



Middletown Division of Police

Monthly Report / Chief Greg Schwarber

FEBRUARY 2009

Officer Of The Month

On February 27th the Chief recognized Officer King as the new Officer Of The Month for his work in the arrest of James Stepp and William Lallemand when they committed a Breaking and Entering at Dollar General on Feb. 19th. After the B&E Officers King and Ballinger made a traffic stop in which James Stepp was driving an unreported stolen vehicle. Officer King recognized the name James Stepp as a name mentioned earlier and linked James to the B&E. This investigation was a group effort involving the excellent work of many Officers working midnights that evening. Officers Tipton, Jordan, Hovell, Ballinger, Bender, and Deaton all played essential roles in the arrest of these culprits; however, Officer King was singled out for breaking the case. The Chief also recognized and thanked the other Officers involved in this investigation.

Other nominees for Officer of the month were;

- Officer Alfrey—On 2-5-2009 two stolen cars were reported within an hour of each other, one from Burbank and the second from Garfield. Officer Alfrey located the first stolen vehicle parked in the 500 block of Garfield St. While out on the vehicle Officer Alfrey observed the second stolen vehicle traveling East on Woodlawn. An apprehension was made and a total of three stolen car reports cleared.
- Officer Meehan and K-9 Viper—On 2-4-2009 two individuals crashed a stolen car on Forest Ave. Officer Meehan and K-9 Viper were called to the scene and ran a long track in the heavily traveled area. Viper stayed on track and located the car thieves at 1333 Woodlawn Ave. Two apprehensions were made. A track of this type takes a dedicated handler who keeps his dog well trained.
- Lt. Hughes—Is our first supervisor nominated for the award. She was nominated by dispatchers in appreciation for the job she did as temporary communications supervisor while Shelley Meehan was off. Her participative management style was a hit in dispatch.

The Chief thanked all of the officers nominated for their hard work and dedication to the Division.

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James Stepp



William Lallemand

Murder Suspect Quickly Apprehended

Even though 80% of murder victims know their assailant, the heinous act of murder can cause great fear in a community when the culprit is running free in society. The quick arrest of Jerry Adams after the Murder of Ray Davis allows our citizens to rest more comfortably.

This arrest was the result of the hard work of all the officers involved and the dedication of the detectives assigned to the case. Det. Swartzel and Bush took an important additional step in this case by charging Shani Simmons when it was discovered that Shani knew

about the crime and took deliberate steps to hinder the prosecution of Jerry Adams. This was a well investigated case with much evidence collected and processed. Great Job.



Jerry Adams



Victim—Ray Davis



Shani Simmons

Expired Tag Charge Leads to Burglary Arrested

On 1-7-2009 Officer Deaton responded to a residential burglary at 4816 Talton Drive. His interview of the victims was very important and contained detailed descriptions of the items taken from the

residence. The description of the jewelry was very important. Officer Deaton was able to develop a suspect after interviewing the victims. The next night on routine patrol, Officer Deaton located the suspect

driving on University Blvd. There was a traffic stop at Marsh. Officer Deaton was able to recognize a piece of jewelry taken the night before in the burglary. This led to an arrest and a call out of a detective. Officer Deaton's work in this case was outstanding.

Excessive Force

Vance v. Wade; In this 2008 decision from Sixth U.S. Circuit the Court addresses an Excessive Force claim against an officer because the defendant's handcuffs were, "too tight." This is relevant to us because the Sixth Circuit has jurisdiction over Ohio in Federal Cases.

The Incident

During a raid Vance would not sit down, even though police told him to do so several times. Captain Wade handcuffed Vance and allegedly crammed him sideways into the back of a patrol car. Vance claimed it was hot outside, around 90 degrees, and that the windows were rolled up. Vance claimed that, while he was down in the backseat and struggling to get to an upright position, he yelled at an auxiliary police officer in the front seat for help. According to Vance, the auxiliary officer ignored him for 10 or 15

minutes while Vance argued he had had surgery and back pain. When Vance was able to right himself, he "pecked on the Plexiglas" and attracted the attention of the officer. The auxiliary officer asked Vance what he wanted, Vance said the handcuffs were too tight, The officer got out and spoke with Captain Wade. Captain Wade returned to the vehicle with Detective Breuer, who removed the handcuffs after asking Vance if he would behave. Vance sued Captain Wade, claiming that his handcuffing was an unlawful use of excessive force. The lower court ruled in Captain Wade's favor. Vance appealed to the Sixth U.S. Circuit.

