

Date: February 3, 2022
To: Board Members, Citizen Complaint Authority
From: Gabriel Davis, Director
Subject: Investigation Summary Memo – February 7, 2022, Board Meeting

RECOMMENDATION SUMMARIES

#1

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|-------------------------|---------------------------|
| Topic | Corrective & Disciplinary |
| Recommendation # | R2202 |
| Case # | 20117 |

Recommendation # R2202: Corrective & Disciplinary

Given recurring violations of police policy by Police Officer John Goebel during a consecutive two-year period—including a repeated lack of civil behavior which resulted in two (2) Sustained findings from CCA for Discourtesy, as well as a Sustained finding from CPD for failing to operate a police vehicle in a prudent manner—CCA recommends that CPD review Officer Goebel’s performance and consider taking progressive corrective action, including but not limited to retraining.

**Excerpt only. See Investigation Summary below for full text of recommendation.*

INVESTIGATION SUMMARIES

1

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| Complaint # | 19022 |
| Complainant | Kenyon Barnes |
| Incident Date | December 29, 2018 |
| CCA Investigator | Jessalyn Goodman |
| Allegations | <u>Original Allegations</u> Improper Stop Improper Search Harassment <u>Collateral Allegation</u> Improper Procedure (Contact Card) |

COMPLAINT SUMMARY

On December 29, 2018, Lieutenant David Schofield initiated a traffic stop of Mr. Kenyon Barnes because Mr. Barnes did not use his turn signal. Mr. Barnes rolled down his windows and complied with Lieutenant Schofield's directives. However, when Lieutenant Schofield asked him to exit the vehicle because he was a "person of interest," Mr. Barnes declined. Mr. Barnes drove away, parked his car, and ran. A couple hours later, the officers located, arrested, and searched him. After he was in custody, the officers located his vehicle and attempted to charge him with "loose" drugs that were found on the ground near his vehicle, even though the officers never observed (and Mr. Barnes was not in possession of) drugs at any time. The police retained possession of Mr. Barnes's property, including money, his driver's license, his vehicle, and its contents.

Mr. Barnes is concerned he is being harassed by CPD officers, including Officer Marc Schildmeyer. He recalled an incident on February 4, 2014, when he was arrested by the "same" officers; they charged Mr. Barnes with contraband he believed was "planted" on him. Additionally, the officers showed him search warrants for other people's homes and subsequently charged him with the contraband located in those homes.

FINDINGS

Original Allegations

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|-----------------------------------|------------------------------|
| <i>Lieutenant David Schofield</i> | Improper Stop – Exonerated |
| <i>Officer Paul Smith</i> | Improper Search – Exonerated |
| <i>Officer Kevin Broering</i> | Improper Search – Exonerated |
| <i>Officer Marc Schildmeyer</i> | Harassment – Unfounded |

Collateral Allegation

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|-----------------------------------|---|
| <i>Lieutenant David Schofield</i> | Improper Procedure (Contact Card) – Sustained |
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2

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| Complaint # | 19110 |
| Complainant | Raymond Zimmerman |
| Incident Date | May 7, 2019 |
| CCA Investigator | Dena Brown |
| Allegations | <u>Original Allegation</u> Excessive Force <u>Collateral Allegation</u> Discourtesy |

**COMPLAINT
SUMMARY**

On May 7, 2019, at 12:00 a.m. at United Dairy Farmers (UDF), located at 1560 Chase Avenue, Mr. Raymond Zimmerman and an unknown male became involved in a verbal altercation which led to a physical altercation. A UDF employee contacted the Emergency Communications Center (ECC) and requested CPD assistance.

Officer Adarryl Birch and Specialist Kenneth Byrne responded. When they arrived, Mr. Zimmerman was the only involved person who remained at the store. After speaking with Officer Birch, Mr. Zimmerman remembered he had left his wallet inside the store and wanted to retrieve it. When he re-entered the store, Officer Birch grabbed him and took him to the ground. Mr. Zimmerman advised Officer Birch that, due to a prior injury, he was unable to place his arm behind his back. Officer Birch pulled his arm anyway and handcuffed him. Mr. Zimmerman was transported to the University of Cincinnati Medical Hospital

(UCMC) for the injury he sustained to his mouth from the physical altercation with the unknown male; once released, he was transported to the Hamilton County Justice Center (HCJC).

