentencing, disposition, or in any public proceeding in which a right of the victim is implicated;**
- (4) To reasonable protection from the accused or any person acting on behalf of the accused;**
- (5) Upon request, to reasonable notice of any release or escape of the accused;**
- (6) Except as authorized by section 10 of Article I of the Ohio Constitution (the criminal defendant's right to Due Process), to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;**
- (7) To full and timely restitution from the person who committed the criminal offense against the victim;**
- (8) To proceedings free from unreasonable delay and a prompt conclusion of the case;**
- (9) Upon request, to confer with the attorney for the government (i.e. the prosecutor);**
- (10) To be informed, in writing, of all rights enumerated in this section.**



Columbus Police Division Directive	EFFECTIVE Dec. 30, 2016	NUMBER 11.07
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Body-Worn Camera (BWC)		



***Cross Reference: 5.01, 5.02, 5.03, 11.02***

***Supervisor's Manual: 6.00, 6.06***

## I. Introduction

The principal purpose of a BWC system is to collect evidence that may be used to prosecute traffic and criminal offenses, assist with investigations, or help evaluate and train personnel. It can also provide documentation of whether the situation was handled lawfully and professionally. Police interactions with individuals during enforcement activity may rapidly evolve, and recording these interactions is an excellent way to provide transparency to the community.

## II. Definitions

### A. Classification

The category assigned to each video recording, chosen from the following ***four*** selections, after the camera has been deactivated.

Note: If personnel are unsure of which classification to choose, the video should be classified as evidence.

#### 1. Evidence

A recording which may be used as evidence to document an incident as it pertains to an enforcement action/adversarial encounter.

Examples of evidence: misdemeanor and felony investigations, arrests, use of force incidents, forced entries, and traffic and pedestrian stops. This is not an all-inclusive list.

#### 2. Non-evidence

A recording, whether accidental or intentional, which has no evidentiary or administrative value.

Examples of non-evidence: accidental/incidental recording, equipment checks, and training. This is not an all-inclusive list.

#### 3. Permanent

A recording to be kept indefinitely.

Examples of permanent: Any incident that select Division personnel (for example, a supervisor ***or*** detective) believe should be classified in a category that does not expire.

#### 4. Civil Unrest

***A recording which may be used as evidence to document an incident as it pertains to an enforcement action/adversarial encounter during a period of civil unrest.***

***Examples of civil unrest: demonstrations, protests, and riots. In most instances, personnel will be directed to use this classification by a Division supervisor (for example, an Incident Commander or a Field Force Lieutenant). This is not an all-inclusive list.***

### III. Policy Statements

- A. Sworn personnel who are assigned an individual BWC shall, at the beginning of their shift, ensure the BWC is fully charged, operable, and all previous video recordings have been uploaded.
  - B. Sworn personnel shall use only Division-issued BWCs.
  - C. All recorded images and audio recordings made on the BWC are the property of the Division of Police. Division personnel shall not disseminate or duplicate these recordings outside of the Division unless approved by the Chief of Police, pursuant to the Ohio Public Records Act, or in accordance with a legally binding subpoena.
  - D. BWCs shall be worn in the location and manner required by the assignment.
  - E. BWCs are not required for special duty work, and the City will not compensate personnel for travel time or uploading/charging the BWC.
    - 1. BWCs may be used for City overtime if personnel have a charged BWC and its use on City overtime does not interfere with the BWC being uploaded or charged for their regularly assigned tour of duty or as ordered by a supervisor.
  - F. BWC use shall be documented on all appropriate paperwork and in the electronic reporting system.
  - G. Activation
    - 1. ***Sworn personnel should activate the BWC when dispatched or upon a self-initiated response to a Priority 1 or 2 call for service.***
    - 2. Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of:
      - a. Calls for service and self-initiated activity
- Note: Activate the BWC when responding with Emergency Vehicle Operations (EVO).***
- b. All investigatory stops
  - c. Traffic and pedestrian stops
- Note: Activate the BWC at the start of a pursuit.***

- d. Suspected OVI stops
- e. Uses of force
- f. Arrests
- g. Forced entries
- 3. Sworn personnel shall activate the BWC when an encounter becomes adversarial, or its use would be appropriate and/or valuable to document an incident unless otherwise prohibited.
- 4. ***All sworn personnel involved in the execution of any search warrant served during a tactical operation on an occupied structure shall be equipped with an operating BWC and shall activate their BWC prior to entry of the occupied structure or associated curtilage.***
  - a. ***Other than a no-knock warrant, the knock on an entry door, the announcement of law enforcement having a search warrant, and the required statutory time delay prior to entry shall be recorded.***

***Note: This section applies to personnel working in regular and/or overtime status.***

- 5. ***Headquarters Operations*** Section, Special Weapons and Tactics (SWAT) Section, ***and In/Tac Unit*** personnel shall comply with their respective Standard Operating Procedures (SOP) ***for requirements specific to their assignments.***
- 6. ***Task force personnel shall comply with their respective SOP and the Memorandum of Understanding (MOU) with the sponsoring agency for the use of the BWC and the retention and release of BWC video.***
- H. Sworn personnel wearing a BWC should announce when they are recording as close to the start of the encounter as possible unless it is unsafe, impractical, or unnecessary.
  - 1. Sworn personnel are not required to cease recording at the request of any person unless ordered by a sworn Division supervisor.
- I. Sworn personnel shall continue recording until the enforcement activity or encounter has ended, or they are ordered/permitted to stop recording by a sworn supervisor.
  - 1. ***Tactical personnel shall continue recording until the execution of a search warrant served during a tactical operation on an occupied structure and associated curtilage has ended. The execution has ended after initial entry is made, suspects are detained or taken into custody, and the scene has been secured.***
    - a. ***Sworn supervisors may direct tactical personnel to start, continue, or stop recording after the execution of the warrant has ended based on the circumstances.***

**Note:** When reviewing BWC footage from an incident, sworn personnel must stop recording to view and/or upload the video.



- J. BWC recordings may be used to provide evidence, record an incident to document the actions and statements of suspects during interviews or while being placed into custody, or as a means to verify an action taken.
- K. The BWC shall not be used to record non-work-related personal activities where personnel have a reasonable expectation of privacy, such as inside locker rooms, dressing rooms, or restrooms, unless a criminal offense has occurred.
- L. The BWC shall not be intentionally activated to record privileged communication or conversations of fellow Division personnel during routine, non-enforcement-related activities, with or without their knowledge.
- M. The BWC shall not be used:
  - 1. To gather intelligence information solely based on First Amendment protected speech, associations, or religion;
  - 2. During a strip search or body cavity search; or
  - 3. During a Lethality Assessment Screen.

Note: If the BWC was previously activated during an incident, sworn personnel do not need a supervisor's approval to deactivate the BWC for any of the above-listed reasons.
- N. The BWC shall not be used if ordered by a sworn supervisor.
  - 1. To preserve privacy and dignity, a sworn supervisor may grant approval to not record or to deactivate the BWC for certain people or places.
  - 2. Explicit approval shall be given verbally over the radio or in an operations plan.
- O. Sworn personnel may deactivate the BWC:
  - 1. When gathering information from a confidential informant or source.
  - 2. Without explicit supervisor approval when not in the presence of suspects or citizens and speaking with the Division's legal advisor, covert/investigative personnel, a supervisor, or other sworn personnel.
  - 3. While engaged in guard duty inside a hospital; however, if an encounter becomes adversarial and/or enforcement action becomes necessary, the BWC shall be activated as soon as practical.
  - 4. Sworn personnel shall deactivate the BWC after securing weapons and entering the door into the prisoner processing area of the Franklin County Sheriff's Office Corrections Centers.
    - a. The preferred course of action is to allow sheriff's office personnel to handle any problem associated with a prisoner. If Division personnel are forced to take enforcement action, they shall activate the BWC as soon as practical.
- P. If sworn personnel do not activate the BWC, the battery is exhausted/depleted, or the recorder malfunctions, they shall document the reason(s) on the appropriate paperwork, in the CAD, and/or in the electronic reporting system.