Decision

The Sixth Circuit agreed with the lower court and dismissed the case in favor of Captain Wade.

What we should take special note of is what elements the court cited in its decision;

- The auxiliary officer, who sat in the front seat of the car while Vance struggled for 10 to 15 minutes was not named in the lawsuit.
- Captain Wade took prompt corrective action upon learning of Vance's complaints.

Makes me wonder what would have happened if the auxiliary officer had been named in the lawsuit. If you find yourself in a similar situation you should also be concerned with Positional Asphyxiation.

What saved the officer in the lawsuit was an act of consideration after the situation calmed down; the act of a professional just doing their job.

Congratulations

Officer John Hovell and Middletown Municipal Court Deputy Clerk Dusty Smith have announced their engagement.



They are planning a romantic wedding on the beach this summer. Congratulations John.

One of our new dispatchers, Jessica Shepherd, has announced that she has been with child for 22 weeks.



There are now three pregnant women working the desk; I believe this is a first.

Officer Jordan and Ajax were awarded January's catch of the month for Region 5, which includes Ohio, Kentucky, Indiana, and West Virginia.



This is quite an honor and shows the excellence of our K-9 Program. The track was mentioned in last month's news letter.



Officer Wilcox has been called up for active duty in the Military. He left on March 8th and is expected to be deployed for a year. He is in the Army and will be in Iraq. He is leaving behind a four year old son. We should all keep him in our thoughts and prays.

Old Photo of His and Sgt. Birk's First Crack Arrest

Special Operations



Officer Leukhardt

On Feb. 27th the Chief instructed Special Operations to look into prostitution complaints on Central Ave.; two hours later they had their first arrest, Julie Bilunka, for Soliciting Prostitution.

Prostitution has been an ongoing problem in the Downtown Area for years. Every prostitute I have interviewed, including Julie, is addicted to Crack Cocaine. The fact they will do anything for money and have a drug problem promotes illegal activity wherever they hang out.

Since the 27th the 3-11 shift and Special Operations have been working together to address the complaints. Officer Becki Leukhardt agreed to pose as a prostitute to round up the johns that cruise the area.

During the investigation Stephanie Branch was charged with Prostitution, and six johns were arrested; Donald Vail, Brandon York, Richard Flowers, Michael Takach, Benny Miller, and William Coldiron. The investigation continues and patrol officers are asked to keep an extra check on Central Ave.

Officer Leukhardt and Special Operations were out again on 3-11-2009 and 3-18-2009 and made more arrests; Logan Hobbs, Clayton Irvin, Harlan Banks, Donald Warmoth. Julie Bilunka, Calloway Hollon, Rhonda Womble, Robert Hill, Roy Brown, Thomas Wallace, and Sandra Fredericks,



Julie Bilunka



Stephanie Branch



Sandra Fredericks



The Johns

Police Memorial Banquet May 14th at 6pm

Most of us live day by day dealing with the multitude of community problems that come our way. As soon as we deal with a Loud Music call we get dispatched to a Domestic Violence, while at the Domestic Violence dispatch asks if we can clear to go to a Robbery call.

We are thankful for our partners we have today to watch our backs and

help us fight the bad guys. Most of the time we quickly forget about the partners of yesterday. Men and women that spent the best years of their lives doing the job we are doing now; fighting the bad guys and keeping the city safe while we were children, or teaching us the ropes and putting up with our mistakes when we were rookies arresting everyone we could lay our hands on.

The banquet is a time for us to remember or meet the officers that came before us and pay our respect to the men and women that worked together to make this organization work.

The Chief encourages everyone to attend. Please e-mail Teri Gibson if you are planning to attend. It will take place at the Eagles Lodge, 1300 1st Ave.