FINDINGS

Original Allegations

| | |
|---------------------------------|------------------------------|
| <i>Officer Adarryl Birch</i> | Excessive Force – Exonerated |
| <i>Specialist Kenneth Byrne</i> | Excessive Force – Exonerated |

Collateral Allegation

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|------------------------------|-------------------------|
| <i>Officer Adarryl Birch</i> | Discourtesy – Sustained |
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3

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| Complaint # | 19122 |
| Complainant | Talisha Hubbard |
| Incident Date | May 15, 2019 |
| CCA Investigator | Ike Ekeke |
| Allegation | <u>Original Allegation</u> Excessive Force |

COMPLAINT SUMMARY

On May 15, 2019, Officers Marsh and William Goetz arrived at the scene of a reported trespass. As the officers spoke to multiple unidentified people, Officer Marsh initially requested Ms. Hubbard's identification (ID) and then requested her name. After Ms. Hubbard failed to provide her ID or name, Officer Marsh handcuffed Ms. Hubbard. As Officer Marsh handcuffed Ms. Hubbard and placed her into the rear of the cruiser, Ms. Hubbard complained of the force applied by Officer Marsh when placing her into his cruiser versus a female officer placing her into custody.

FINDINGS

Original Allegation

| | |
|-----------------------------------|-----------------------------|
| <i>Officer Raymond Marsh, Jr.</i> | Excessive Force – Unfounded |
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4

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|-------------------------|---|
| Complaint # | 19148 |
| Complainant | Demetrius Holder |
| Incident Date | July 2, 2019 |
| CCA Investigator | Jessalyn Goodman |
| Allegations | <u>Original Allegations</u> Improper Stop Discourtesy |

COMPLAINT SUMMARY

On July 2, 2019, Mr. Demetrius Holder called 911 to have an unwanted guest, Witness A, removed from his residence. Officers Courtney Compton and Mark Anton responded to the scene and detained Mr. Holder without explanation. Mr. Holder alleged Officer Anton forced him into handcuffs and restricted his movement. Mr. Holder believed it was unnecessary and improper since he requested their assistance.

While Mr. Holder was detained, Officer Compton escorted Witness A inside Mr. Holder's residence. Mr. Holder alleged Officer Compton allowed Witness A to take items belonging to him, including \$300 from a wallet contained within a red-and-black backpack.

Mr. Holder also alleged the officers did not demonstrate "courtesy nor respect," and claimed Officer Anton refused to identify himself when asked for his name and badge number.

FINDINGS

Original Allegations

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|---------------------------------|----------------------------|
| <i>Officer Mark Anton</i> | Improper Stop – Exonerated |
| | Discourtesy – Unfounded |
| <i>Officer Courtney Compton</i> | Discourtesy – Sustained |

5

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|-------------------------|---|
| Complaint # | 19233 |
| Complainant | Derrick Owens |
| Incident Date | October 10, 2019 |
| CCA Investigator | Morgan Givens |
| Allegation | <u>Original Allegation</u> Excessive Force |

COMPLAINT SUMMARY

On October 10, 2019, Mr. Owens was arrested and consequently transported to the Hamilton County Justice Center (HCJC). Mr. Owens alleged that Officer Rogers intentionally struck Mr. Owens' head against the cruiser.

On October 10, 2019, at approximately 3:15 AM, Officer Rogers was dispatched to 22565 Sunny Hill Drive for a disorderly conduct call. Witness A, F/B/21, made the initial 911 call alleging Mr. Owens kicked the front door of her residence when she refused to open the door. Mr. Owens also called 911 and stated that he was at Witness A's residence to check on the wellbeing of his child but stated Witness A refused to let him into her residence. Officer Rogers queried Mr. Owens' information prior to arriving on scene; the query returned an open warrant for drug possession. Witness A stated that Mr. Owens yelled, kicked, and threatened to "shoot up" her residence if she did not open the door. Mr. Owens was arrested and charged with Ohio Revised Code (ORC) 2919.25 Domestic Violence and ORC 2903.21 Aggravated Menacing. He was placed in the back of the cruiser without incident; Mr. Owens sat down into the cruiser and brought his legs to the front of him; Officer Rogers fastened the seat belt. Upon arriving at the HCJC, Mr. Owens stated to the HCJC personnel that that Officer Rogers struck Mr. Owens head against the door of the cruiser; the HCJC refused him at intake. Officer Rogers transported Mr. Owens to the University of Cincinnati Medical Center (UCMC) and informed Sergeant Daniel Ray, M/B/53, #S0962 that Mr. Owens made a use of force allegation. Mr. Owens was examined at UCMC, and it was determined that he could return to the HCJC where he was later admitted.