- Q. If sworn personnel do not record the entire contact, justification shall be expressed verbally on the BWC before turning it off when it is safe and practical to do so.
- R. Sworn personnel should re-activate the BWC if they re-engage suspects/ citizens.
- S. Sworn personnel may be ordered by a sworn supervisor to relinquish their BWC.
- T. All digital data shall be uploaded as directed and shall be classified and stored in a secure database that allows limited access. Sworn personnel shall upload video footage prior to going on leave, except when permission is granted by the chain of command designating an alternate time for uploading. If sworn personnel become incapable of uploading the video, the chain of command will make arrangements for uploading all video footage.
- U. Personnel shall not tamper with, erase, alter, or destroy any original recorded section of video or audio.
  - 1. The appropriate authority designated by the Chief of Police will determine proper action for recordings captured by inadvertent BWC activation when it is otherwise prohibited.
- V. Personnel shall classify all recordings consistent with Division training and policy. Personnel shall not knowingly classify a video inappropriately or take other inappropriate actions to prevent a recording from being viewed or uploaded or to alter retention periods.
- W. BWC recordings shall be securely stored and maintained pursuant to the City of Columbus Division of Police Records Retention Schedule. All stored recordings are subject to release in accordance with Ohio's public records laws.
  - 1. Supervisors investigating/managing an incident or sworn personnel wanting to view video in the mobile environment should follow the procedures outlined on the Division's intranet.
- X. Sworn personnel may review video footage of an incident in which they were involved prior to completing a report or making a statement to help ensure accuracy. Sworn personnel should not use the fact that a recording was made as a reason to give a less detailed description of an incident.
- Y. A supervisor may view BWC video footage for the purpose of investigations, training, reviews, inquiries, civil claims, or litigation. This may include random reviews or recordings brought to the supervisor's attention that may lead to positive corrective action or discipline as outlined in the applicable collective bargaining agreement (CBA).
- Z. Supervisory and investigative review of BWC recordings
  - 1. BWC recordings are subject to review at any time once the recording is uploaded to the server.

2. Supervisors and the involved chain of command wishing to review a BWC recording shall conduct the review on a Division computer.
    - a. Supervisors shall log in to the secured server with their Division-issued password.
    - b. After being uploaded to the secured server, Division supervisors will have access to BWC recordings unless access has been restricted due to an investigative purpose.
  3. Supervisors and investigative personnel wishing to request a copy of a BWC recording shall complete and forward an Internal Video/Audio Request, form S-35.104.
  4. Supervisors shall document the review of BWC recordings related to incidents under investigation on the Incident Video Review, form U-10.197. Supervisors shall address the relevant portion(s) of the recording within the administrative investigation to be reviewed by the chain of command as necessary.
  5. Supervisors should conduct random reviews of BWC recordings to ensure videos are classified appropriately and to use the observations for open discussion and training.
  6. Supervisors using BWC recordings for an investigative purpose shall review or reclassify BWC recordings as appropriate and in accordance with established law, Division policy, and the applicable CBA.
- AA. Sworn personnel who have been issued a BWC and who transfer to an assignment that is not assigned a BWC shall return all issued equipment, including any assignment-specific take home chargers, to PoliceNET personnel.
- BB. Division personnel who are assigned to use or otherwise be involved with BWC equipment must complete mandatory training. This training includes proper operation and care, policies and procedures, and limitations of BWC footage. Additional training shall be provided periodically to ensure the continued effective use of the system and equipment and to incorporate changes, updates, and other revisions in policies or equipment.
1. Sworn personnel transferring into a unit where BWCs have been deployed shall contact Advanced Training Unit and PoliceNET personnel for training and issuance of a BWC as soon as practical.

#### **IV. Procedures**

##### **A. Sworn Personnel**

1. Classify the recordings as appropriate.
2. Notify your supervisor of any known malfunctioning or lost/damaged equipment.
3. Mark 10-23T for technology repair.
4. Replace or turn in the BWC for repairs to the PoliceNET Unit as soon as possible.

- a. Obtain a replacement BWC from the PoliceNET Unit. If the PoliceNET Unit is closed, obtain a replacement from the **Headquarters Operations Section** Sergeant. The replacement BWC becomes the sworn employee's Division-issued BWC.
- B. Investigating Supervisor

Determine if the malfunctioning or lost/damaged equipment was the result of normal wear and tear or negligence, and follow the procedures outlined in the "Lost, Damaged, or Malfunctioning Property" directive.
- C. PoliceNET Personnel/ **Headquarters Operations Section** Sergeant

Collect malfunctioning or damaged equipment and replace it immediately.
- D. Chief of Police

Appoint specific Division personnel to meet annually to review policy and collect data concerning BWC usage, including when video footage is used in criminal prosecutions, internal affairs matters, civilian complaints, injuries and assaults on sworn personnel, use of force incidents, and any associated costs.
- E. Supervisors Conducting Random Reviews
  1. Review randomly selected BWC recordings on a regular basis. The incidents should be no more than 30 days old.
  2. Forward the completed Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review, form U-10.193, to the bureau commander when there are areas of concern, for example, user error(s) or observations of misconduct, etc.
- F. Bureau Commander
  1. Forward the Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review form with user error(s) through the chain of command to the immediate supervisor of the officer(s) who made the recording.
  2. If potential misconduct is discovered within the recording, determine the appropriate course of action.
- G. Immediate Supervisor
  1. Ensure sworn personnel who created the BWC recording correct the error.
  2. If directed by the chain of command, complete an administrative investigation and send a copy of the Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review form to the **Headquarters Operations** Section.
- H. **Headquarters Operations** Section
  1. File completed Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review forms.
  2. Track results annually to determine compliance/training needs.

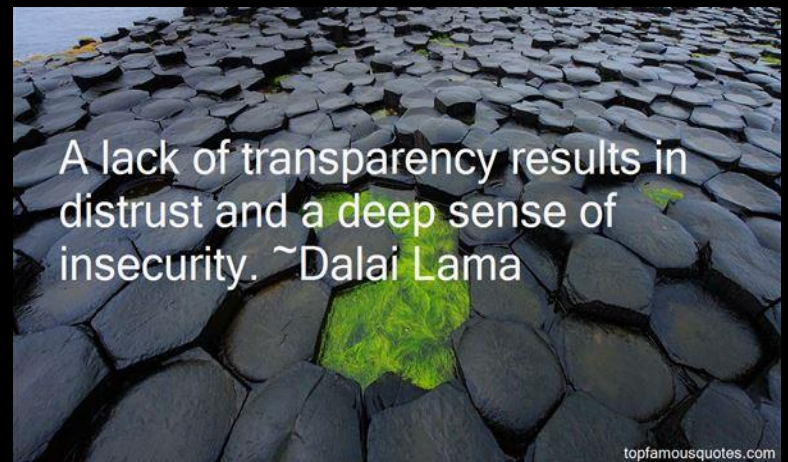
# Directive 11.07

## Body-Worn Cameras: Policy and Procedure



# I. Introduction of 11.07

Why is the Columbus  
Division of Police  
implementing Body-Worn  
Camera?