Failure to Display Drivers License 436.06 (M1)

Can you imagine how you would feel if your mother was pulled over for speeding and ended up going to jail because she forgot her purse at home. Well because of the way some officers have interpreted this ordinance that's exactly what could happen. A few officers have been charging people with this ordinance merely because the driver does not have their driver's license physically on them.

All of the cases that have been heard in court so far this year have been withdrawn at the request of the Prosecutor.

When enforcing the law it's important to read the entire law and ensure that all elements of the offence are met.

436.06 states, "The operator of a motor vehicle shall display the operator's driver's license, or furnish

operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made, and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed when the person



does not have the person's license on or about the person's person shall be prima

facie evidence of the person's not having a driver's license."

What is satisfactory proof that the person has a driver's license? If LEADS or OLEG are up that can be done by merely giving the officer their personal information and the officer running the information on the computer.

If you are not convinced the person is who they say they are the easiest solution is to pull their photo up on OLEG, which you can do from your patrol car.

If you cannot confirm they have a drivers license the appropriate charge is 436.072 Operating Motor Vehicle Without Valid License; which can be an M3, M2, or M1.

When should you charge under this ordinance? When the person has a valid license on their person; however they refuse to

give it to you.

Suppose you stop a vehicle, walk up to the driver and say, "My name is Officer Reeve, I've stopped you for going 55 in a 35MPH zone may I see your license and proof of insurance?" and the driver says, "I wasn't speeding, I don't have to show you anything." This would be a good time to utilize 436.06!

Some officers would successfully charge under 606.14 Obstructing Official Business; however, that would only be a second degree misdemeanor and 436.06 more closely matches the crime committed.

Be careful about being too creative in your quest for Ms. Remember our mission is to enforce traffic laws to make our community safe.

Police Discipline

Suspension of Off Duty Work Privileges

An officer has been placed on Sick Leave Notice and had his Off Duty Work Privileges suspended for six months for abuse of sick time.

In this particular case the officer had called off sick in conjunction with

regular days off on several occasions, in addition to an overall high usage of sick time without unusual health issues.

This is a good case to review because the officer in question thought we kept track of sick time by calendar year; so, the slate would have been

wiped clean in January.

For evaluations we go back a year, to the date of the last evaluation. If a problem in the use of sick time is suspected we look back twelve months; so, the slate is not wiped clean in January as that would only be two months prior.

Sgt. Cunningham reports that we had 23 people die from accident or suicide in 2008.

With our ever increasing case load it's important to remember that things may not always be as they appear.

Accidental Death or Suicide

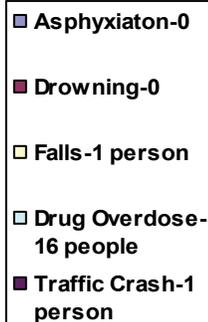
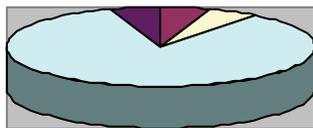
I know of one case in the early 90s that was believed to be an accidental death from a fall; later the victim's family claimed that it was a murder and we had failed to

process the scene for any evidence.

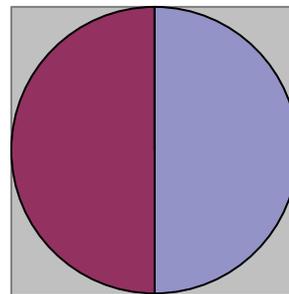
Any untimely death deserves some inquisitive review of the facts and at least photographs of the scene.

Make sure to ask questions and review the facts closely on any untimely death.

Accidental Deaths 2008



Successful Suicides 2008



When to Arrest for Disorderly Conduct

Both young and older officers have recently needed to review when an arrest can be made for Disorderly Conduct. This is partly because we frequently see charges reduced in Court to Disorderly Conduct when the elements don't fit what we believe Disorderly Conduct should be.

So first off, forget about what charges you have seen reduced to Disorderly Conduct. When charges are reduced everyone is agreeing to plea to the reduced charge regardless of whether or not the elements fit. This is a completely different situation than you being required to prove you made a lawful arrest based on probable cause that meets the elements of the charge.

Officers should remember that Disorderly Conduct 648.04 is normally a Minor Misdemeanor, meaning you can give a person a summons for violating this law, you cannot normally arrest them.

