This final investigative report makes reference to evidence, statements, audio and video, reports, data links, and other affiliated documents obtained as part of the investigation. All of these items can be found in their entirety in the electronic case file maintained in the Division’s internal investigative software (currently IAPro). Any summarization, or partial reference is not intended as a substitute for the actual item and should only be considered in their totality. Summarization and reference are intended only to assist in expedient presentation of facts as determined during the course of the investigation.

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Case Summary
This case was initially assigned to then Sergeant Ian Mussell on September 13, 2022 and later reassigned to me on October 14, 2022. The initial allegation is that the delay in police response to a female being feloniously assaulted resulted in a homicide.

On September 6, 2022, at 1232 hours, a call for service was placed into 9-1-1 by a female caller requesting both police and EMS. The call was initially answered by Cuyahoga Emergency Communications System (CECOMS) and transferred to Cleveland Division of Police Communications Control Section (CCS). The call was answered at 1232 hours by CCS at position 267 and transferred to Cleveland EMS. Incident# 2022-260649 was generated at 1234
hours as a priority 1, the highest priority for dispatch purposes, while the caller was still on the line with the EMS calltaker. At 1235 hours, the dispatcher attempted to assign the incident to unit 2A11 and was advised by that unit’s supervisor that they were on a “District Assignment”. Following that, also at 1235 hours, the dispatcher assigns the incident to unit 2B15, Patrol Officer Sowders #1103 and Patrol Officer Gill #171. 2B15 was driving car #209, a 2020 Ford Explorer that is equipped with an Automatic Vehicle Locator (AVL). The AVL log recorded car 209 moving from a GPS location of 3920 Daisy Avenue (2nd District) at 1236 hours and logged the unit’s arrival with a GPS location of 7802 Lorain Avenue at 1246 hours.

Case Suspensions
This case was suspended from October 25, 2022 to November 2, 2022 for Prosecutor review.

Investigative Extensions and Approvals
An extension was requested and granted on November 22, 2022 for the administrative portion of this investigation. A second extension was requested on January 11, 2023 and approved on January 12, 2023. A third extension was requested on February 15, 2023 and approved on February 17, 2023.

Allegations:

At the Time of Initial complaint
The initial complaint was that a delayed police response to a female being feloniously assaulted resulted in a homicide prior to police arrival.

Discovered During the Course of the Investigation
- During the course of this investigation, it was discovered that the unit assigned to patrol Zone 1 which is the zone 2144 W 78th St. is in, unit 2A11 was on a District Assignment approved by 2S14, Sergeant Lentz #9225, for an extended period of time. Unit 2A11, Patrol Officer Rodriguez #1353 and Patrol Officer Valdez #1387 were in the area of W 50th Street/Memphis Avenue in patrol Zone 7.
- While reviewing the WCS audit trails for the involved officers, it was discovered that responding Officer Gill’s WCS was powered off and was not activated for this incident although it had usable battery life.
- While listening to call recordings, it was discovered that a call taker was unprofessional during the course of handling a call for service.
- While reviewing Computer Aided Dispatch (CAD) documents it was discovered that relevant information, including key words and statements provided by the callers were not noted into the CAD incident remarks.
Applicable Policies
GPO 4.01.01 Emergency Response Driving

GPO 4.06.04 Wearable Camera System

GPO 7.01.02 Mobile Computer Aided Dispatch

Policy and Procedures Ù Bureau of Communications and Property Control, CCS Call Taking Procedures

Policy and Procedures Ù Bureau of Communications and Property Control, CCS General Dispatching Procedures

Manual of Rules 4.03 “Personnel shall give full attention to the performance of their duties”

Manual of Rules 4.09 Ñ Officers shall respond to urgent and emergency assignments in their immediate vicinity…”

Manual of Rules 4.11 Ñ Personnel shall act immediately in every instance that comes to their attention where police assistance is required.”

*These are policies that I reviewed during my investigation and do not necessarily represent the outcome of any policy violations.

Involved Member(s)
Sergeant Martin Lentz #9225
Date of hire: 02/25/2008
Current assignment: 2nd District/A platoon

Patrol Officer Ryan Sowders #1103
Date of hire: 04/15/2013
Current assignment: 3rd District/C platoon

Patrol Officer Colin Gill #171
Date of hire: 08/19/2019
Current assignment: 2nd District/C platoon

Patrol Officer Nathaniel Rodriguez #1353
Date of hire: 08/09/2017
Current assignment: 2nd District/A platoon
Patrol Officer Michael Valdez #1387
Date of hire: 07/12/2021
Current assignment: 2nd District/A platoon

Dispatcher Deater Martin #128
Date of hire: 03/21/2022
Current assignment: Communications unit

Dispatcher Cynthia V Hall #133
Date of hire: 04/21/2014
Current assignment: Communications unit

Safety Telephone Operator Ceresa Lamar #20
Date of hire: 10/21/2019
Current assignment: Communications unit

Dispatcher Constance Hollinger #104
Date of hire: 02/26/1996
Current assignment: Communications unit

Safety Telephone Operator Mercedes Simmons #009
Date of hire: 01/20/2020
Current assignment: Communications unit

**Witness Member(s)**
There are no witness members.

**Involved Citizen(s)**
Carly Capek
DOB 03/18/1984

**Witness Citizen(s)**
Katherine Burnheimer
DOB 09/13/1988
7800 Lorain Avenue #UP East
Phone # TELEPHONE
Outside Agency Investigation
N/A

Area Canvass
Sergeant Mussell #9240 notified me that he conferred with Sergeant Reese #9266 from the Homicide Unit who advised him that the Homicide unit canvassed the area for surveillance footage with negative results.

On September 16, 2022, along with Sgt. Mussell, while conducting a witness interview at 7800 Lorain Avenue, I asked Katherine Burnheimer about the cameras that she has installed on her upstairs porch. Ms. Burnheimer stated that the cameras, which face the direction of 2144 W 78 Street, were not functional and had not been for a while.

Witness Interviews
On September 16, 2022, Sergeant Mussell #9240 and I responded to 7800 Lorain Avenue to speak with one of the original callers Katherine Burnheimer. Upon our arrival, we were met by both Katherine Burnheimer and Richard Stepp who reside together at 7800 Lorain Avenue #Up East. Ms. Burnheimer and Mr. Stepp were the two individuals who called to report the incident on September 6, 2022. The interviews were recorded on our Department issued Wearable Camera Systems and can be viewed on Evidence.com. The following are synopses of the interviews, the transcripts of the interviews are attached to the case file.

Katherine Burnheimer

- Katherine stated that a girl who was inside the residence ran out and yelled “he was killing her”.
- Katherine approached the home to see what was happening and observed a male “strangling” and “beating up” a female.
- Katherine said she returned to her apartment to get her phone and called the police at “12:32.”
- Katherine said she called six to nine more times after her original call.
- Katherine said the police showed up at 12:59.
- Katherine said that it was close to “half an hour” before the police arrived.
• Katherine stated she was unable to show investigators that were on the scene what time
she called emergency services from her phone.
• Katherine said that she was standing on the corner when police arrived and that they were
driving slow, about 5 MPH with no lights or sirens as she was flagging them down.
• Katherine said that the officers asked her what was going on and she told them that she
thought the female was dead inside and told them that the male was still there.
• Katherine stated that the officers spoke to an Uber driver that was parked in the alley
• Katherine said that the officers then went to the house and saw the male. They told the
male that was inside of the house to come out and he didn’t respond, so they went in and
got him.
• I advised Katherine that the AVL showed officers arrived 10 minutes after starting to
head in the direction of the call.
• I told Katherine the timestamps associated with her call to 911 and the subsequent times
associated with the call for service: Emergency Call Received at 12:32, Call Created at
12:34, Call Dispatched at 12:35, and Car 209’s Arrival at 12:46.
• Katherine was unable to show us, through her cell phone log, that she called emergency
services six times as she previously advised.
• Katherine said again that it took a “half hour” for the police to respond.
• Katherine said that she checked her boyfriend’s phone and it doesn’t show his calls to
emergency services because he erased everything.
• Upon further consideration Katherine said that she may have called “five or six” times
and not ten times like she originally thought.
• It was explained to Katherine that dispatch call logs detail that she called three times.
• Katherine described that she observed woman walk through the alley who “watched the
whole thing”, walk to the bus stop. According to Katherine that woman “didn’t want
anything to do with it”
• Katherine said she told Homicide Unit Detectives about the Uber driver
• Katherine said she is upset that her phone doesn’t show the calls to emergency services

Richard Stepp

• Richard said that at about 11:55 while sitting on his porch he observed a black male step
outside the home completely naked
• Richard said that the male went in and out of the house a couple of times
• Richard said that a female left the house screaming “He’s killing her”, as she ran up the
alley without any shoes on
• Richard said Katherine called emergency services at about “12:30” and reported “He’s
killing her”
• Richard said that once Katherine hung up he called emergency services and told them
“they’re killing this girl” and stated that the lady was “ignorant” with him
Richard said he called emergency services again and told the call takers that he possessed a CCW. Richard said that he asked the calltaker if they wanted him to go down and “handle” this before the police get here. Richard said he was told to “holster” his gun by calltakers.

Richard said that both EMS and Fire arrived 15 minutes after he called and that there were no police there.

Richard said that only one police car arrived, he said that the police car didn’t use sirens or lights.

Richard said that the police’s response was “casual”.

Richard said that “as soon as they went in there, they brought the guy out in handcuffs”

Richard restated that officers took a long time to respond.

Richard said it took the police “longer than ten minutes” to respond.

Richard said that different people are in and out of the victim’s house and that people do crack there.

Richard stated that he saw the same male earlier in the day and that the male waved at him, but that he hadn’t seen him before.

Richard advised us that he called emergency services and the leasing company for the residence where the victim lived in recent weeks to report many different types of complaints.

Richard reiterated that he called emergency services three times on September 6, 2022.

Richard was advised of the logged response time.

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**Video Evidence (including WCS)**

Neither members of unit 2B15 activated their WCS during this incident. Assisting officers captured the scene starting at 1252 hours, when Officer Nagy #1252, member of unit 2B17 arrived and entered the residence. Officer Sowders used Officer Nagy’s camera to document the scene. The footage can be viewed on Evidence.com.