A lack of transparency results in distrust and a deep sense of insecurity. ~Dalai Lama

# Director Speaks Video #1



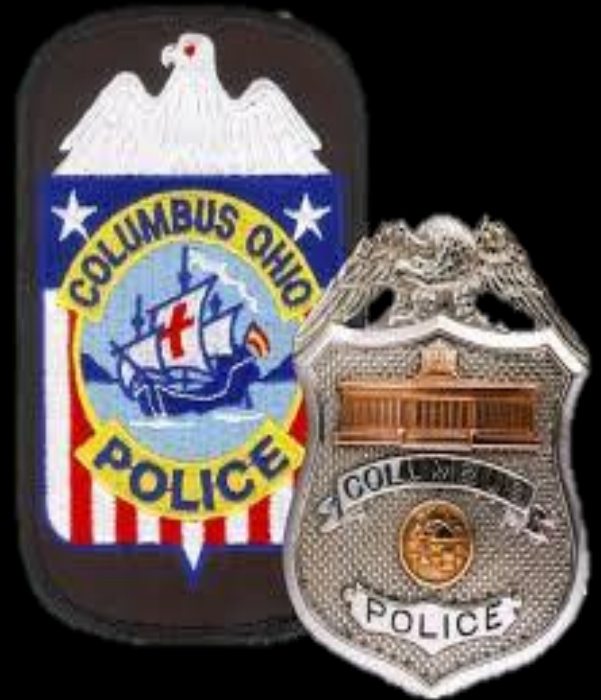


## II. Policy Statements:

A. Selected sworn personnel shall be assigned an individual BWC and shall inspect their BWC equipment at the beginning of each shift to ensure proper operation.

B. Sworn personnel shall use only Division-issued or authorized privately owned BWCs while on duty or in uniform.

**ETC**





## **B. 1. Personnel-Owned BWC**

Sworn personnel shall complete the Personnel-Owned BWC Agreement, form J-10.112A, and obtain approval from the Technical Services Bureau Manager or his/her designee prior to carrying a personally-owned BWC. Personally-owned BWC maybe worn while working regular duty or special duty.

**\*The J.10.112A form has not been created or approved .**

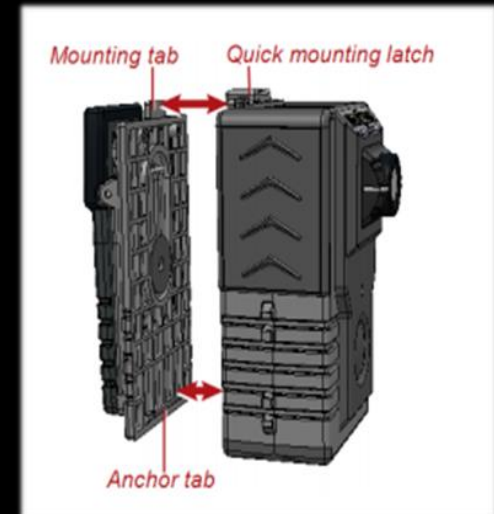
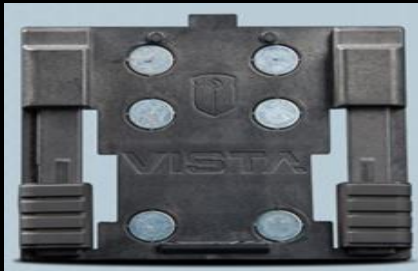
# C. Wearing the Body Camera

BWCs shall be worn in the location and manner required by the assignment.

*Under-shirt plate*



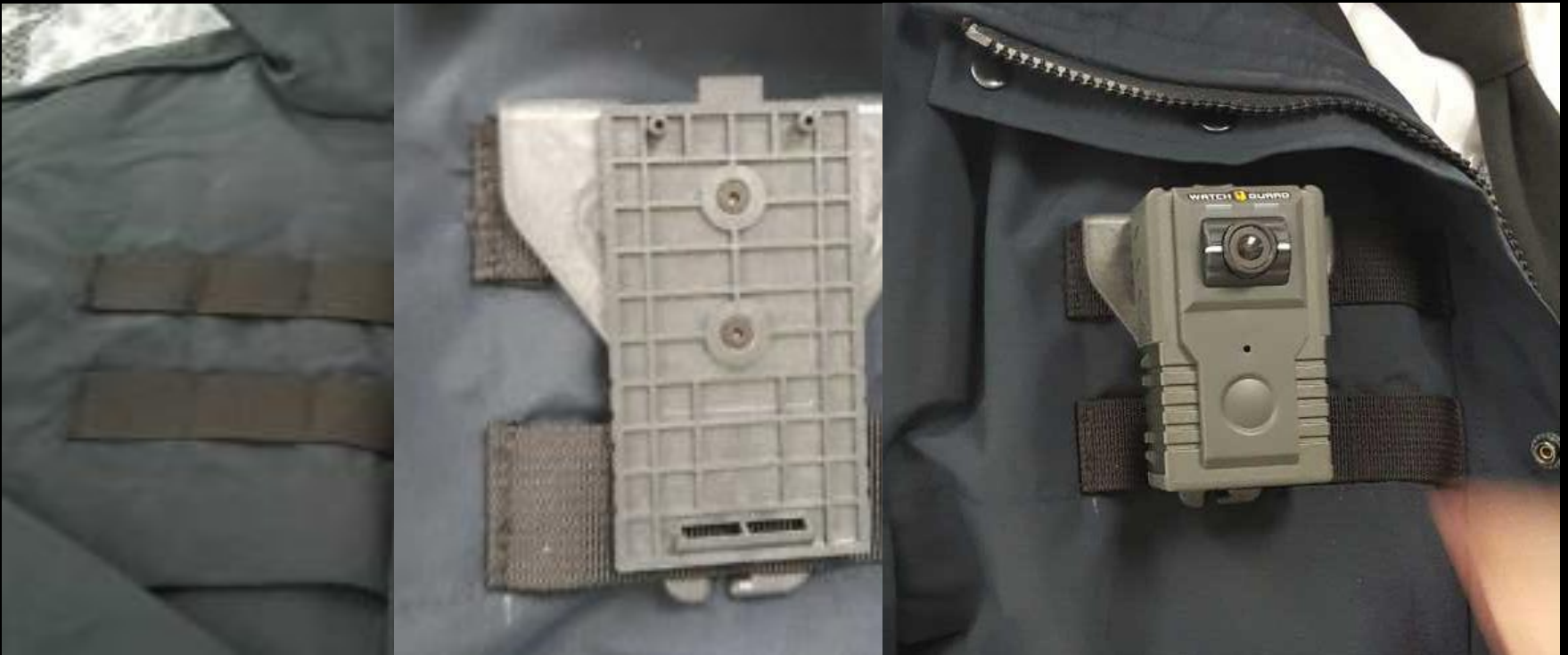
*Over-shirt plate*



## C. Wearing the Body Camera

BWCs shall be worn in the location and manner required by the assignment.