A) No person shall recklessly cause inconvenience, annoyance, or alarm to another by doing any of the following:

Remember the "by doing any of the following" part. Walking slow causes inconvenience and annoyance, but it's hardly against the law. You have to violate (A) by doing any of 1,2,3, or 4.

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person;
- (3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;

Section B covers individuals that are voluntarily intoxicated. This section is

easy to understand and has not been an issue. The charge remains a Minor Misdemeanor; however the offender is arrested under the provisions of 2935.26(A) because the person is unable to care for themselves.

So when can you arrest for Disorderly Conduct?

1) Disorderly Conduct becomes a M4; when the offender persists in disorderly conduct after reasonable warning or request to desist, at the scene of a fire, accident, disaster, riot, or emergency of any kind.

2) You can arrest even though it remains an MM if the person refuses to sign the citation, the person cannot or will not offer satisfactory evidence of identity. (Read all at 2935.26)

Whenever you make an arrest review the elements of the offense you are charging the person with. Make sure you have the right charge and you cover the elements of the charge in your statement of facts.

Disorderly Conduct -

Top Performers in December and January.

In this News Letter we are combining December of 2008 and January 2009. Officer Kelly made the most Complainant Arrests, Officer Nelson made the most Warrant Arrests, Officer Bender made the most DUI Arrests, Officer Johnson wrote the most Summons, and Officer Mynhier wrote the most tickets. Keep up the good work.



		Calls/ Details	Acci- dent Re- ports	Self- Initi- ated Activity	Jail Trans- ports	War- rant Arrests	Comp. Arrests	DUI Arrests	Cita- tions	Warn- ing Cita- tions	Acci- dent Cita- tions	Park- ing Cita- tions	Sum- mons	Sick Leave	Total Time Off in Hours
Ahmed		116	5	48	2	2	3	0	19	1	2	0	1	0	224
Albrecht		214	12	58	0	8	8	0	19	1	8	0	0	24	168
Alfrey		246	9	44	0	13	7	0	20	0	3	0	3	8	80
Ballinger		440	2	229	11	21	12	1	23	27	2	0	4	0	8
Bender		441	2	260	10	17	37	10	56	25	2	0	3	0	32
Briggs		107	16	18	0	0	0	0	2	7	14	3	1	36	132
C.Jones		423	4	242	0	3	3	0	11	5	1	0	4	0	24
Caito		560	19	206	10	30	34	3	34	23	10	0	8	0	0
Camper		471	2	185	18	18	11	2	52	4	3	0	6	0	16
Creech		278	2	90	0	9	12	3	16	0	1	0	0	36	60
Deaton		445	2	202	11	9	28	0	41	12	2	0	3	0	32
Getter		277	10	37	3	9	12	2	25	0	7	0	2	8	88
Hovell		411	3	244	0	7	14	7	42	0	2	0	5	8	57
Jeffery	light duty	204	1	70	0	8	13	0	10	10	0	0	1	8	68
Johnson		381	6	130	13	27	23	3	32	14	4	0	11	8	40
Jordan		471	8	185	0	17	17	2	23	8	1	0	8	0	8
K. Jones		212	9	59	0	10	12	0	6	4	5	2	0	8	40
K. Rogers		232	6	86	1	9	3	1	22	0	4	2	0	0	40
Kelly		372	0	213	11	13	38	4	53	33	0	0	2	8	88
King		474	18	102	1	10	23	2	24	4	15	0	0	24	44
Kirsch		194	11	36	0	10	5	1	14	0	5	3	4	8	120
Lawson		sick leave or light duty entire two months													
Leukhardt		304	11	100	2	13	15	0	39	5	6	0	0	0	21
Lovejoy		148	5	47	0	1	1	0	6	2	1	0	0	16	96
Lusk		289	9	60	0	15	10	1	18	8	7	0	0	8	40
Mann		199	5	76	0	1	6	0	14	2	2	1	1	8	48
Maxwell		457	7	148	3	20	14	3	41	16	7	0	0	0	56
McIntosh		266	5	35	0	9	3	0	11	8	1	0	3	8	84
Meehan		348	1	140	0	5	8	0	18	6	1	0	2	32	56
Meyer	light duty	77	1	15	4	3	6	0	4	0	1	0	0	0	264
Morgan		524	3	236	7	29	22	2	40	15	4	0	5	8	32
Mynhier		336	10	124	0	30	25	1	72	0	4	0	9	80	104
Nelson		409	9	131	1	38	17	1	68	2	7	0	8	0	48
Ortiz		315	5	122	0	8	12	0	23	11	5	1	1	0	112
Palmer		293	12	84	0	12	10	0	28	5	8	0	2	0	16
Rawlins		149	4	36	0	8	12	0	16	7	1	0	6	8	132
Robinson		294	7	87	0	12	10	0	22	3	7	10	2	24	40
Rossi		274	8	142	10	28	11	0	24	5	5	0	2	40	124
Sensel		277	5	87	0	9	6	0	16	15	3	4	1	16	21
Stone		270	8	68	0	12	13	0	15	7	5	2	7	8	56
Tipton		195	1	52	12	16	5	0	18	21	1	0	1	0	0
Wargo		324	11	69	0	6	7	0	17	0	7	0	0	0	104