On September 19, 2022 I reviewed the device audit trails for the Wearable Camera System (WCS) for both Officer Sowders #1103 and Officer Gill #171. The audit trails were provided by Sergeant Ball #9190 from the Mobile Support Unit. The audit trails confirmed that neither of the officer’s WCS were activated during this incident. It was discovered that the last activity before the WCS was powered off on Officer Sowders’ WCS with a serial # X6033051U was at 0931 hours on September 6, 2022. The WCS had a 2% battery life when it was manually powered off. Officer Sowders received supervisor approval to power off his WCS due to a Crime Scene & Record (CSR) request. The Crime Scene unit was processing a Felonious Assault Shooting scene for a male shot at Rhodes High School in regards to incident # 2022-260407.

Officer Gill’s WCS with a serial #X6033871Z had activity last at 1211 hours on September 6, 2022 and showed a 10% battery life prior to being manually powered off. At 1212 hours, Officer
Sowders broadcasted that his partner’s camera died and since the officers were not on an assignment at the time, the information was noted into a newly generated CAD Incident # 2022-260624 by the dispatcher.

The Axon Device Audit Trail for Officer Sowders noted on September 6, 2022 at 0931 hours:

- **Device powered off using button** ÷ **Battery 2% Video Count 4**

The Axon Device Audit Trail for Officer Gill noted on September 6, 2022 at 1211 hours:

- **Device powered off using button** ÷ **Battery 10% Video Count 10**

On September 20, 2022, I tested my WCS audit trail by manually powering on my fully charged camera and allowed the camera to automatically power off when its battery life depleted to compare audit trail remarks. My Wearable Camera System is an Axon Body 3 model with a serial number of X6033959T. I reviewed the audit trail for my assigned camera and the following was logged.

- 09/20/2022 07:26:17 AM – **Device powered on using button** ÷ **Battery 100 % Video Count 0**
- 09/20/2022 11:21:57 PM – **Device powered off due to low battery** ÷ **Battery 0% Video Count 0**

The audit trail revealed that although my camera was not activated and only in buffer mode the entire time, it lost a battery life of anywhere between 5-10 % per hour. I applied that finding to the fact that PO Sowders’ battery life was 2% at 0931 hours while on incident# 2022-260407 that was cleared at 1157 hours.

The full Axon Device Audit Trail is attached to the case file.

I also reviewed the WCS footage from Officer Burkhardt, Officer Marquard, and Detective Powell from the Homicide unit. Officer Burkhardt located the female witness, who ran out of the residence during the assault, at the HP gas station located at 7310 Lorain Avenue. The female, later identified as Tina Sayers, told officers that she stopped at her friend’s house to use the bathroom and that while she was looking in the mirror she heard “her” (Carly Capek) say put your clothes on. She stated that she looked over and saw the male naked and holding Capek in a headlock. Sayers stated that she had to crawl between the male’s legs to get out of the house because he was standing in front of the door. She explained that she was scared and that the male tried to pin her down underneath him. Once outside, Ms. Sayers yelled out for the neighbor to help and to call 911. Ms. Sayers advised officers that she was inside of the house for about 15-20 minutes before this unfolded and that everything seemed fine.
Other Evidence
The following evidence was compiled from call and dispatch recordings, CAD information, dispatch and radio logs, AVL records, Crime Analysis chart, and information provided by the Medical Examiner.

Timeline:

1232 Hours: Call from CECOMS (Cuyahoga Emergency Communications System) and transferred to CDP Communications Control Section

1234 Hours: Call from CECOMS and transferred to CDP

1234 Hours: CAD Incident # 2022-00260649 created for 2144 W 78th Street as a “FASX” FELONIOUS ASSAULT – SUSPC ON SCENE/IN AREA type and a priority of 1.

1235 Hours: Incident dispatched to unit 2B15.

1236 Hours: 2B15 driving zone car 209 begins driving to the incident (confirmed by AVL records).

1237 Hours: Second call from CECOMS and transferred to CDP.

1238 Hours: CFD Engine 23 and Ladder 23 dispatched (Per Operator Moss w/CFD).

1238 Hours: CEMS Medic 23 dispatched (Per Captain Kavouras w/CEMS).

1241 Hours: EMS Medic 23 arrives in the area. Notes indicated they staged at W 80th St/Lawn Ave.

1241 Hours: Third call from CECOMS and transferred to CDP.

1242 Hours: CFD Engine 23 and Ladder 23 arrive.

1246 Hours: 2B15 arrived, first CPD unit.

*It should be noted that if multiple entries were made for the same timestamp, it should not be interpreted that the order they are listed in is the actual order of occurrence.

Review of call recordings followed by the CAD comments:

Call #1 – 911 call comes in from a female who asks for police and an ambulance. She is transferred to EMS and during the transfer asks for police again. She is advised by the calltaker that she is on the line and that they will all be dispatched. Once EMS answers, the caller provides the address of 2144 W 78 Street and states that she needs police and an ambulance, there is a guy choking a woman in her house and that he is killing her right now. She continues to explain that a girl ran out of the house and said there’s a guy inside killing her, choking her to death and she
took off running barefoot. She clarifies that the patient is not the person running off. She then states that she hears “a bunch of banging back there”. She is advised by the EMS calltaker that they are already enroute and is asked if she’s already talked to the police department which she replies no to and says that they sent her to the ambulance. EMS asks her if she knows if he is still in there and she replies yes he is, she can hear banging and glass breaking. EMS asks if he is choking her and she replies “yes that’s what the girl said”. The caller says “come on” and EMS advises that they are on the way. EMS asks how many kids are on scene and the female replies that there is “banging and glass breaking back there right now”. The caller then says “I hope she’s not dead”, then excitedly says “she’s yelling, she’s screaming, oh my God”. EMS states she is sending the paramedics and will call the police, which the female replies with repeating the address of 2144 W 78th Street and says “hurry, hurry”.

CAD comments:

1234 hours CALL TRANSFERRED TO EMS CLR STS THAT A FML RAN OUT OF THE HOUSE SAYING THAT ANOTHER FML IN THE HOME WAS BEING CHOKED BY A ML

1235 hours CLR CAN HEAR THINGS BEING BANGED AROUND THE HOUSE AND GLASS BREAKING CAN HEAR FML YELLING IN THE HOUSE

1236 HOURS EMS ADV

Call #2 – 9-1-1 call from a male who asks for police at 2114 W 78th Street (instead of 2144), the corner of Lorain and W 78th. He provides his name as Richard and phone number as TELEPHONE. He is asked why he needs the police and states that “there is a guy choking and beating a girl in the house behind me, girls have already run out of there screaming”. He is advised by the calltaker that they have the call and police are driving there now. He is asked if he knows who the male or female is, he replies “no I’m on my porch and I’m not going down there, if I do, I will go down there with a gun, okay, but I’m not going there, alright”. The calltaker states “My job is to ask questions to figure out what’s going on, I didn’t ask you to go down there and I definitely didn’t ask you to go down there with a gun. I asked you do you know who they are, all you have to do is say yes or no”. He replied “no, I do not, I know the girl that lives in the house, that’s all I know, her name is Carly”. The calltaker states to the male “stay on your porch, enjoy the rain, the police is driving there, have a great day”.

CAD comments:

1237 hours ANOTHER CALL FROM RICHARD TELEPHONE STS THERE IS A ML ASSULTING A FML BEHIND HIM, OTHER GIRLS HAVE RAN OUT THE HOUSE, HE DO NOT KNOW THE ML, ONLY THE FML, NFI

EMS Internal call- EMS calltaker states that she has one and gives the address of 2144 W 78 Street, police calltaker repeats the address and asks if it’s a single home or apartment, EMS states
it’s a single, police ask for a callback number, EMS gives 1237 hours UKN AGE FE ASLTD UKN IF C/B FIGHT IN PROGRESS//NEIGHBOR CALLED IT IN//NOT DISP YET

CAD comments:

**Call #3** – 911 call from a female who requests police at 2144 Lorain Avenue (incorrect location) and says “we just called about a guy assaulting a woman”. She says “he is outside butt naked right now, I think he raped her”. She confirms the address of 2144 Lorain (incorrect location) and says “someone needs to get here quick before he leaves, he’s outside naked, I think he is in there raping her and he beat her up so bad, I’m not going over there. Somebody needs to get there fast, I mean really fast.” It sounds like the caller says “that girl is probably dead” as the calltaker is asking if the male is white, black, or Hispanic and says police are on their way, the caller responds that he is black and he is outside naked. She’s asked if she sees any weapons which she replies no to, “not that I see”. The calltaker asks “do you think he sexually assaulted somebody?” and the caller replies “yes, yes, yes he was beating her up in there, strangling her, the girls ran out and were screaming and I heard a bunch of banging and glass breaking and she was screaming and then he came out butt naked and it’s quiet back there now”. The calltaker advises her “we’ll get police out there as soon as the next unit is available, they are on their way ma’am.”

CAD comments:

**1239 hours** ANOTHER CALL STS BLK ML OUTSIDE NAKED CLR THINK HE SEXUALLY ASSAULTED SOMEONE CLR STS ML WAS ASSAULTING FEMALE NO WEAPONS SEEN

**Call #4** – Answered as a non-emergency call, female caller says “she’s been calling and has called five times, other people have called”, gives 2144 W 78th St., “the police need to get here, ambulance needs to get here, the guy is still here butt naked, he keeps going back in the house”. She states “oh my God, the police need to come, I see a fire truck, but the police need to come the guy is naked and he killed her”. The calltaker states she understands and that “the police are on their way” and asks for her name. The caller gave her name, Katherine Burnhiemer, and says “the fire truck is um, is here and they should not go in there right now, the guy is still there’. She is asked if she knows his name and she replies “no I don’t, I just know he’s a black male and I think he’s trying to clean up the crime right now”. She is asked “he killed who?” she replies “the girl in the back, I think she’s dead, oh my God, you guys, how long does it take for the fucking
police to come”. The calltaker says “ma’am” and the caller apologizes, the calltaker states “I just picked up the phone ma’am I don’t know all of the details” and asks if she knows the girls name which the caller replies “her name is Carly, a girl ran out of there and said he’s killing her, he’s choking her to death”. The caller then begins shouting at an unknown person “What! the Fire truck is, not the fucking police, they can’t go over there right now that guy will fucking kill em”. The calltaker asks about the female victim, her name again, if she’s a white or black female, and how old she is. The caller states she’s white and does not know her age. The calltaker then asks about the male and asks what he’s wearing, which the caller states that he does not have anything on and is naked. The calltaker repeats that he’s a black male and is completely naked and asks if he has any weapons. The caller states (sounds like she may be speaking to someone on scene) “he assaulted her, I don’t know if she’s dead or what, I don’t know if she’s dead, I believe she’s probably dead, he’s still back there, he’s naked, yeah he’s naked, he keeps coming out”. The calltaker asks if he has any weapons and is told by the caller that she does not know. The calltaker tells her “police will be responding”.