*Molle Loops on Coat*



## D. Documenting Incidents-U.10.100 Updates

BWC use shall be documented on all appropriate paperwork and electronic reporting systems.

### 26b. BWC Used ☐ Yes ☐ No Badge

16. Social Security Number	17. Date of Birth	18. Birthplace	19. I.D. Number	20. Permit Holder? <input type="checkbox"/> Yes <input type="checkbox"/> No	Establishment Name
21. Place of Employment and Duration			22. Religion	23. Telephone Numbers Home Work	
24. Arrest Date	25. Arrest Time AM PM	26. Arrest Location			26a. CVS Used <input type="checkbox"/> Yes <input type="checkbox"/> No Cruiser #
					26b. BWC Used <input type="checkbox"/> Yes <input type="checkbox"/> No Badge #
27. Arresting Officer <input type="checkbox"/> Subpoena		28. Badge #	29. Agency	30. Assignment	31. E-mail Identifier @columbuspolice.org
34. Arresting Officer <input type="checkbox"/> Subpoena		35. Badge #	36. Agency	37. Assignment	38. E-mail Identifier @columbuspolice.org
					32. Days Off
					33. Shift
					39. Days Off
					40. Shift

91. Name      BWC      Yes      No

List both work and home for civilians. For sworn, use badge number and assignment only.						
	91. Name	BWC	92. Address (and e-mail if available)	93. Zip	94. Home Phone/Badge	95. Work Phone/Assign
1.		<input type="checkbox"/> Yes <input type="checkbox"/> No				
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No				
3.		<input type="checkbox"/> Yes <input type="checkbox"/> No				
4.		<input type="checkbox"/> Yes <input type="checkbox"/> No				
5.		<input type="checkbox"/> Yes <input type="checkbox"/> No				
6.		<input type="checkbox"/> Yes <input type="checkbox"/> No				

## E. Activation

1. Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of:

- a) Calls for service and self initiated activity
- b) All investigatory stops
- c) Traffic and pedestrian stops
- d) Suspected OVI stops
- e) Use of force
- f) Arrests
- g) Forced entries

## **2. Activating BWC**

Sworn personnel shall activate the BWC when an encounter becomes adversarial or its use would be appropriate and/or valuable to document an incident **unless otherwise prohibited.**

## **3. Deactivating BWC**

Sworn personnel may deactivate the BWC when gathering information from a confidential informant or source.

# Unless Otherwise Prohibited

- I. For my personal activities
- J. Privilege Communication
- K. 1<sup>ST</sup> Amendment and “Hot Zone”
- L. Explicit permission by supervisor

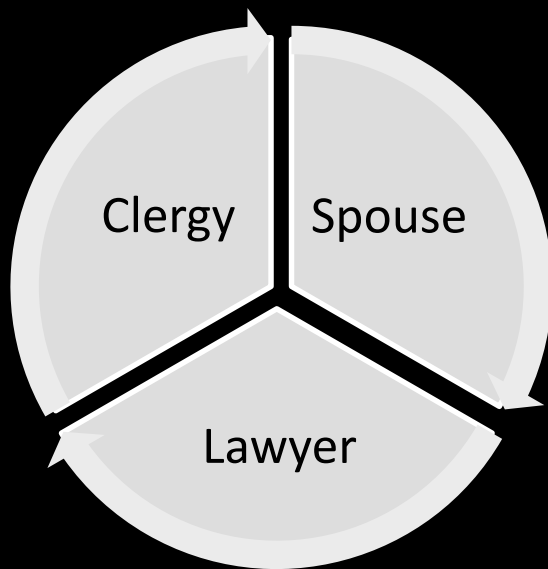
# Non-Work Related Personal Activities

I. The BWC shall not be used to record non-work-related personal activities where personnel have a reasonable expectation of privacy, such as inside **locker rooms**, **dressing rooms**, or **restrooms**. This does not apply when a criminal offense has occurred.





# Privileged Communication



J. The BWC shall not be intentionally activated to record privileged communication, or conversations of fellow Division personnel during routine, non-enforcement-related activities with or without their knowledge.

Such as clergy, spouse, lawyer, peer assistance team or physician; this is not an all inclusive list

# Unless Otherwise Prohibited

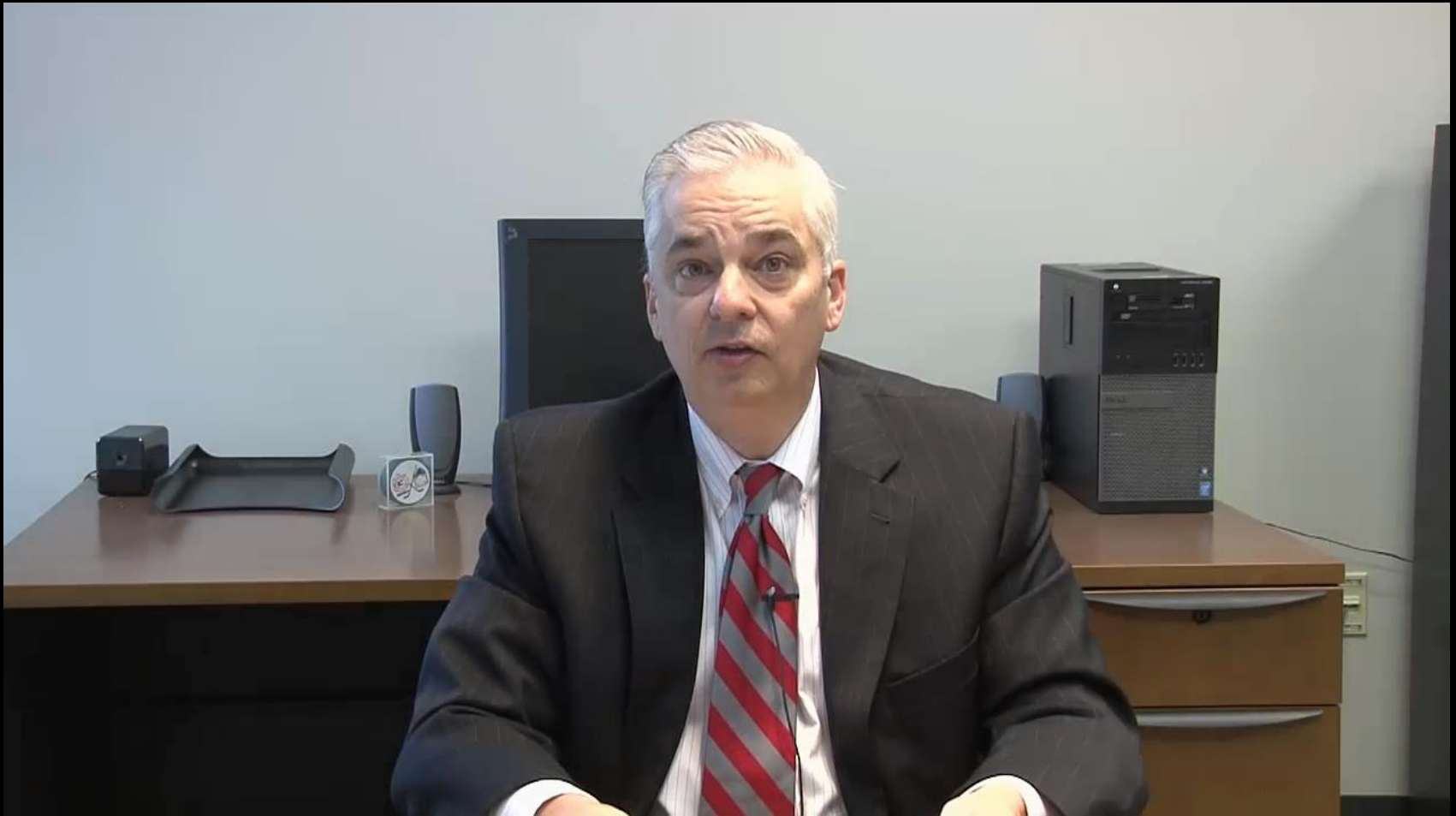
K. The BWC shall not be used:

1. To gather intelligence information solely based on First Amendment protected speech, associations, or religion;
2. In a “hot zone” where an explosive device may be present

Turn BWC OFF in a “hot zone”



# Director Speaks Video #2



# Unless Otherwise Prohibited Continued

L. The BWC shall not be used if ordered by a sworn supervisor. Explicit permission shall be given verbally over the radio or in an operations plan.