STAFF MEETING MINUTES – March 3, 2009

Present:

Greg Schwarber
Mark Hoffman
Dave VanArsdale
Leanne Hughes
Rodney Muterspaw
Scott Reeve
John Magill
Will Rogers
Scott McGuire
Ric Bowling
Andy Warrick
Steve Ream
Brad Carrozza
Shelley Meehan
Jennifer Minor
Vanessa Grooms

Absent:

Jimmy Cunningham
David Birk
Chaplain Ferrell

ACCOMPLISHMENTS:

Officer King was chosen as Officer of the Month for February. Officer Ballinger was also given an Honorable Mention for the arrests. Lt. Magill did an excellent job on the press release for this.

The Chief is amazed and appreciates everyone's efforts during this time when a lot of the officers are off with injuries.

Det. Bush and Det. Swartzel did a good job on the 1st homicide of the year.

Good teamwork with the fire department was shown while Officer Jordan assisted in CPR on a non-breathing subject and Officer Ballinger crawled through a house on fire to help rescue a lady in a wheelchair on Girard.

Lt. Hughes reports that the dayshift has been instructing their officers to attempt to have a mixture of all five enforcement categories for their stats.

The 3-11 shift is currently focusing on combating prostitution. Officer Leukhardt will be going undercover in the near future. They have already made a few arrests.

Mids has been stepping up bar enforcement, paying particular attention to Big Dogs and Brewers Gin Mill. There have been reports of underage drinking and Sunday sales at these establishments, respectively.

The 1st quarter call outs are up over 30% from last year in Detectives. Det. Winters has attended training and is now on the call out rotation, so they now have 6 instead of 4 on the list. Lt. Magill added that the detectives did a good job on the Hill St. incident.

The Middletown Coalition is requesting patrol be stepped up on Central Ave. due to an increase in prostitution.

The Chief recently attended a Stimulus Package meeting that included 7 **requests** for our department totaling over \$1 million.

\$150,000 for a City ran impound lot

\$225,000 for additional officers for 3 years

\$750,000 for additional take home cruisers for officers that reside in the City

\$15,000/each for automatic license plate readers

\$250,000 to replace current generator with a diesel one

\$60,000 for automatic citation readers

\$100,000 for upgrades to the range

The deadline for the new 800mhz radio system keeps getting pushed back. We are currently waiting on legal agreements to be signed with West Chester.

Redflex has been chosen to oversee our new red-light cameras which should be operational by next month. They are currently revising the business plan and contract language. Missy Mann will be kept on!

Lt. Reeve recently attended a conference pertaining to the new Drug Market Initiative Program. The program addresses how to deal with 1st time/non-violent drug dealer offenders in a community. This will give these offenders the option to attend certain programs instead of charging them. The DMI is designed to focus on the community and not the offenders. Doug Adkins is also on the DMI board.

Police Memorial Week will be coming up the week of May 11th. The ceremony will take place at Woodside Cemetery on Monday, May 11th. The dinner will be open to all current Police employees and retirees at the Eagles on Thursday, May 14th, at 6:00 P.M.