**CAD comments:**

**1244 hours** ANOTHER KATHERIN BURNHEIMER-SAYS THE MALE IS STILL ON (BM) SAYS MALE IS NAKED/SAYS A FEM RAN OUT SAID MALE WAS KILLING HER (CARLI WF) SUSPC BM – NAKED UNK IF WEAPONS

**1245 hours** EMS IS STAGING

The following is a synopsis of how the call was dispatched followed by the radio recording transcription:

- The dispatcher calls out for unit 2A11 for a code 1 at 1235 hours.
- 2S14 asks “what’s your code 1?
- Dispatch responds “We have a male choking a female”
- 2S14 replies “Okay A11 is on a District assignment”.
- Dispatch goes out for unit 2B15 who immediately answers for the assignment.
- The assignment is dispatched at 1235 hours and given as “2144 W 78 female caller is calling in saying that a female ran out of the house saying that another female was in the home was being choked, caller can hear things being banged and the glass breaking in the background it’s a code 1 CAD 0649”.
- 2B15 acknowledges the assignment and is given a time of 1236.

**The dashes represent officer broadcasts**

Dispatch: Radio to 2A11 for a code one

 Dispatch: We have a male choking a female
Okay A11 is on a district assignment

Dispatch: Copy radio 2B15 for a code 1

-15

Dispatch: A14 o'3' to be 2144 W 78, female caller is calling in stating that a female ran out of the house saying that another female was in the home was being choked, caller can hear things being banged and broken.

Dispatch: Perfect thanks

-Okay

Dispatch: 1236

-17 is arriving

Dispatch: 1237

-66 arrived

Dispatch: 1238

Dispatch: A14 for a code 2

-14

Dispatch: 2T66

-Yeah this is there doing an early release for students whose parents who are coming to pick them up so this car is kind of all over the place right now in c/w with that incident that happened earlier today. I checked out the driveway at 5203 it's not blocked but there's a lot of cars over here picking up their kids.

Dispatch: I copy that 1240.

Dispatch: Broadcasting 1827 Holmden Avenue, 1827 Holmden, taken 2012 Hyundai Elantra taken without keys at 2100 hours, broadcast time 1241

-B17 to radio

Dispatch: B17

-Were clear through MCAD that female just waiting on the front for her accomplice

Dispatch: Copy 1241

-Perfect thanks

-66 put me out at Pearl and Burger with a parking violator
Dispatch: Copy thank you and 2B15 are you guys seeing that the suspect was naked
15
Dispatch: The suspect is supposed to be naked
-Okay
-Do you got another car in the area that can start heading this way, were gonna be pulling up in a
16034/23 694/1390/14 352/143 603/36 304/36 1396/13 136
-17 send it
Dispatch: Yeah barney two (inaudible)
-66 PIN issued clear MCAD
Dispatch: 124?
-1 Hex/Dec/A/1Any/1@x2 6e51
Dispatch: 17 I put you guys on it 2144 W 78
-Male detained
-Radio start a supervisor please
Dispatch: Radio to a boss
-S14
Dispatch: B15 is requesting a boss at 2144 W 78, 2144 W 78 possible sexual assault
-I copy I was monitoring, what do you got
-Gonna have 1 male detained probably gonna need you to make a phone call downtown, gonna get you
a time here in a second
-13 to radio can you do a call back to the caller so I can confer
Dispatch: Copy
-15 to S14
-Go Ahead
-Can you make the notification to Sergeant Reese
-13 disregard that callback I got her
Dispatch: I copy thank you
-17s arriving
Dispatch: Copy
-Mullins to Reid
-Go Ahead
-Pick up your phone
-Pick up yours I just called you
Dispatch: Did you guys say it was confirmed
-Yeah Medic 42 confirmed at 1246
Dispatch: I copy 1246 confirmed
-S14 who do I have on 78th
Dispatch: I got B15 B17
Okay set an inner perimeter with some crime scene tape start a crime scene log Chief Dispatch has been notified
- Copy I just spoke to her notifying now
-13 send us the numbers we just cleared
- 66 to B15
- 66 to B15
- Go ahead
- Do you guys have tape from earlier or do you need more
- Alright heading that way
- Radio 1254

Dispatch: 1254 were pronouncing or was it 1247
- Medic 23 pronounced at 1254
Dispatch: I copy TOD 1254

Automatic Vehicle Locator (AVL):

The AVL records indicate that car 209 had a GPS location of 3920 Daisy Avenue as of 1227 hours. The data logged car 209 moving at 1236 hours from its location of 3920 Daisy Avenue, northbound on Fulton Road to Lorain Avenue, then westbound on Lorain Avenue to the recorded GPS location between 7747-7802 Lorain Avenue at 1246 hours. The speeds logged during the trip range from 2.6-29.3 MPH. The log shows that neither the lights nor sirens were activated during this trip. The AVL log for unit 209 is attached to the case file.

On September 27, 2022 along with Sergeant Bennett, we test drove car 209 from 1154 hours-1159 hours to assess if usage of the lights and sirens were logged correctly. I compared the WCS footage to the AVL records. I tested the lights and sirens while car 209 was parked in the District’s rear parking lot. We drove the vehicle from the Second District, north on Fulton Rd, east on Marvin Ave, south on W 32nd St, west on Daisy Ave, and back into the District rear parking lot. We activated the lights and sirens at four intersections. The initial test of the lights and sirens when the car was parked in the parking lot did not reflect on the AVL log yet the activation of lights and sirens at the tested locations did show on the log. Both the WCS and AVL records are attached to the case file.

In addition to testing car 209’s AVL, we test drove the route taken by unit 2B15 when they responded to the incident. The test drive took place on Tuesday, September 27, 2022 at 1236 hours, in an attempt to capture the same traffic pattern. Patrol Officer M. Rodriguez #1537 drove unit 209 while I was in the front passenger seat and Sergeant Bennett in the backseat. Officer Rodriguez was assigned car 209 on the date that we conducted the test drive and for safety purposes, since we were not in uniform, had her drive the route. Officer Rodriguez drove northbound on Fulton Road to Lorain Avenue and westbound on Lorain Avenue to W 78th Street. It was cloudy with fairly light traffic during the test drive. Our departure from the Second
District was 1236 hours and we arrived at W 78th and Lorain Avenue at 1244 hours, approximately 8 minutes later. The test drive was captured on my WCS and is attached to the case file.

**Median Response Times:**

CDP Crime Analyst, Todd Wiles, provided me with the following chart that includes the median response times for priority 1, 2, and 3 incidents in the Second District for all three shifts (Shift 1, 2, 3 = A, B, and C platoons). The data provided is a result search for January 1, 2022 to September 6, 2022, the date of the incident.

The data indicates that the average 2022 response time for first shift (A platoon) for priority 1 incidents is 9.42 minutes.

**Medical Examiner:**

On Thursday October 20, 2022 at approximately 1030 hours, I spoke to Dr. Mooney from the Medical Examiner’s office. Dr. Mooney explained that she is unable to give an official interview or statement to me but was able to provide me with the following information. Dr. Mooney confirmed that Carly Capek’s manner of death was listed as sharp and blunt force injuries. Although there were extensive injuries, there appeared to be one fatal wound. She explained that Carly Capek suffered from a stab wound to the right side of the neck which would have almost immediately been fatal. I explained that I was investigating the allegation of delayed police response and asked what the likelihood of the officers being able to save her had they been on scene which she replied nearly zero.

I was provided with a copy of the Medical Examiners Verdict report (not certified) on December 2, 2022 which is attached to the case file.
**Allegation #2 discovered during the course of my investigation:**

During the course of this investigation, it was discovered that the unit assigned to patrol Zone 1 was on a District Assignment approved by Sergeant Lentz #9225.

After completion of the criminal review portion of this investigation which was cleared on November 2, 2022, I discovered through Type Orders that were requested of Officers Rodriguez and Valdez by Sergeant Mussell that they were giving “Special Attention” to the area of W 50th Street and Memphis Avenue. Both officers explained that Officer Rodriguez had to be in that area to be available to allow Dominion Energy into his nearby residence. Officer Rodriguez explained that he requested to take his lunch break and work on an OH-1 crash report while he gave special attention to the area as he awaited Dominion Energy’s arrival which was scheduled for any time between 12-2 pm. Both officers stated that they arrived in the area of W 50th Street and Memphis Avenue at 1138 hours. At approximately 1157 hours, Officer Valdez returned to the Second District to pick up his packed lunch and returned to the area at approximately 1223 hours. They remained in the area until 1407 hours at which time they cleared and handled a radio assignment. The Type Orders are attached to the case file.

On Monday November 7, 2022 I responded to the area of W 50th Street and Memphis Avenue to canvass for video and completed a test drive from there to W 78th Street and Lorain Avenue in an effort to calculate had 2A11 received this assignment what the response time would have generally looked like. I timed my drive from W 50th Street and Memphis Avenue to 2144 W 78th Street. The following is the path I found to be most direct. I started my drive at 1050 hours.

- Westbound on Memphis Avenue to Ridge Road
- Northbound on Ridge to Denison
- West on Denison Avenue
- North on W 73rd Street
- West on Lorain Avenue to W 78th Street.