# When permission may be sought to turn off Body Worn Camera:

Special People

Special Places

# Special People

Crime victims (especially victims of rape, incest, stalking or other forms of sexual assault); minors confidential or police informants; persons experiencing significant mental or emotional distress; persons who exhibit severe bodily injury; persons receiving medical care or under medical observation; persons who are nude or have other bodily areas exposed; and the deceased.

## **Special Places**

Inside a private residence or business; the grounds of any public or private school; at a private entertainment venue; museum or facility where intellectual property exist; at a funeral; at a place of worship such as a church, temples, synagogues, mosques or other religious institutions; inside a mental health facility; or inside any critical infrastructure.

# **Permission may not be sought to turn off Body Worn Camera**

1. During an arrest or executing an arrest warrant;
2. While controlling a person through a use of force; and
3. During an adversarial encounter.



# Continue & Stopping Recording

F. Sworn personnel shall continue recording until the enforcement activity or encounter has ended, or they are ordered/permitted to stop recording by a sworn supervisor.

Note: When reviewing BWC footage from an incident sworn personnel must stop recording to upload the video.

# Announcing Recording

G. Sworn personnel wearing a BWC should announce that they are recording as close to the start of the encounter as possible unless it is unsafe, impractical, or unnecessary.

Example: Sir/Mam, I am recording



# **Evidence and Documentation**

H. BWC recordings may be used to provide evidence or record an incident to document the actions and statements of suspects during interviews or while being placed into custody, or as a means to verify an action taken.

## **Not activating BWC??**

M. If sworn personnel do not activate a BWC, do not record the entire contact, or the recorder malfunctions, they shall document the reason(s) on the appropriate paperwork and in the electronic reporting system.

1. Unless the BWC was never activated or it malfunctions justification shall be expressed verbally on the BWC before turning it off.

# Relinquish BWC

N. Sworn personnel may be ordered by a sworn supervisor to relinquish their BWC.



# Digital Data Storage

O. All digital data shall be uploaded as directed and shall be classified and stored in a secure database that allows limited access. Sworn personnel shall upload video footage prior to going on leave, except when permission is granted by the chain of command designating an alternate time for uploading. If sworn personnel become incapable of uploading the video, the chain of command will make arrangements for uploading all video footage.

# Inadvertent BWC Activation

P. Personnel shall not tamper with, erase, alter, or destroy any original recorded section of video or audio.

1. The appropriate authority designated by the Chief of Police will determine proper action for recordings captured by inadvertent BWC activation when otherwise prohibited.



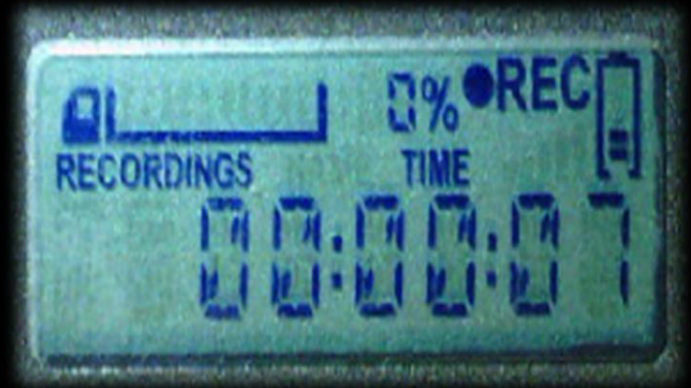
# **Classify All Recordings**

Q. Personnel shall classify all recordings consistent with Division training. Personnel shall not knowingly classify a video inappropriately or take other inappropriate actions to prevent a recording from being viewed or uploaded, or to alter retention periods. Personnel who are unsure of the appropriate classification shall contact a sworn supervisor for clarification.



# 3 Classifications

1. Evidence
2. Non-Evidence
3. Permanent



# Records Retention Schedule



R. BWC recordings shall be securely stored and maintained pursuant to the City of Columbus Records Retention Schedule. All stored recordings are subject to release in accordance with Ohio's public records laws.

## Reviewing Video

S. Sworn personnel may review video footage of an incident in which they were involved prior to completing a report or making a statement to help ensure accuracy. Sworn personnel should not use the fact that a recording was made as a reason to give a less detailed description of the incident.

# Director Speaks Video #3



## **Supervisor's Review**

T. A supervisor may view BWC video footage for the purpose of training, reviews, inquiries, civil claims, or litigation. This may include recordings brought to the supervisor's attention that may lead to discipline or documented review as outlined in the Collective Bargaining Agreement.

**Memorandum of Agreement dated 11-3-2016**

# FOP Mark Fester, BWC MOA



# Training Requirements

U. Division personnel who are assigned to use or otherwise be involved with BWC equipment must complete mandatory training. This training includes proper operation and care, policies and procedures, and limitations of BWC footage. Etc.

# Chief Jacobs, BWC Limitations Video





# Procedures

## A. Sworn personnel

1. Notify your supervisor of any known malfunctions.
2. Turn in for repairs as soon as possible.

## B. Chief of Police

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# **Department of Public Safety**

**Ned Pettus Jr., Ph.D.**  
**Director**  
77 N. Front Street, 5<sup>th</sup> floor  
Columbus, Ohio 43215  
614-645-8210  
Fax: 614-645-8268

## **Director's Hearing**

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**In Re: Officer Adam Coy #2275, Z4E2-8**

**Ruling**  
**IAB #202012-1029**  
**Director of Public Safety/**  
**Ned Pettus Jr., Ph.D.**

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On Monday, December 28, 2020 at 10:00 a.m. a hearing for **Officer Adam Coy #2275, Z4E2-8** occurred at the Department of Public Safety, 5<sup>th</sup> Floor, Administrative Conference Room, 77 N. Front Street, Columbus, Ohio 43215. Lieutenants Jeffrey Lipp and Timothy Myers represented the Division of Police. Mark Fester, John Davis and Brian Steel from the Fraternal Order of Police, Capital City Lodge #9 represented Officer Adam Coy. Also present, Douglas A. Sarff, Public Safety's Human Resources Officer and Susan Williams, Assistant City Attorney. John Davis with the Fraternal Order of Police waived the rights to have the charges and specifications dated December 24, 2020 read into the record.