FINDINGS

Original Allegation

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|------------------------------|-----------------------------|
| <i>Officer Steven Rogers</i> | Excessive Force – Unfounded |
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|-------------------------|---|
| Complaint # | 19240 |
| Complainant | Maury Brown |
| Incident Date | October 18, 2019 |
| CCA Investigator | Morgan Givens |
| Allegation | <u>Original Allegation</u> Excessive Force |

COMPLAINT SUMMARY

Mr. Maury Brown alleged that on October 18, 2019, Officer Kevin Broering and Myles Abt used excessive force during his arrest.

Per CPD: Mr. Brown stated the following, "You all kicked my [expletive]. After I got tased, I got punched by the police. They punched me in the ribs, police brutality, they punched me in the head, the face, all that."

Mr. Brown was unable to be interviewed. CCA attempted to contact him by telephone and mail at his listed address but there was no response. To date, Mr. Brown has not contacted CCA.

FINDINGS

Original Allegations

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|-------------------------------|------------------------------|
| <i>Officer Kevin Broering</i> | Excessive Force – Sustained |
| <i>Officer Myles Abt</i> | Excessive Force – Exonerated |

7

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|-------------------------|--|
| Complaint # | 20117 |
| Complainant | Chyvis Jackman |
| Incident Date | June 20, 2020 |
| CCA Investigator | Dena Brown |
| Allegations | <u>Original Allegations</u> Discourtesy Discrimination <u>Collateral Allegation</u> Misconduct |

COMPLAINT SUMMARY

On June 20, 2020, at 3:40 p.m. at United Dairy Farmers (UDF) located at 1124 St. Gregory Street, Mr. Chyvis Jackman was working the register when Officer John Goebel approached with items to purchase. Mr. Jackman wore his employee’s name tag with his initials and wore a handwritten a blank price tag sticker with the words “Black Lives Matter/ I Can’t Breathe” on it. Officer Goebel yelled that the “stuff [he] had on [his] name tag was [expletive] and that [he] needed to take it off.” Officer Goebel advised Mr. Jackman that he used to work for the Linder family and was going to call the corporate office and make sure they were aware of what he was wearing. UDF store manager, Witness A, finished Officer Goebel’s sale.

Mr. Jackman believed Officer Goebel was “just upset about everything that’s going on. And obviously he was taking it out on somebody. It was an opportunity for him to release some anger.” Mr. Jackman was familiar with Officer Goebel because he had been his cashier on multiple occasions; he had worn the same sticker since the “Georgia” incident. Mr. Jackman stated that Officer Goebel used profanity a lot, but he could not recollect exactly what the officer said. Two days later, when he returned to work, Mr. Jackman was advised by his manager that a complaint had been filed with the corporate office regarding his name tag.

FINDINGS

Original Allegations

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|----------------------------|--------------------------------|
| <i>Officer John Goebel</i> | Discourtesy – Sustained |
| | Discrimination – Not Sustained |

Collateral Allegation

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|----------------------------|------------------------|
| <i>Officer John Goebel</i> | Misconduct – Sustained |
|----------------------------|------------------------|

RECOMMENDATIONS

Recommendation # R2202

Corrective & Disciplinary

Given recurring violations of police policy by Police Officer John Goebel during a consecutive two-year period—including a repeated lack of civil behavior which resulted in two (2) Sustained findings from CCA for Discourtesy, as well as a Sustained finding from CPD for failing to operate a police vehicle in a prudent manner—CCA recommends that CPD review Officer Goebel’s performance and consider taking progressive corrective action, including but not limited to retraining.

CCA’s investigation in this case produced evidence sufficient to sustain Officer Goebel for Discourtesy and Misconduct for interfering with the lawful activities of an employee of a private business because the officer did not approve of the political expressions on the employee’s uniform. This represents Officer Goebel’s third and fourth Sustained policy violations during the three-year period preceding and including this incident. *See* CCA Case No. 19086 and 20111. At the conclusion of its investigation in Case No. 20111, CPD counseled Officer Goebel via ESL (Evaluation Supplement Log) as a corrective action meant to address Officer Goebel’s failure to operate a police vehicle with care. Consideration should be given to whether a higher penalty is appropriate in this case, consistent with the principle of progressive discipline.