The drive took 12 minutes and 52 seconds. I was stopped in traffic due to a passing train at Ridge Road/Clinton Avenue. Due to that I decided to drive back from W 78th Street to W 50th St/Memphis Ave. I took the same route back and started my drive at 1104 hours. The trip took 10 minutes and 30 seconds. The traffic was moderate in both directions.

**Area Canvass for discovered allegation:**

On November 7, 2022 I responded to the area of W 50th Street and Memphis Avenue to canvass for surveillance cameras in regards to discovering that unit 2A11 was parked at 5007 Memphis Avenue working on an OH-1 crash report and giving the area “Special Attention”. There were no cameras on the exterior of 5007 Memphis Avenue but there was a city owned camera on the south west corner of W 50th St/Memphis Ave. I was advised by Sergeant Lowther of the Internal
Affairs unit who was previously assigned to the Real Time Crime Center that city owned cameras have a 30 day retention period. Sergeant Lowther checked if there were any requests for that particular camera on that specific date and time, which would have been archived, with negative results. I spoke to Shailesh Patel at the Snack Box Food Mart located at 4920 Memphis Avenue. Mr. Patel checked his recordings and stated that the videos were not available and thinks the retention period for his system is 15-20 days. I observed a camera on the front porch of 5005 Memphis Avenue, but did not receive an answer at the door. I left a business card with my contact information and received a call back later that evening from Ms. Wiltshire. Ms. Wiltshire told me that her cameras were not currently functioning and that her retained recordings did not date back to as far back as September.

AVL records:

AVL records were reviewed for zone car 237 and revealed the following:

- Zone car 237 on W 50th Street at 1140 hours
- Zone car 237 left W 50th St. at 1159 hours
- Zone car 237 arrived at the 2nd District at 1202 hours
- Zone car 237 left the 2nd District at 1218 hours
- Zone car 237 on W 50th St. at 1223 hours
- Zone car 237 parked in the parking lot of 5007 Memphis Avenue at 1332 hours
- Zone car 237 on W 50th St. at 1404 hours
- Zone car 237 drives off at 1408 hours

The AVL record is attached to the case file.

**Allegation #3 discovered during the course of my investigation:**

While reviewing the Axon audit trail for Patrol Officer Gill’s WCS, the following was recorded:

- 09/06/2022 12:11:26 PM -- Device powered off using button ï Battery 10% Video Count 10

The log indicates that Officer Gill tagged a video for Incident# 2022-260610 at 12:09 PM just prior to powering off his WCS.

**Allegation #4 discovered during the course of my investigation:**

While reviewing call recordings, it was discovered that Safety Telephone Operator (STO) Mercedes Simmons #009 was unprofessional while taking a call for service.

On September 28, 2022 it was discovered through Blue Team that a District/Bureau Investigation (DBI) was completed for STO Simmons by Sergeant Jose Torres #9199. Policy and
Procedure 1.1.17 “Call Taking Procedures” was referenced. A verbal counseling was provided and documented on September 19, 2022. In addition to the verbal counseling, Sgt. Torres completed a “Call Taker Quality Assurance Review” and noted “Control your manner of speech and don’t make comments to belittle the citizens that call. EX. Stay on your porch and enjoy the rain!” Below is a portion of the call when STO Simmons makes this comment.

- **STO Simmons stated**: “My job is to ask questions to figure out what’s going on, I didn’t ask you to go down there and I definitely didn’t ask you to go down there with a gun. I asked you do you know who they are, all you have to do is say yes or no. He replied: ‘no, I do not, I know the girl that lives in the house, that’s all I know, her name is Carly’. The calltaker states to the male ‘stay on your porch, enjoy the rain, the police is driving there, have a great day’.

- The caller, Richard Stepp, stated during his interview that he called emergency services and told them “they’re killing this girl” and stated that the lady was “ignorant” with him.

STO Simmons stated the following during the Garrity interview:

**Sgt. Lopez** And then the comment, before hanging up, what was the reason for that?

**STO Simmons** Just redirection. Like I explained to Sergeant Torres and my redirection that the captain had me go through. Somebody called and say I was in an accident on the freeway. You say stay in your vehicle, turn your hazards on, wait for help. So I was just trying to make sure he understand that I don't need you to go down there with your firearm. Thank you for calling us, letting us know what you see and or hear, stay on your porch, officers is already driving there.

**Sgt. Lopez** Okay. Well, I'm not specifically asking about that. Is, there's one thing that you said that seemed that it wouldn't be a canned statement and that is enjoy the rain

**STO Simmons** Because it was raining. If it was sunny, I would’ve said enjoy the sun.

**Sgt. Lopez** Even though this male was calling about a female being choked and beaten?

**STO Simmons** Yes.

**Sgt. Lopez** Is that how you were trained to end your phone calls?

**STO Simmons** I don’t recall

### Allegation #5 discovered during the course of my investigation:

During the review of the telephone recordings and CAD comment remarks, it was discovered that a number of statements made by the callers (incoming external calls) were not documented into the assignment. The following is the evidence.

### Call #1: Statements made by the caller

- He’s killing her right now
- All I know is that a girl just ran out of the house and said there’s a guy in there killing her, he’s choking her to death
• I hope she's not dead. She's yelling, she's screaming

Call #2: Statements made by the caller
• There is a guy choking and beating a girl

Call #3: Statements made by the caller
• I think he’s in there raping her and he beat her so bad
• He was beating her up in there and strangling her
• I heard a bunch of glass breaking and screaming, then he came out butt naked and it's quiet back there now

Call #4: Statements made by the caller
• The guy is naked and he killed her
• I think he's trying to clean up the crime
• I think she's dead
• I don't know if she's dead or what, I don't know if she's dead, I believe she's probably dead

Dispatcher Martin was the first calltaker. She transferred the caller to EMS dispatch and remained on the line as she listened to the call. Dispatcher Martin created the incident and submitted it via CAD to be dispatched. Dispatcher Martin failed to include key words and/or statements made by the caller that may have served beneficial to responding officers. Dispatcher Martin stated the following during the Garrity interview:

Sgt. Lopez Now, listening to the call, there were certain things that were said by the caller that you did not note in your assignment, such as, twice she said "he's killing her", "he's choking her to death", "I hope she's not dead". Why were these comments not included in your assignment? Can you explain?
Disp. Martin I can't recall why I didn't or if I heard those things entirely and I can't recall from my review afterwards if I'm honest.

Dispatcher Martin remained on the line yet did not resume questioning after the EMS calltaker was completed, which is addressed in the “Call Taking Procedures” policy as a suggestion with the following verbiage used:

Call Taking Procedures Section V, A1 and A2,

A1 For serious injury, there shall be minimum delay prior to connecting the caller to or notifying EMS. Obtain the basic information needed to initiate a police response such as location, suspect whereabouts, and a general description.
A2 When transferring the caller to EMS, calltaker may remain on the line and resume questioning after EMS is completed with the caller. Advise caller of your intent while the call is transferring.

STO Simmons was the second calltaker who took a call from Richard Stepp. STO Simmons was told by the caller that a male was “beating and choking” a female which was documented as a female being assaulted. In addition, after minimal questioning, STO Simmons ended the call and noted NFI into the CAD remarks, meaning No Further Information. STO Simmons stated the following during the Garrity interview:

Sgt. Lopez So he explains to you that there is someone choking and beating the girl in the house. Your comments that were included into the CAD system are "another call from Richard. You put his phone number in here, states there’s a male assaulting a female behind him. Other girls have ran out of the house. He do not know the male, only the female NFI". What does NFI stand for?

STO Simmons No further information.

Sgt. Lopez Okay. So just a couple questions for you in regards to this. Why didn’t you include in there that he was choking and beating a female versus using the term assault?

STO Simmons Because we are not supposed to put what the caller tell is word for word verbatim. So choking and assaulting to me is the same thing.

Sgt. Lopez Okay, the fact that you put no further information could, do you feel like you could have actually gathered more information from him? Had you kept him on the line?

STO Simmons No.

Sgt. Lopez How come you didn’t try?

STO Simmons He wasn’t there. He was calling to let us know what was going on, taking place behind him. I asked him if he knew him. He said no, he didn’t know how she was being choked. He didn’t know if any weapons was involved. He wasn’t on scene.

Sgt. Lopez But these are not questions you asked. You only asked if he knew them and he told you no. And then he changed his statement and said he actually knew the female’s name. But from what I can tell, from what I just heard, you, you did not field any further questions as to if he could see this happening. If,

STO Simmons Because he told me he was on his porch.

Sgt. Lopez Okay. So you believe because he was on his porch he couldn’t see what was going on?

STO Simmons Correct.

STO Lamar was the third calltaker and spoke to Katherine Burnheimer. STO Lamar failed to include key words and/or statements such as “I think he raped her”, “he beat her so bad”, “beating and strangling her”, “I heard a bunch of banging, glass breaking, screaming, and then he came out butt naked and it’s quiet back there now”. STO Lamar stated the following during the Garrity interview:
Sgt. Lopez: Can you explain to me why, so that your caller made a couple comments to you that were not included in the assignment that may have described to the responding officers a little more about what was going on. So if I can have that sheet that's in front of you please. Thank you. All right. so I'm gonna read your CAD comments, which are "another call states, black male, outside, naked. Caller thinks he sexually assaulted someone. Caller states male was assaulting female, no weapons seen". Okay. And the way this call came in, your caller told you things such as, I'll quote her. I think he "raped her" he was "beating her up in there, strangling her". So these are comments that were not included in your assignment. Can you just explain to me why not?

STO Lamar: I put the pertinent information that I felt was necessary at the time because, because the incident was already created. I didn't get this incident when it first happened. I was like the fourth or fifth person who got the call. Police were already en route over there. I mentioned that more than once. So I took the information that I felt was pertinent at that time and entered that into the CAD while I had her on the phone.

Sgt. Lopez: So you said you only included pertinent information. Do you think the terms that I explained earlier, the fact that "I think he raped her, he's beating her in there, he's strangling her". Do you think that

STO Lamar: The only thing I can say is that I did not leave anything out intentionally. The (inaudible) very fast. I was trying to get the information in that was, that I believed was pertinent. If I, I may have, missed something that's possible. Again, the call was already dispatched. So the officer was on their way there. And it was already multiple calls for it already.