**Charge I:**

You are hereby charged with violating **Rule of Conduct 1.04 "Cause for Dismissal,"** which states, *"Division personnel hold their positions during good behavior and efficient service, but may be suspended or dismissed for incompetence, gross neglect of duty, gross immorality, habitual intoxication, failure to obey orders given by proper authority, misfeasance, malfeasance, nonfeasance, or for any other just and reasonable cause."*

Division Directive 11.07 III.G states in part, *Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of Calls for service and self-initiated activity.*

**Specification I:**

On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. Prior to shooting Mr. Hill, you did not attempt to use trained techniques to deescalate the situation. After shooting Mr. Hill, you did not render medical aid or ensure that others did so. Further you failed to activate your body worn camera while on a call for service. Your actions were a gross violation of your oath as a Columbus Police Officer and, at a minimum, demonstrate incompetence, gross neglect of duty, misfeasance, malfeasance, and nonfeasance.

**Charge II:**

You are hereby charged with violating **Rule of Conduct 1.19 "Use of Force,"** which states, in part, *"Sworn personnel shall use force only in accordance with law and Division policy and procedures."*

Division Directive 2.01, II.A.3. states, *"Sworn personnel shall not use more force than is reasonable in an incident."*

Division Directive 2.01, II.B.1. states, *"Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm."*

Division Directive 2.01, II.A.1. states, *"Sworn personnel shall attempt to de-escalate a situation by using trained techniques, such as building rapport, communication skills, maintaining a safe distance, utilizing a barrier, etc., when it is safe to do so."*

Division Directive 2.01, III.G.1.a. states, in part, *"Procedures... Use of Force Resulting in Death or Serious Physical Harm Likely to Cause Death...Involved Personnel...Cause any needed medical aid to be rendered."*

**Specification I:**

On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. You failed to de-escalate, and failed to render aid.

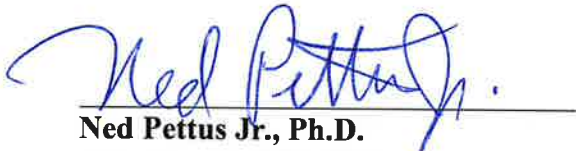
**DISPOSITION**

After consideration of the testimony given in the hearing and the Chief's investigation, it is the decision of the Director of Public Safety to uphold the recommendation of the Chief of Police and to sustain Departmental Charges and associated specifications against Officer Adam Coy. It is the decision of the Director of Public Safety to **terminate** Officer Adam Coy from the position of Police Officer for the City of Columbus Department of Public Safety.

This disposition shall become effective upon proper notification by the Division of Police. In accordance with Section 149-1 of the City Charter, you may appeal this decision and order to the Civil Service Commission within ten (10) days from the date you are served.

Dated this 28<sup>th</sup> day of December 2020

By order of:

  
Ned Pettus Jr., Ph.D.  
Director of Public Safety

NP:DAS/rle

cc: Chief Thomas Quinlan, Division of Police  
Deputy Chief Richard Bash, Division of Police  
Commander Mark Gardner, Division of Police, Internal Affairs Bureau,  
Lt. Jeffrey Lipp, Division of Police, Professional Standards Bureau  
Lt. Andrew Bardar, Division of Police, Professional Standards Bureau  
Keith Ferrell, President, FOP, Capital City Lodge #9  
Mark Fester, Grievance Chair, FOP, Capital City Lodge #9  
John Davis, Assistant Grievance Chair, FOP, Capital City Lodge #9

Copy of the preceding received by me personally this 28<sup>th</sup> day of December 2020 at 4:41 A.M. (P.M.)

  
Officer Adam Coy #2275, Z4E2-8

Copy of the preceding served by me personally to Officer Adam Coy, this 28<sup>th</sup> day of December 2020 at 4:41 A.M. (P.M.)

  
Signature of Server

December 24, 2020

**Officer Adam Coy #2275, Z4E2-8  
DIVISION OF POLICE**

**RE: I.A.B. #202012-1029**

**Dear Officer Coy:**

This is to inform you facts have been brought to my attention which indicates conduct on your part that warrants an inquiry by me that may result in disciplinary action. Accordingly, you have been charged with violating the Rules of Conduct of the Division of Police as set forth in **Rules of Conduct 1.04 and 1.19**. The charges and specifications from Chief Quinlan's hearing held on December 23, 2020 are attached.

You will report to the Director of Public Safety Administrative Conference Room at, **77 N. Front Street, 5th Floor, Columbus, Ohio on Monday, December 28, 2020 at 10:00 A.M.** At this time, you will be given the opportunity to respond either verbally or in writing to the charge(s) and specification(s) by presenting an oral statement, or by submitting your written statement with any additional affidavits which you feel necessary, or both.

You may be represented at this hearing. Pursuant to Article 10.6 of the current work agreement between the City of Columbus and the Fraternal Order of Police, Capital City Lodge No. 9, the hearing shall be closed to the public, media, and others not directly involved with the hearing.

Prior to the date of this hearing, you have the opportunity to examine copies of the materials which are pertinent to the charge(s) brought against you. This inspection may be done at the offices of the Division of Police at a time arranged between you and that Division. The Division of Police shall be provided access reasonably in advance of the departmental hearing, to any transcripts, records, written statements, video tapes, and written summaries (including opinions of any polygraph examinations pertinent to the case) possessed by you or your representative.



Officer Adam Coy #2275, Z4E2-8  
Page 2

RE: I.A.B. #202012-1029

Under the Charter of the City of Columbus and the Rules and Regulations of the Civil Service Commission, this inquiry may result in an order of suspension, reduction in rank, or discharge. Upon completion of my investigation, you will receive a written notice of my determination regarding the charge(s) and specification(s) attached.

By order of:




Ned Pettus Jr., Ph.D.  
Director

NP: rle

Attachment

cc: Chief Thomas Quinlan, Division of Police  
Deputy Chief Richard Bash, Division of Police  
Commander Mark Gardner, Division of Police, Internal Affairs Bureau,  
Lt. Jeffrey Lipp, Division of Police, Professional Standards Bureau  
Lt. Andrew Bardar, Division of Police, Professional Standards Bureau  
Lt. Nick Konves, Division of Police, Professional Standards Bureau  
Keith Ferrell, President, FOP, Capital City Lodge #9  
Mark Fester, Grievance Chair, FOP, Capital City Lodge #9  
John Davis, Assistant Grievance Chair, FOP, Capital City Lodge #9

Copy of the preceding received by me personally this 24<sup>th</sup> day of December 2020  
at 5:11 A.M. / (P.M.)

 Attorney for & on behalf of  
Officer Adam Coy #2275, Z4E2-8  
# 2275

Copy of the preceding served by me personally to Officer Adam Coy #2275, Z4E2-8  
this 24<sup>th</sup> day of December 2020 at 5:11 A.M. / (P.M.)

  
Signature of Server

December 24, 2020

Officer Adam Coy #2275, Z4E2-8

RE: I.A.B. Database #202012-1029

**Officer Coy:**

Facts have been brought to my attention which indicate that conduct on your part may warrant disciplinary action. Accordingly, you are herewith charged pursuant to Section 1.04 of the Rules of Conduct governing the Division of Police, Department of Public Safety; and Section 108 of the Charter of the City of Columbus, County of Franklin, State of Ohio, with violating the Rules of Conduct of the Division of Police as set forth in **Rules of Conduct 1.04 and 1.19.**

**Charge I:**

You are hereby charged with violating **Rule of Conduct 1.04 "Cause for Dismissal,"** which states, *"Division personnel hold their positions during good behavior and efficient service, but may be suspended or dismissed for incompetence, gross neglect of duty, gross immorality, habitual intoxication, failure to obey orders given by proper authority, misfeasance, malfeasance, nonfeasance, or for any other just and reasonable cause."*

Division Directive 11.07 III.G states in part, *Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of Calls for service and self-initiated activity.*

**Specification I:**

On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. Prior to shooting Mr. Hill, you did not attempt to use trained techniques to deescalate the situation. After shooting Mr. Hill, you did not render medical aid or ensure that others did so. Further you failed to activate your body worn camera while on a call for service. Your actions were a

gross violation of your oath as a Columbus Police Officer and, at a minimum, demonstrate incompetence, gross neglect of duty, misfeasance, malfeasance, and nonfeasance.