The new Docuscan system will permit us to scan our personnel files into the computer for easier access. It is currently installed, but we are still waiting on the scanner.

The bids on the new I-75 project will open on April 1st. It will be a 3 year project that will modify the ramps going onto and off of the interstate. They will also be adding an extra lane onto I-75 in the near future.

A company that promotes swinger's clubs is looking into leasing the old Coconutz bar on Cincinnati-Dayton Rd.

There is an overlapping of the K9's on the midnight shift that is working out. There may be more moves in the future.

Uniform change will coincide with the time change on Sunday, March 8th. Major VanArsdale wants all supervisors to make sure your platoons look good when leaving inspection.

The Chief wants everyone to take pride in the appearance of our department and do a better job keeping it clean. If you use someone else's area please be considerate and keep it neat and stay out of their personal belongings. Lt. Reeve will be addressing Willie on what to clean on a regular basis.

New Hires

Dispatcher Barbie Bryant

Terminations

Dispatcher Janet Shields

C.O. Chester Young

The Chief thanked everyone for turning in their Accreditation reports in a timely manner. Lt. Magill requested that these be sent electronically to the supervisor's group.

Updates

Training – Lt. Hughes reported we are halfway through our training cycle with four Thursday sessions remaining. She is asking to make sure your people are scheduled. New roll call training will begin this week and driver's training will begin April 27th.

Reserves – Sgt. Rogers reported that Reiring's background is currently being worked on. Andrew Minic & Travis Green are going through pre-testing.

Law Camp will take place June 26-28. Ask your platoons if they would be interested in volunteering for this. The annual golf scramble will be Friday, October 2nd.

Crimestoppers is having their fundraiser Tuesday, April 7th, with Channel 9. If you would be interested in answering the phone lines more information will be forthcoming.

Major Hoffman pointed out statistics in the last PMES Report. Sick leave hours, Part 1 Crimes, calls for service, drug arrests and felony drug arrests have all increased significantly during last month. Officer initiated activity has almost doubled and our response time has also increased.

Vanessa thanked everyone that gave to the Flower Support Fund so far. She has collected over \$200 to date. Lt. Magill had the good idea of in the future selling M.P.D. merchandise to help raise money for this.

Jennifer said the Records department will be sending out letters due to 115 unpaid parking tickets for 2008. She handed out a Retention Title & Description packet and would like anyone that may have any changes to direct them to her.

Sgt. Ream advised there will be a DUI checkpoint on Friday, March 27th. He also gave the update on the new breath testing equipment.

Les Landen and Sara Mills gave evaluation training on performance appraisals. Les reminded everyone to characterize things in a fair way and to be honest. He pointed out that when you over nurture people, which tends to be human nature, you don't point out the employee's weaknesses and this hurts them in the long run. Consistency within your self is the best practice. The Chief would like everyone to come back to the next staff meeting with suggestions to improve the evaluation process..

Lt. Muterspaw reminded everyone to make sure they pay for all items taken from the snack room. There are money and/or items missing. If this continues to be a problem the snack room will close.

Sgt. Carrozza would like everyone to keep the nominations coming for Officer of the Month.

The new beat alignments are still upstairs. They have been for the past year and a half.

Sgt. Bowling wants everyone to reinforce that officers are not allowed to eat the food in the jail. There are also overtime slots open due to the shortage of C.O. position. Patrol Officers are being asked to help out with this. There will be a fire drill in the jail sometime in the night during the next month.

Sgt. Warrick added that Officer Getter will be taking the lead of Honor Guard on March 10th. Officer Jordan won Catch of the Month for February for his apprehension from a dumpster in Franklin. The M.P.D. will be hosting the N.O.R.T. Canine/Judges Training on April 27-28.

Good Teamwork was the reason for success in finding a lady with Alzheimer's that had wandered from her home from the 1200-block of Ellen Dr. to the Canal Museum.

The next staff meeting will be held Tuesday, April 2nd, at 1400 hours in the training room.

The Staff Meeting adjourned at 3:45 p.m.

Vanessa Grooms