Dispatcher Hall was the fourth calltaker and spoke to Katherine Burnheimer. Dispatcher Hall failed to include key words and/or statements that include “He killed her”, “I think she’s dead”, and “He’s cleaning up the crime”. Dispatcher Hall stated the following in her Garrity interview:

Sgt. Lopez: So there were a couple times in her phone call that she told you that she thought that this female was dead. How come you didn't note that in the assignment?

Disp. Hall: She said that the female was dead? I, I heard her say he, he's killing her from what I remember.

Sgt. Lopez: Okay. I can replay it and this is why I asked if it was how difficult was for you to find the assignment? Because this was earlier in the call. It was one of her first statements and she said, I think she's dead to you. I can play it again mm-hmm. <affirmative> and highlight it. And

Disp. Hall: I can say that in real time. I, I heard her say that he was killing her from what I remember and while looking for the call.

Sgt. Lopez: All right. And Dispatcher Hall, again, we're gonna revisit the fact of not including the statements that were made about this female being dead. Um, it was repeated a couple of times during this call and it was not noted. Can again, can you explain why that was not

Disp. Hall: If I don't hear it and I don't, that means I can't record it, so I don't recall hearing her saying that. I heard her saying killing.
Dispatcher Hall noted the information that she stated she heard into the CAD assignment, “FEM RAN OUT SAID MALE WAS KILLING HER …”

Dispatcher Hollinger answered an internal call from EMS for this incident. The information provided was what is considered “duplicate” to the initial call, with basic information given for a response. EMS described the fight in progress as a “female being choked out”, which was entered into the initial remarks “Female in the home being choked”.

**Photographic Evidence**
N/A

**Injury Documentation**
N/A

**Crime Scene Sketch/Map**
An aerial view of 2144 W 78th Street is attached to the case file. It should be noted that Google Maps was not used to capture this location due to inaccurate results.

**Voluntary Statement**
Request for Voluntary Statements were sent via e-mail to both Officer Sowders and Officer Gill on Monday, October 17, 2022. Officer Sowders responded declining a voluntary statement on October 17, 2022. Officer Gill responded declining a voluntary statement on October 23, 2022.

**Criminal Review**
On Wednesday, November 2, 2022, I met with Chief Prosecutor Aqueelah Jordan where the facts and circumstances found during this investigation were discussed. After careful review it was ruled “No Papers Issued” for Dereliction of Duty for both Officer Sowders and Officer Gill. A Felony Review Form was completed, signed, and attached to the case file.

**Court Proceedings and results**
N/A
Garrity Interviews
On Monday November 14, 2022 along with Sgt. Lowther #9318, I conducted Garrity interviews with Officers Valdez, Rodriguez, and Gill. The full interviews and transcriptions of the interviews can be viewed in the case file. The following is a synopsis of each interview.

Patrol Officer Valdez

Officer Valdez confirmed that he was assigned to 2A11 along with Officer Rodriguez on September 6, 2022. He explained that he was driving that day and that Officer Rodriguez told him that he had to meet the gas company at his house and let them into his residence or they were going to shut his gas off. Officer Valdez stated that Rodriguez got supervisor approval to go. Once they arrived at Rodriguez’s home, Valdez stated that he left and returned to the District to pick up his lunch, where he warmed it up and ate. He returned to Rodriguez’s residence and shortly after drove to the parking lot at W 50th Street and Memphis where Rodriguez worked on an OH-1 report. He stated that he heard the priority 1 incident in his zone come across the radio, but that they did not queue up since Sgt. Lentz answered up and told the dispatcher that they were on a “District Assignment” and to send another unit. Officer Valdez stated they remained in the area until Dominion arrived at approximately 1400 hours. Officer Valdez stated that September 6, 2022 was his first day off of probation.

Patrol Officer Rodriguez

Officer Rodriguez confirmed that he was assigned to 2A11 along with Officer Valdez on September 6, 2022. He stated that he was writing that day. He confirmed that he was placed on a “Special Attention” at 1138 hours in the area of W 50th Street and Memphis Avenue. Officer Rodriguez stated that he had to be in the area to meet Dominion Company at his residence for an appointment that was set up days prior to by his boyfriend. He stated that they tried to set it up for a different day but that didn’t work, Dominion had to come out that day and time or they were going to shut the gas off. Officer Rodriguez stated that he received approval from Sergeant Lentz to take his 30 minute lunch break, work on an OH-1 crash report from an earlier assignment which usually takes 45-60 minutes, and give the area Special Attention. He stated that he heard the assignment in question broadcasted and was asked why he didn’t break for it. He stated that Sgt. Lentz keyed up before he could, and that Lentz advised the dispatcher that they were on a “Special Attention”. He believes that during the time the call was broadcasted, he was possibly working on the OH-1 crash report (copy attached to the case file). Officer Rodriguez explained that during the special attention, they monitored traffic on Memphis Avenue and remained there until Dominion arrived at 1403 hours. He stated that it took Dominion 2-3 minutes and that they immediately cleared their special attention and handled a radio assignment.
Patrol Officer Gill

Officer Gill stated that he is assigned to C platoon and that on September 6, 2022 he was working a voluntary extended tour shift. He started his shift on September 5, 2022 at 2200 to 0800 hours and then continued onto A platoon on overtime. Officer Gill confirmed that he was partners with Officer Sowders on 2B15 on A platoon. He stated that they were in the District parking lot when they received the call for 2144 W 78th Street. He stated that he remembered the call as being for someone screaming from a house, a priority 2 assignment. He stated that he started to drive to the address as soon as they got the call. He drove north on Fulton to Lorain and west on Lorain to the house. He stated that it was the middle of the day and that traffic was heavy. He explained that the reason he did not respond using lights and sirens was that he’s responded to numerous “Scream” (CAD incident type) calls in the past and that from prior experience it’s usually “not super urgent to get there”. He stated that was all of the information that he had until he was fairly close to the house. He was near Lorain Ave. and W 58th when he was updated that the man came out naked and that’s when he thought that “this might be something a little bit more serious”. Officer Gill stated that he saw the updates on the computer in his vehicle, which pop up red when it’s an updated comment. He stated that after receiving those updates he began to question what type of call they were responding to, thinking it may be a sexual assault. He explained that by that point, they were approximately 40-60 seconds away from the home. He stated that his partner called for a backup unit as they arrived. Once on scene, Officer Gill stated that he saw EMS and stated that Sowders walked around to the back of the house. He saw the door of the residence was wide open and he began to slowly “cut the pie”, a tactical approach taught in the Academy, just to see what’s inside of the house. He stated that Sowders returned and started making small talk with a guy inside of the house that he hadn’t seen. He followed Sowders into the residence, where the male was sitting on a couch. Gill stated that Sowders gave him a “funny look” like something’s “not good” and told the male to stand up and put his hands behind his back. He stated that the male complied and was placed in handcuffs. Sowders told him to go look in the room, which he did and stated “it wasn’t good”. He explained that he saw a body, broken glass, and blood on the walls. He stated that he accompanied Sowders in taking the male suspect outside and placed him in the rear of their zone car before going back into the house. He stated that the house had to be cleared so that EMS could go inside. Officer Gill explained that his WCS was not activated because the battery died earlier in the shift. He stated that he usually powers his camera off at 1% to have enough power to tag his videos and make sure everything saves. He stated that he believed his camera had 1% that day because he was on an extended tour and that the camera was on for most of the morning while he was assisting at Rhodes High School for a person shot. I advised Officer Gill that his WCS log showed a 10% battery life after he cleared a call for a traffic hazard on the highway just a short while before getting the call on 78th Street. Officer Gill stated that he did not remember going to the highway incident and that they returned to the District just prior to this call coming in to request to go home and thinks that why he may have powered it off.
On November 22, 2022 along with Sergeant Schwebs, I conducted a Garrity interview with Sergeant Lentz. The full interview and transcription of the interview can be viewed in the case file. The following is a synopsis of the interview.

Sergeant Lentz

Sergeant Lentz stated that on September 6, 2022 he was assigned to 2S14, the late boss. He explained that on A platoon they have an early and late boss, with incidents occurring prior to noon handled by the early boss and anything after noon is handled by the late boss. Sergeant Lentz stated that on that particular day there were 8 officers on overtime working A platoon. Lentz stated that he remembers it being busy that day with a homicide that occurred that morning at Rhodes High School. He stated that he assumed his sector responsibilities before noon because of how busy it was. Sergeant Lentz stated that he heard the assignment come over the radio for the address of 2144 W 78th Street and heard the dispatcher go out for unit 2A11 for a priority two call. He stated that he intercepted and notified the dispatcher that 2A11 was detailed. He described the “Detail” as a “Special Attention” in the area of W 53rd and Memphis near Officer Rodriguez’s home, which was also in the area where the homicide occurred earlier as well as traffic complaints. He stated that 2A11 had an OH1 report and their lunch and needed to be near his residence for an appointment. He stated that he told 2A11 to complete his OH1, take his lunch, and give the area special attention related to the traffic complaint and the homicide earlier in the day. Sergeant Lentz explained that they assign cars all the time to different Details including Park and Walk, Community Engagements, Hospital Details, and that a lot of these are not zone appropriate. In addition to the homicide from earlier that day, and explaining the importance of police visibility, Sergeant Lentz provided documentation of a reported traffic issue for dirt bikes disturbing at W 42nd and Bucyrus. Lentz stated that at the time this call came in, 2B15 answered up for it right away. He stated they were at the Second District which would have been closer to this assignment. He explained that he has the ability to check where his units are through MCAD, and had he needed to get involved to check where his units were, he had the ability to do so, but 2B15 volunteered for the assignment. When asked if Officer Rodriguez asked to take personal time off to handle his appointment, Sergeant Lentz stated that he was not exactly sure if Rodriguez only told him about the appointment or if he asked to take time off, but that he made the decision not to relieve him or allow him to take time off. Sergeant Lentz stated it was more efficient to keep him on a 2-person car and to be available after 2 o’clock. Sergeant Lentz stated that had there not been another car available to handle the assignment, 2A11 could have been “broken” (pulled to handle it). Sergeant Lentz was asked why unit 2A13 who was on a Park and Walk at W 65th and Franklin was not pulled for this assignment and he replied because 2B15 answered up for it. Lentz stated that he could not recall hearing any updates broadcasted while 2B15 was enroute. Sergeant Lentz confirmed that he responded to the address and responded there after 2B15’s arrival.