**Charge II:**

You are hereby charged with violating **Rule of Conduct 1.19 "Use of Force,"** which states, in part, *"Sworn personnel shall use force only in accordance with law and Division policy and procedures."*

Division Directive 2.01, II.A.3. states, *"Sworn personnel shall not use more force than is reasonable in an incident."*

Division Directive 2.01, II.B.1. states, *"Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm."*

Division Directive 2.01, II.A.1. states, *"Sworn personnel shall attempt to de-escalate a situation by using trained techniques, such as building rapport, communication skills, maintaining a safe distance, utilizing a barrier, etc., when it is safe to do so."*

Division Directive 2.01, III.G.1.a. states, in part, *"Procedures...Use of Force Resulting in Death or Serious Physical Harm Likely to Cause Death...Involved Personnel...Cause any needed medical aid to be rendered."*

**Specification I:**

On December 22, 2020, you fatally shot Mr. Andre' Hill after encountering him at a residence on Oberlin Drive. Known facts do not establish that this use of deadly force was objectively reasonable. You failed to de-escalate, and failed to render aid.

Under the Collective Bargaining Agreement between the City of Columbus and the Fraternal Order of Police, departmentally-charged members are only entitled to a hearing before the Chief of Police if the member is to be placed in a leave without pay status pending the Director of Public Safety's hearing. Here, you will continue your regular employment (relieved of assignment) until a departmental hearing before the Director of Public Safety.

Based on the totality of the facts, circumstances and evidence personally known and observed by me, I have decided to forego a hearing at my level and **SUSTAIN** the



above listed charges. I am recommending a **240-hour suspension and termination** for each charge and specification to the Director of Public Safety for violation of Rules of Conduct 1.04 and 1.19.

The Director of Public Safety will inquire further into this matter. You will be notified by the Office of the Director of Public Safety when to appear in his office to facilitate his inquiry. After this inquiry, if the Director of Public Safety sustains the charges, he may suspend you from duty, reduce you in rank, or terminate your employment relationship with the City of Columbus. Should the Director of Public Safety determine that a suspension is the appropriate disposition of this matter, you will be notified at a later date of when your suspension is to be effective, which will be served at the convenience of the Division of Police.

*Thomas Quinlan*

**Thomas Quinlan**  
Chief of Police

TQ/tcm

Copy of the preceding received by me this 24 day of Dec, 2020.

*Nick Wannenmacher - as counsel for & on behalf of*  
Officer Adam Coy #2275 *Officer Adam Coy #2275*

Copy of the preceding served upon Officer Adam Coy #2275  
by me personally, this 24<sup>th</sup> day of December, 2020.

*DLC Michael W...* #5002  
Server

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 2.02
	REVISED Apr. 30, 2021	TOTAL PAGES 7
Discharged Firearms		



Cross Reference: 2.01, 2.03, 2.06, 4.02, 4.08, 7.04, 8.06

Rule of Conduct: **1.08**, 1.19, 1.20, 1.21, 1.46

***Supervisor's Manual: 5.02, 6.03***

## I. Introduction

This directive establishes procedures for all sworn personnel involved in incidents of discharged firearms while on or off duty.

## II. Policy Statements

A. Sworn personnel shall report all incidents of discharged firearms, whether on or off duty, other than those done in the course of training, testing, or legal recreational purposes.

### B. Scene Security

Sworn personnel shall protect the scene as any other serious crime scene in accordance with the "Serious Crime Scenes, Threatened Officer Protection, and Guard Duty" directive. Only personnel assigned to investigate a police-involved shooting shall be permitted within the protected area of the shooting scene. The exception will be the Chairperson or the responding member of the Firearms/Police-Involved Death Review Board or his or her designee, who shall be shown the scene at the first reasonable opportunity.

C. The Chief of Police will request ***that*** an independent agency conduct a criminal investigation ***when Division personnel or Columbus Division of Fire (CFD) personnel duly authorized to carry a firearm are involved in any*** of the following incidents:

1. The ***intentional*** discharge of a firearm that ***is directed at a person.***
2. ***Any discharge of a firearm that results in injury to anyone other than the individual discharging the firearm.***
3. ***The unintentional discharge of a firearm by sworn personnel or CFD Fire Investigator(s) that does not strike any person when the discharge occurred during a confrontation with a suspect and could be reasonably construed as being directed at the suspect.***
4. Any use of force resulting in the death of a human or injuries likely to cause the death of a human.

5. The death of or life-threatening injury to a person while being taken into custody, while in custody, or while being detained.
  6. The use or attempted use of a stopping tactic, or a police-involved vehicular pursuit, which results in a fatality or injuries likely to cause death.
- D. Critical Incident Response Team (CIRT) should investigate the following incidents:
1. Any incident in which sworn personnel sustain serious physical harm or death at the hands of another
- Note: If the incident meets any of the criteria in Section II,C, the investigation may be conducted by or in conjunction with an independent agency.***
2. The use of a firearm within the City limits by a law enforcement officer from a foreign agency, ***if not investigated by an independent agency.***
  3. The use or attempted use of a stopping tactic or a police-involved vehicular pursuit by a foreign agency which results in a fatality or injuries likely to cause death, provided no Division personnel were actively engaged in the stopping tactic or pursuit, ***if not conducted by an independent agency.***
  4. Any other incidents as ordered by the Major Crimes Bureau Commander, the Criminal Investigations Subdivision Deputy Chief, or the Chief of Police.
- E. A member of the Firearms/Police-Involved Death Review Board shall respond to any police action resulting in death, when CIRT has been activated, or an independent agency has been requested.
- F. For incidents involving serious physical harm or death outside the City of Columbus, the law enforcement agency in whose jurisdiction the incident occurred shall conduct the criminal investigation and their individual policies shall dictate any subsequent review, unless other arrangements are made between the other jurisdiction and an independent agency at the time of the incident.
- G. If CIRT conducts a criminal investigation involving a fatality or if criminal charges will be filed, the investigative packet shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor shall determine if the case will be presented to a Grand Jury.
- H. When CIRT is conducting a criminal investigation concerning personnel involved in a use of firearms incident, and evidence exists that personnel are under the influence of alcohol or drugs, the CIRT supervisor shall request consent to retrieve body fluids for laboratory analysis or shall obtain a search warrant if probable cause exists.

- I. When reasonable suspicion is present that personnel involved in a non-criminal use of firearms incident may be under the influence of alcohol or drugs, the investigating supervisor shall contact the Human Resources Manager or his or her designee to proceed with reasonable suspicion testing as outlined in the applicable collective bargaining agreement.
- J. The Internal Affairs Bureau may be directed to open a concurrent administrative investigation of incidents involving the discharge of a firearm resulting in the injury or death of a human. Any statements or evidence obtained as a result of an order to comply with questioning during an administrative investigation shall not be shared with or used in any criminal investigation or proceeding involving the personnel ordered to answer questions.
- K. When a firearm is unintentionally discharged on a Division of Police firing range and there are no resulting injuries, Ordnance Unit personnel shall determine the appropriate course of action.
- L. Use of Firearm Against Dangerous Animals
  - 1. Sworn personnel being threatened or attacked by a dangerous animal should attempt to use trained techniques and/or intermediate weapons before using a firearm to protect themselves or another person. If these attempts fail to halt the animal's attack, and when left with no alternative other than to use a firearm, sworn personnel should determine whether the backstop is able to control and contain any projectiles that may not find their intended mark or that may ricochet. Consider the presence of individuals and their actions relative to the proximity of the dangerous animal. Grassy and/or dirt areas are the preferred location for a backstop.
  - 2. Sworn personnel shall not fire or deploy a weapon at a dangerous animal unless the animal poses an imminent threat to personnel or others, use of the weapon is reasonable, and the risk to human life is minimized.
  - 3. Sworn personnel shall not use a firearm to prevent or disrupt an animal attacking another animal.

Note: Pets are deemed to be property, and a firearm is not to be used to protect property.

### **III. Procedures**

- A. Discharged Firearm Resulting in No Injury/Death
  - 1. Involved Personnel
    - Immediately cause Communications Bureau personnel to be notified.
  - 2. Communications Bureau Personnel
    - a. Dispatch personnel to render assistance and/or to secure the scene as necessary.
    - b. Make notification as required by the Emergency Notification Guide.

B. Discharged Firearm for the Humane Destruction of a Seriously Injured Animal

1. Patrol Sergeant

- a. Complete the Discharged Firearm Report, form S-70.100.

Note: For firearm discharges by supervisors, another patrol supervisor shall review and sign.

- (1) Email the form to [DischargedFirearms@columbuspolice.org](mailto:DischargedFirearms@columbuspolice.org) by the end of the tour of duty. This serves as notification of the incident.
- (2) Route a copy through the chain of command to the involved personnel's commander.

- b. Forward the investigation through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

2. Commander

Forward the Discharged Firearm Report to the Firearms Review Board Chairperson.

C. Discharged Firearm Against a Dangerous Animal, Unintentional Discharge by Sworn Personnel Resulting in a Non-life Threatening Injury to Themselves, or Unintentional Discharges Not Investigated by CIRT **or an Independent Agency.**

1. Investigating Lieutenant

Note: The lieutenant in the chain of command of the involved personnel shall investigate the firearm discharge. If the chain of command lieutenant is not on duty, a lieutenant from the involved bureau or a patrol zone lieutenant shall conduct the investigation.

- a. Complete an administrative investigation.

- b. Complete the Discharged Firearm Report.

- (1) Email the form to [DischargedFirearms@columbuspolice.org](mailto:DischargedFirearms@columbuspolice.org) by the end of the tour of duty. This shall serve as notification of the incident.

- (2) Include a copy in each investigative packet.

- c. Forward the original investigative packet and three copies through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

Note: The purpose of routing the investigative packet through the involved personnel's chain of command is to review the investigation for completeness. No recommendations should be made by the investigating supervisor or the chain of command until the incident has been reviewed by the Firearms/Police-Involved Death Review Board.

D. Discharged Firearm Resulting in Human Injury/Death

1. Involved Personnel

- a. Notify Communications Bureau personnel;**
- b. Summon Emergency Medical Services (EMS) and ensure that the dispatcher acknowledges the request; and**
- c. Render medical aid consistent with training and available equipment as soon as it is safe to do so.**

2. Communications Bureau Personnel

- a. Dispatch personnel to render assistance and/or to secure the scene as necessary.

**b. Acknowledge the request for EMS and notify CFD.**

- c. Make notification as required by the Emergency Notification Guide.**

3. Officer Support Team

Provide the involved personnel with any assistance, information, or other support as needed or requested.

Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Officer Support Team members are cautioned not to discuss the incident.

4. Critical Incident Response Team

- a. Conduct a criminal investigation when assigned.

Note: The involved personnel may invoke their constitutional rights at any time during the criminal investigation.

- b. Complete a Discharged Firearm Report.

(1) Email the form to [DischargedFirearms@columbuspolice.org](mailto:DischargedFirearms@columbuspolice.org).

(2) Include a copy in each investigative packet.

- c. Forward the completed investigative packet as follows:

(1) The original to the Homicide Unit

(2) Three copies to the Firearms/Police-Involved Death Review Board Chairperson

(3) One copy to the county prosecutor

Note: If the suspect in a non-fatal case is not charged criminally, no copy will be sent; however, the case will be reviewed with the Legal Advisor and/or Prosecutor's Office.

5. Internal Affairs Bureau

- a. Conduct a concurrent administrative investigation when directed.

Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature.

- b. Forward a copy of the completed investigation to the involved personnel's deputy chief.

## E. Post Investigation Review

### 1. Firearms/Police-Involved Death Review Board

- a. Review all information concerning the incident.
- b. Determine whether the discharge of the firearm was within Division policy. Render a finding in accordance with the Firearms/Police-Involved Death Review Board SOP.
- c. Prepare and forward a summary of the findings together with the original investigative packet to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the commander or deputy chief.

Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and the majority finding and route it to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the Chief of Police.

### 2. Chain of Command

- a. Review the investigative packet.
- b. Render a finding of one of the following:
  - (1) Intentional and in violation of policy
  - (2) Intentional and not in violation of policy
  - (3) Unintentional and in violation of policy
  - (4) Unintentional and not in violation of policy
- c. When appropriate, make recommendations regarding necessary corrective action.

### 3. Commander or Deputy Chief of Involved Personnel

- a. Review the investigative packet and render a finding in accordance with III,E,2,b.
  - (1) Commanders: Investigations involving discharged firearm against a dangerous animal
  - (2) Deputy Chiefs: Investigations involving intentional discharge of a firearm, unintentional discharge by sworn personnel resulting in a non-life threatening injury to themselves, and unintentional discharge not investigated by CIRT

Note: If the recommendation of the commander or deputy chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Deputy Chief or Chief of Police as applicable.

- b. If the discharge of the firearm was intentional and not in violation of policy, or unintentional and not in violation of policy:
  - (1) Cause the involved personnel to be notified of the final determination.

- (2) Forward the packet through the Firearms/Police-Involved Death Review Board Chairperson to the Internal Affairs Bureau to be filed.
- c. If the discharge of the firearm was intentional and in violation of policy, or unintentional and in violation of policy, determine if progressive discipline should be followed or if a deviation from progressive discipline is appropriate.
  - (1) If recommending deviation from progressive discipline, forward the packet to the Discipline/Grievance Section for review, then to the Chief of Police.
  - (2) If the discipline does not warrant deviation from progressive discipline, forward the packet through the involved personnel's chain of command for the issuance of discipline, then through the Firearms/Police-Involved Death Review Board Chairperson to Human Resources for entry into the Discipline Tracking System and to the Internal Affairs Bureau for storage.
- 4. Deputy Chief or Chief of Police
  - a. Make a final determination if there is a dissenting opinion.
  - b. Make a final determination on any request to deviate from progressive discipline.
  - c. Cause the involved personnel to be notified of the final determination.