Sergeant Lentz went over the reasons that he chose to keep 2A11 on the plan and stated that it was advantageous to keep 2A11 since there were a lot of night shift hold overs and since the
volume of calls usually picks up between 1:30 and 2:30. He stated that it’s important to have as many cars on hand as possible and that night shift hold overs would be able to be released early if they had enough units. Lentz stated Officer Valdez, who was one day off of probation, would have been an SR unit (single officer unit) had Rodriguez left and since this was a 2-hour window appointment, they could have been complete at any time or they could have been pulled to handle assignments at any time. Sergeant Lentz described the officers as being proactive and had not had issues with the officers handling assignments in the past.

There was a delay in interviewing Officer Sowders due to him being out for an extended period from November to December. On January 4, 2023 along with Sergeant Schwebs, a Garrity interview was conducted with Officer Sowders. The full interview and transcription of the interview can be viewed in the case file. The following is a synopsis of the interview.

**Patrol Officer Sowders**

Patrol Officer Sowders stated that at the time of this incident he was assigned to the Second District on C platoon. He started his shift on September 5, 2022 at 2200 to 0800 hours and continued onto A platoon on September 6, 2022 on overtime. He confirmed that he was partnered with Officer Gill on A platoon. He stated that they were at the Second District and getting ready to head in for the day when they received this assignment. Officer Sowders stated that he did not remember most of the particulars of the call as it was given to him, but stated he thought that he heard somebody say that “they had gotten out and they were running down the street”. He stated that the Mobile CAD (MCAD) was off at the time he received the assignment and that he got it going while enroute to the assignment. As they got closer and were in the area of W 65th Street and Lorain he stated that he saw the updates that he remembers as being “people screaming and arguing”, which made the assignment seem more urgent. He stated that is when he requested an additional unit. The back-up unit which answered up happened to be a unit that was responding from the Old Brooklyn zone, because all of the other units were tied up. He stated that they did not wait for the back-up unit to arrive and described what he saw upon their arrival as “nothing, absolutely nothing” and that it was “dead silent”. He stated that he saw an ambulance sitting on Lorain Ave. and a fire truck coming down W 78th St. from the north side. He stated that the only thing they heard was a female on the second floor of a house at 78th and Lorain, who his partner went to speak to, as he walked around the back of the house. He stated that he saw a male just sitting there as he went past the front of the house, but that the male did not give any indication that he had seen them nor that “something was up”. He stated that he continued to the back of the house to check if anyone was there or if he could hear anything, which he didn’t, so he returned to the front porch where he was met by his partner. He stated that he started to talk to the male that was inside to get his attention but that he had a “thousand mile stare” and wouldn’t come out. They proceeded to go into the home and as he talked to the male, with his back to the bedrooms, the male appeared to be looking “through him” and “past him”, so he looked over his shoulder to see what the male was looking at and saw a body. He stated
that he had the male stand up and placed him under detainment, walked him outside, and placed him in the zone car. He stated that he returned to check on the person inside and could tell that she had passed for a while. When asked why he thought that, he explained that he has seen a lot of homicides and described the victim’s injuries. He stated that the victim’s throat was cut and that her face was “fileted” which can be viewed in the transcript. He stated that he then started conducting a crime scene, he got EMS inside the home to “confirm his suspicions” and notified his supervisor to respond while limiting access to the scene.

Officer Sowders explained that he has been to many calls and that until he started getting the updates for the assignment, he did not feel it necessary to tell his partner to respond using lights and sirens. He stated that traffic was heavy that day, it was raining most of the day, and that it was at the end of the mist when they were enroute. He explained that because of his past experiences, “getting places too quick or not getting there at all due to being in an accident” is why he didn’t feel the need to tell his partner to respond in that manner, due to the traffic conditions that day. Officer Sowders was asked to explain why they pulled up slowly to the scene, as it was reported, he stated that they had no idea what was going on. He stated that there was no yelling, no screaming, and that he wasn’t even sure if EMS was staging or if they were done.

Officer Sowders explained that his WCS died earlier in the shift and that he notified radio and his supervisor. When asked about his partner’s camera and how he knew to tell a supervisor that it was dead, he believes it was both his partner telling him and him hearing the audible signal.

**On Monday, January 30, 2023, along with Sgt. Eggelmeyer I conducted the following Garrity interviews with member of CCS. The following are synopses of the interviews. Transcripts are attached to the case file and the interviews can be viewed in their entirety on Evidence.com.**

**Dispatcher Martin**

Dispatcher Martin confirmed that she took the initial 911 call for 2144 W 78th Street and transferred the call to EMS. Dispatcher Martin stated that she remained on the line while the female caller spoke to EMS and generated the assignment. When asked why some of the information or statements made by the caller were not included in the CAD notes, such as “he’s killing her”, “he’s choking her to death”, and “I hope she’s not dead”, Dispatcher Martin stated that she could not recall why she didn’t or if she heard those things entirely. Dispatcher Martin also explained that she could have remained on the line with the caller after EMS was complete with their questions but could not remember if the call was already disconnected before she got to do that. Dispatcher Martin’s date of hire is March 21, 2022 and was off of her probationary period for less than a month at the time of this incident.
Dispatcher Hall

Dispatcher Hall confirmed that she answered a call for the address of 2144 W 78th Street on September 6, 2022. Dispatcher Hall recalled that the female caller told her that she had already called five times and that “he was killing her”. Dispatcher Hall stated that she asked the victim’s name, description of the male, asked about weapons, and advised the female that police were enroute before disconnecting and calling EMS to make sure they had the call, at which time she was advised that EMS was staging. Dispatcher Hall was asked why certain statements that were made by the caller were not included in the CAD notes, such as the caller saying that she thought that the female was dead. Dispatcher Hall stated that she only heard the caller tell her that “he’s killing her” and thought that the female that ran out of the house was the victim. Dispatcher Hall explained that she was able to briefly review the existing information in the assignment, to ensure that she didn’t get repeat information, but that the information was jumbled, so she stuck to getting victim, suspect, and weapons information. Dispatcher Hall reiterated that the reason she did not note the comments made by the caller about the female possibly being dead, is that she did not hear it and since she did not hear it, she could not have recorded it in the notes. Dispatcher Hall was asked why she didn’t keep the caller on the line, she stated that the caller told her that she “was not going over there” which meant that she was not in any imminent or immediate danger. Dispatcher Hall stated that she tried to get further information but that the female caller’s responses were repeatedly “I don’t know”.

Safety Telephone Operator Lamar

STO Lamar confirmed that she answered a call for this incident and explained from what she could remember, that there was a lot going on and it being an urgent situation. She explained that she was unable to read the previous comments that were in the assignment and stated that they were inundated with calls and that they were short staffed. When asked why she did not note comments into the CAD made by the caller such as, “he raped her” and “he’s beating her up in there, strangling her” STO Lamar stated that she put pertinent information that she felt was necessary at the time, because the incident was already created. STO Lamar later explained that she did not leave any information out intentionally and that it was possible that she missed something. STO Lamar stated that she was not the first call taker and believed she was the fourth or fifth person to get the call. When asked about keeping the caller on the line, STO Lamar stated that the only time they keep a caller on the line is if it’s requested and further stated that police were already enroute and multiple calls were already fielded. When asked if she made any notifications, Lamar stated that she recalled looking at the incident and remembering that there was an earlier notation that a supervisor was notified, so she did not. STO further explained that she skimmed through the assignment while she was talking to the female caller, who was talking really fast and was really upset. She stated that when the caller told her that the male was outside, she focused on that and asked questions in regards to his whereabouts and if he was armed.
Dispatcher Hollinger

Dispatcher Hollinger confirmed that she took a call from EMS regarding this incident on September 6, 2022. Dispatcher Hollinger explained the process of fielding a call from EMS for an existing assignment and described that the address, phone number, and the nature of the assignment are obtained as well as any additional information and either create an assignment, dupe (duplicate assignment), or note the information in the existing assignment. When asked why she included all of the information provided by the EMS dispatcher except the statement that “he’s still choking her out” in the assignment, Dispatcher Hollinger stated that it depended on what existing information was already noted in the assignment and that was already noted by the previous call taker. When asked to describe the volume of calls that day, Dispatcher Hollinger stated that she believed they were busy because it normally picks up around 1100-1200 hours and also believes that they were short staffed because they constantly are.

On Monday, February 6, 2023, along with Sgt. Simonelli #9306 I conducted a Garray interview with Safety Telephone Operator Simmons. The following is a synopsis of the interview. A transcript is attached to the case file and the interview can be viewed in its entirety on Evidence.com.

Safety Telephone Operator Simmons

STO Simmons confirmed that she answered a call for this incident. STO Simmons stated that she was working her day off on September 6, 2022 and remembers it being busy. She stated that she recalled being the second call taker for this incident because police were already enroute and her caller was a neighbor reporting that he witnessed girls run out of a house and that a female was being assaulted. She stated that the caller reported that he was sitting on his porch and that the incident was taking place behind his house. STO Simmons was asked why she did not include the caller’s comments of “he’s choking and beating a female” in the CAD notes, which she replied that they do not note verbatim and that she thought that choking and assaulting is the same thing. When asked why she noted “NFI”, no further information, yet she did not ask any further questions, STO Simmons stated that she thought that because the caller was on his porch he did not have any further information to provide because this was happening behind his house and he was not actually on the scene. When asked why she did not include information about the caller telling her that he had a gun and was gonna go down there, she stated because she advised him not to and agreed that information should have been included for the officers. STO Simmons was asked about the comment made to the caller at the end of the call, “enjoy the rain”, which she replied that is how she usually ends her calls, had it been sunny she would have stated “enjoy the sun”. STO Simmons could not recall if that was how she was trained to end her phone calls. STO Simmons explained that it was a stressful day and that she didn’t feel like the caller had any additional information that would have “saved the young ladies life” or “help the police get there quicker”.

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Additional Investigative Supplements

CAD call comments
Review of call recordings
Review of dispatch recordings
Interview transcript Katherine Burnheimer
Interview transcript Richard Stepp
WCS audit trail findings
WCS test audit
Medical Examiner call
Garrity interview transcript PO Valdez
Garrity interview transcript PO Rodriguez
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Garrity interview transcript Sgt. Lentz
Garrity interview transcript Disp. Martin
Garrity interview transcript Disp. Hall
Garrity interview transcript STO Lamar
Garrity interview transcript Disp. Hollinger
Garrity interview transcript STO Simmons
Timeline
WCS device audit trail review

**Findings**

**Initial Allegation:**

The initial allegation that a delayed police response to a female being assaulted resulted in a homicide was reviewed from the time the initial call was placed into 911 to the moment officers arrived on the scene. Various logs, audits, recordings, documents, and interviews were reviewed
to identify if a delay in fact existed. After careful review, based on the preponderance of the evidence, the initial allegation is **NOT SUSTAINED**. The following are key points that support the findings:

- The first call for service was answered by CCS personnel at 1232 hours and transferred to EMS.
- The initial CAD incident 2022-260649 was generated and submitted at 1234 hours for dispatch although the caller was transferred to and speaking to EMS, indicating that there was no delay in the creation of the incident.
- The incident was dispatched one minute after it was generated, within the “target dispatch time” for priority 1 calls. The target dispatch time is less than 3 minutes for priority 1 calls (Policy and Procedure: General Dispatching Procedures).
- The responding unit began driving one minute after receiving and acknowledging the incident, verified by AVL records.
- A direct route was taken to the address. Northbound on Fulton Road to Lorain Avenue and westbound on Lorain Avenue to W 78th Street, verified by AVL records.
- The 10 minute response time is comparable to the median response time of 9.42 minutes for priority 1 assignments in the 2nd District on A platoon.
- In reviewing the call recordings, the following statements were made by the caller, Katherine Burnheimer:
  - 1235 hours - “Oh my God, I hope she’s not dead, oh Jesus Christ. She’s yelling, she’s screaming! Oh my God”. This statement indicated that the victim was alive.
  - 1239 hours – “He was beating her up in there, strangling her, the girls ran out and were screaming and I heard a bunch of banging and glass breaking and she was screaming and then, he came out butt naked and it’s quiet back there now.".
  - 1246 hours – Officers arrived on the scene.
  - Based on that timeline, the allegation of a delayed police response cannot be substantiated to have contributed to the victim sustaining the fatal injuries.
- Based on the conversation with Dr. Mooney from the Medical Examiner's office who explained that Carly Capek suffered from a stab wound to the right side of the neck which would have almost immediately been fatal.

**Discovered Allegations:**

**Allegation #2:**

In carefully reviewing the evidence which includes, CAD records, AVL records, and interviews in regards to unit 2A11 being outside of their assigned zone and on a District Assignment for an
extended period of time, based on the preponderance of evidence is **NOT-SUSTAINED**. The following synopsizes the finding.

- Unit 2A11 had supervisor approval to be on the District Assignment
- Sgt. Lentz explained his decision for allowing unit 2A11 to complete an OH-1 report in the field, take their lunch break, and give the area Special Attention. The following statements are from Sgt. Lentz’s Garrity interview

_Sgt Lopez #9310_ All right. On September 6th at 1234, a call was generated for 2144 West 78th Street. Do you remember hearing that assignment broadcasted?

_Sgt Lentz #9225_ I do.

_Sgt Lopez #9310_ Can you tell me what you heard come across?

_Sgt Lentz #9225_ I heard the dispatcher go out for A11 for a priority two.

_Sgt Lopez #9310_ And did A11 respond?

_Sgt Lentz #9225_ I intercepted and notified them that A11 was detailed.

_Sgt Lopez #9310_ Okay. Can you tell me the nature of their detail

_Sgt Lentz #9225_ So their detail was a special attention in the area of 53 and Memphis. Near the location of Officer Rodriguez’s home, also in the area of where the homicide was earlier and some traffic complaints. They had an OH1, they had their lunch and he needed to be near his residence for an appointment that was coming by. So I told him to complete his OH1, finish his lunch, you know take his lunch and give special attention to that area related to the traffic complaint and the homicide earlier.

_Sgt Lopez #9310_ Can you tell me exactly what officer Rodriguez told you for why he needed to be near his residence?

_Sgt Lentz #9225_ So I, I don’t remember the exact, you know, verbiage essentially he came into me and told me an appointment at his house, which was within the district, between a two hour block, I think, 12 to two. They were at the district completing. They were, so when we were speaking, we were at the district. So I looked at the car plan, I looked at, his, at what he had to still complete and, you know, made a, made a decision there. I don’t remember exact words

And later stated in the interview,

_Sgt Lentz #9225_ Sure. So one, I'd like to say that the officers were acting under my supervision, so they had permission to be where they were from me. So there isn't, if there is a diminishing aspect or a lack of efficiency from a, from a supervisor, it falls on me. So as that you said, taking a car out of service, I'd like to correct that I didn't take a car out
of service. That's what I avoided. I kept the car in service and gave him a specific assignment, an assignment he could have been at the district having an OH1. He could have been anywhere and be broken from his reports. He also had ability for lunch, but we could break people from their lunch and our contract then, you know, I mean, allows us to give them overtime related to not having their full lunch. None of those things were necessary because we had an, an available car. So I didn't take out a car outta service. I allowed them to be in a certain area that had a high volume or a very, very, violent crime earlier in the day. They were visible according to them on Memphis. Right.

Allegation #3:

In carefully reviewing the evidence which includes the Axon Device Audit Trail, General Police Order, and interviews in regards to the Officer Gill’s WCS violation, based on the preponderance of the evidence is SUSTAINED. The following synopsizes the finding.

- The audit trail log.
- Officer Gill stated the following in his Garrity interview (Statements are not sequential, they were extracted from different points of the interview)

  **Sgt. Lopez #9310** Did you have your wearable camera system on, your WCS
  **PO Gill #171** It was dead from night shift.

  **Sgt. Lopez #9310** When your WCS did die, do you remember if it, if you manually like the battery get low enough where you manually turned it off or
  **PO Gill #171** It was on 1% and then I turned it off cause I like to tag my video to make sure I save everything. Cause if I started up on 1%, I know I'm gonna have to go back on a computer and plug in stuff.

  **Sgt. Lopez #9310** Can you tell the difference from, I'm sorry, when it comes to the camera, what signs do you get to tell you that this the battery is getting low
  **PO Gill #171** 10% gives you a little chirp and then 5% it gives you that last chirp. And then after that it goes on its own. And once it dies, it's like a beeping sound that like fades away, it's showing you it's dead.

  **Sgt. Lopez #9310** Were you able to tag your videos that day?
  **PO Gill #171** The ones that I assigned or went to before it died? Yes. But the ones after that the camera was dead.

  **Sgt. Lopez #9310** I also show that your camera did not have a 1% life that it had more.
  **PO Gill #171** Okay.

  **Sgt. Lopez #9310** More like 10%. Does that sound right to you?
  **PO Gill #171** I just, cuz it's mere routine. If I get it on 1%, that's when I kill it right there. So I can tag my videos.

  **Sgt. Lopez #9310** Okay. Do you routinely work double shifts
PO Gill #171 When I can, but not last year. I did a lot overtime this year. If I can pick up once a week, I like to, but usually not more than that.

Sgt. Lopez #9310 Is it possible that your camera was at a higher percentage when you powered it off

PO Gill #171 Than 10%?

Sgt. Lopez #9310 That, I was showing it was 10%.

PO Gill #171 Oh yeah. No, usually it’s 1% for me. Right around there. Yeah 1%.

PO Gill #171 Well, I do know too, and I, I could have turned this off because when we went back to that district, we were getting ready to go home. Like we just worked night shift.

PO Gill #171 So I was like, I, I don’t even know if we turned that CAD off, but I know that we were going in there to talk to Sergeant Lentz and say, Hey, we just worked nights, we just handled the homicide over by Rhodes, like we’re pooped. We wanna go home. We have to come back to work tonight. I might have turned it off right there.

**Allegation #4:**

In carefully reviewing the evidence which includes call recordings, CAD records, and interviews in regards to STO Simmons’ failure to display courtesy and professionalism to a caller, based on the preponderance of the evidence is SUSTAINED. The following synopsizes the finding.

- STO Simmons asked the caller if he knows who the male or female is, he replies “no I’m on my porch and I’m not going down there, if I do, I will go down there with a gun, okay, but I’m not going there, alright”. The calltaker states “My job is to ask questions to figure out what’s going on, I didn’t ask you to go down there and I definitely didn’t ask you to go down there with a gun. I asked you do you know who they are, all you have to do is say yes or no”. He replied “no, I do not, I know the girl that lives in the house, that’s all I know, her name is Carly”. The calltaker states to the male “stay on your porch, enjoy the rain, the police is driving there, have a great day”. The recording is attached to the case file.

- STO Simmons stated the following in her Garrity interview

Sgt. Lopez All right. I’m gonna go ahead and play your call for you

Sgt. Lopez Okay. STO Simmons, can you just tell me how that call could have handled, been handled better?

**STO Simmons** I could have started by getting his last name, which I didn’t, and my tone, my attitude, my choice of words, less is best.

- It was also discovered that STO Simmons terminated the call without trying to gather any further information yet documented the remarks with “NFI” (No Further Information).
Allegation #5:

In carefully reviewing the evidence which includes, call recordings, CAD records, interviews, and Policies and Procedures in regards to relevant information provided but not included in the CAD incident, based on the preponderance of the evidence is SUSTAINED. The following synopsizes the finding.

- Call recordings compared to the CAD remarks

This finding is addressed in the below section due to possible policy and/or training deficiencies.

Assessment of policy, training, tactics or equipment concerns

WCS: In reviewing GPO 4.06.04 Wearable Camera System, dated January 1, 2020, the Order does not address the responsibilities or expectations of officers working extended tour shifts. I am requesting that the policy be reviewed and possibly updated to include language referencing extended tour responsibilities in regards to maintaining a charged camera.

CCS: It was discovered that there was a break down in information gathering across most of the calls taken for this incident. It should be noted that the fact that every calltaker missed relevant comments stated by the callers indicates that there is a larger issue that needs a closer examination.

In reviewing the Policy and Procedure for Call Taking Procedures with its purpose described as “To establish basic guidelines related to answering and handling of calls to CCS”, it is not clearly stated what information should or should not be included in a CAD narrative. In addition to gathering basic response information such as location and caller’s name, the policy suggests placing information in a logical order to include:

- What occurred or is occurring
- When did it occur
- Who is involved – location of suspect, description of parties involved, involved vehicles, and weapons information

While listening to the call recordings, the calltakers seem to be trying to gather the information that is listed in the call taking policy rather than acknowledging and/or noting what is actually being said by the caller.

Relay of information: In addition to policy concerns, another identified problem was that information was gathered, documented, submitted, and dispatched to responding officers in a timely manner, yet the sense of urgency was a missing component. It is difficult to convey the
sense of urgency that the initial call taker hears to the responding officer because the information is passed through a dispatcher, who does not have direct communication with the caller.

The process of relaying information begins with the call taker gathering the information from the caller which is then documented and sent via CAD assignment to the dispatcher who in turn dispatches the information to the responding officer(s). This three step process can lead to the filtering out of relevant information, including the sense of urgency.

In researching 911 technology advancements, one feature in particular stood out and has recently gained popularity with law enforcement agencies. The feature allows officers to hear the 9-1-1 call in their patrol car. I recommend that the Cleveland Division of Police explore this option as an addition to the existing communications protocol. I have attached several links below that can be reviewed for further information regarding advancements in 9-1-1, a complete list is attached to the case file.

https://www.youtube.com/watch?v=yM6V5qp2Krk
https://www.youtube.com/watch?v=BFV4IfyRtCA
https://www.policemag.com/627033/livestream-911-calls-directly-to-officers

**Related CDP Documents**

Emails

CECOMS call recordings

CCS call and dispatch recordings

CAD Event Chronology report

CAD Event History 0700 hours-1500 hours

District Assignment Lineup

CAD Unit History for all patrol units assigned to A platoon on September 6, 2022

PO Sowders and PO Gill Wearable Camera System device audit trail

AVL request forms

AVL records

Average response time table
OH-1 in reference to 2022-260468

Signed Garrity forms

Letters of Investigation

Extension requests

**Assessment of whether other Division members appropriately reported**

N/A

*If weapon involved, documentation of Member's current training and certifications with firearm or secondary weapons*

N/A

**Use of Force**

N/A

**Necessity**

**Proportionality**

**Objectively Reasonability**

**De-escalation Considerations**

N/A

**Use of Force Finding**

N/A

**News Media and Media Coverage**

Specifications with specific evidentiary support

Patrol Officer Gill #171

Specification 1: On or about September 6, 2022, Patrol Officer Colin Gill #171, failed to place his Wearable Camera System (WCS) into event mode prior to responding to a call for service, violating General Police Order 4.06.04: Wearable Camera System (Effective Date: January 1, 2020).

Evidence to support specification

The Axon audit trail report logged Officer Gill’s WCS at 10% battery life when the camera was manually powered off at 1211 hours on September 6, 2022.

Safety Telephone Operator Simmons #009

Specification 1: On or about September 6, 2022, Safety Telephone Operator Mercedes Simmons #009 was discourteous and unprofessional while handling a call for service from a caller who was reporting a violent crime. STO Simmons terminated the call by telling the caller “stay on
your porch, enjoy the rain, the police is driving there, have a great day”. This is in violation of CCS Call Taking Procedures III Display Courtesy and Professionalism.

**Evidence to support the specification**

1. The call recording which is attached to the case file.
2. From the call reviews: He is asked if he knows who the male or female is, he replies “no I’m on my porch and I’m not going down there, if I do I will go down there with a gun, okay, but I’m not going there, alright”. The calltaker states “My job is to ask questions to figure out what’s going on, I didn’t ask you to go down there and I definitely didn’t ask you to go down there with a gun. I asked you do you know who they are, all you have to do is say yes or no”. He replied “no, I do not, I know the girl that lives in the house, that’s all I know, her name is Carly”. The calltaker states to the male “stay on your porch, enjoy the rain, the police is driving there, have a great day”.
3. Verbal counseling was issued to STO Simmons #009 by Sergeant Jose Torres #9199 on September 19, 2022 for failure to display courtesy and professionalism to a citizen for this call. The Form 1 detailing this counseling is attached to the case file.
4. Please note that the initial DBI was forwarded to Internal Affairs for review and this specification will be presented to the Chief of Police for further review.

**Specification 2:** On or about September 6, 2022, Safety Telephone Operator Mercedes Simmons #009 failed to ask questions of a caller reporting a violent crime, failed to document pertinent information such as “I will go down there with a gun” and noted “NFI”, meaning No Further Information, although information was not solicited, this is in violation of the Manual of Rules and Regulations 4.03 Personnel shall give full attention to the performance of their duties.

**Evidence to support the specification**

- The call recording compared to the CAD remarks.
- “I’m not going down there, if I do, I will go down there with a gun” was stated by the caller but not documented into the assignment
- “NFI” meaning “No Further Information” was noted in the CAD remarks although information was not solicited from the caller
- Garrity interview transcript:

  *Sgt. Lopez* On these types of calls. And again, just from hearing the call and, and this is where I'm trying to clarify and just make sure that I'm understanding it correctly, and this is why we brought you in, when you asked him about who they were and he responded with, I have a gun and I'm not going down there, you explained to him that you did not ask him to do so. You explained that you did not tell him to go down there and that you did not tell him to go down there with a gun. You did proceed to ask though if he was familiar or you re-asked if he knew who the parties were. And that's when, when he said no. But that is the only line of questioning that you had for this caller. Is that normally how you would handle that type of
call? I mean, would you just not ask anything else because you assume he doesn’t know or do you ask to get that information?

STO Simmons You, you are supposed to ask to get that information.

Sgt. Lopez Okay. Do you, usually do that?

STO Simmons Yes, I usually do

Sgt. Lopez And why on this call did you not

STO Simmons Because it was a stressful day. It was my off day and I didn’t feel like he had any additional information that would’ve saved the young lady’s life or in this case, help the police get there quicker. The police were already on their way when I got this call, so nothing that I did delayed the police response, which is the whole reason why we’re here.

Dispatcher Martin #128

Specification #1: On or about September 6, 2022, Dispatcher Deater Martin #128 failed to document relevant comments such as “he’s killing her right now”, “there’s a guy in there killing her, he’s choking her to death”, and “I hope she’s not dead”, this is in violation of the Manual of Rules and Regulations 4.03 Personnel shall give full attention to the performance of their duties.

Evidence to support the specification

- The call recording that is attached to the case file
- The CAD remarks entered by Dispatcher Martin were:

  CALL TRANSFERRED TO EMS CLR STS THAT A FML RAN OUT OF THE HOUSE SAYING THAT ANOTHER FML IN THE HOME WAS BEING CHOKED BY A ML

  CLR CAN HEAR THINGS BEING BANGED AROUND THE HOUSE AND GLASS BREAKING CAN HEAR FML YELLING IN THE HOUSE

Safety Telephone Operator Lamar #20

Specification #1: On or about September 6, 2022, STO Ceresa Lamar #20 failed to document relevant comments such as “I think he’s in there raping her and he beat her so bad”, “He was beating her up in there and strangling her”, and “I heard a bunch of glass breaking and screaming, then he came out butt naked and it’s quiet back there now”, this is in violation of the Manual of Rules and Regulations 4.03 Personnel shall give full attention to the performance of their duties.
Evidence to support the specification

- Call recording attached to the case file
- CAD comments entered by STO Lamar:

  ANOTHER CALL STS BLK ML OUTSIDE NAKED  CLR THINK HE SEXUALLY ASSAULTED SOMEONE  CLR STS ML WAS ASSAULTING FEMALE  NO WEAPONS SEEN

Dispatcher Hall #133

Specification #1: On or about September 6, 2022, Dispatcher Cynthia V Hall failed to document relevant comments such as “he killed her”, “I think he’s trying to clean up the crime”, “I think she’s dead”, and “I don’t know if she’s dead or what, I don’t know if she’s dead, I believe she’s probably dead”, this is in violation of the Manual of Rules and Regulations 4.03 Personnel shall give full attention to the performance of their duties.

Evidence to support the specification

- Call recording attached to the case file
- CAD comments entered by Dispatcher Hall were:

  ANOTHER KATHERIN BURNHEIMER-SAYS THE MALE IS STILL ON (BM) SAYS MALE IS NAKED/SAYS A FEM RAN OUT SAID MALE WAS KILLING HER (CARLI WF) SUSPC BM – NAKED UNK IF WEAPONS
Redaction Log

Total Number of Redactions in Document: 17

Redaction Reasons by Page

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## Redaction Log

### Redaction Reasons by Exemption

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<tr>
<td>MTR VEH/LICENSE</td>
<td>Motor vehicle/driver record information (including driver’s license numbers, license plate numbers, VIN numbers, and the entirety of a driver’s license including photos) pursuant to 18 U.S.C. 7521, et seq. (Driver’s Privacy Protection Act).</td>
<td>14(5)</td>
</tr>
<tr>
<td>TELEPHONE NUMBERS</td>
<td>Pursuant to R.C. 149.43(A)(1)(mm), telephone numbers for crime victims; witnesses to a crime; victims who received medical treatment for injuries as a result of a motor vehicle, aircraft, boating, and/or trolley accident caused by a misdemeanor or higher violation of the Ohio Revised Code; and/or, parties to a motor vehicle accident, have been redacted.</td>
<td>5(1) 6(1) 10(4) 11(3) 12(3)</td>
</tr>
</tbody>
</table>