

April 12, 2011

Editor

Forest Hills Journal  
394 Wards Corner Road  
Loveland, Ohio 45140

To the Citizens of Anderson Township:

I would like to take this opportunity to explain the facts of the arrest of Anderson Township resident, Mr. John Harmon, on October 20, 2009, on Clough Pike. During the early morning hours of that date, Deputy Ryan Wolf was on routine patrol, when he observed a vehicle being driven in an erratic manner and displaying only one headlight. The manner in which the vehicle was being operated clearly suggested the driver could be impaired and was probable cause for the deputy to stop the vehicle. When the officer activated his flashing lights and siren to have the driver pull over, the driver slowed almost to a stop and then continued east on Clough Pike at a very slow speed. The speed of the vehicle would suggest the driver was not attempting to flee, but rather was simply not complying with the attempt of the officer to pull him over. As a result of the radio traffic from Deputy Wolf prior to the stop, other officers responded to assist in the traffic stop, which is not unusual in situations such as this and is normal police procedure.

The issue here is not the traffic stop but what occurred after the deputies approached the vehicle. Verbal commands were given to the driver to turn off the motor and exit his vehicle. Mr. Harmon did not respond but sat passively behind the wheel of the vehicle. At that point, Deputy Wolf used his baton to break the window in the driver's door. The driver remained passive, and according to Deputy Wissel, who responded to assist, the driver moved his left hand toward his jacket. Deputy Wissel then deployed this TASER into the chest area of Mr. Harmon. The TASER application had no effect, and Deputy Wissel then used this TASER to drive stun Mr. Harmon on the left leg. Again, the application had no effect. The deputies attempted to remove Mr. Harmon from his vehicle with no success, and Deputy Haynes, who also responded to the scene, applied a TASER drive stun to Mr. Harmon's neck, which also had no effect.

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At that time, Deputy Cox and Ohio State Patrol Trooper Sanger arrived on the scene, and Trooper Sanger saw Mr. Harmon was caught up by the seatbelt. The seatbelt was then cut by Deputy Wissel, which permitted Mr. Harmon to be removed from the vehicle and placed on the ground. Mr. Harmon was still passive and was lying on his arm. When Mr. Harmon's arm was pulled toward his back to be handcuffed, he suffered a broken arm.

After Mr. Harmon was placed in the rear of a patrol car, a diabetic Insulin Kit was found in his vehicle, and it was discovered he was, in fact, a diabetic. The Anderson Township Life Squad responded and found Mr. Harmon's blood glucose to be low and transported him to University Hospital, where it was determined Mr. Harmon was in a diabetic emergency and not intoxicated. At the direction of the on-duty supervisor, Sergeant Stuckey, charges of Resisting Arrest and Failure to Comply were filed against Mr. Harmon.

I was made aware of this incident the next day and ordered the Patrol Division Commander to conduct a thorough investigation and submit a report to me as soon as possible. The investigation was conducted, everyone involved was interviewed, including the Ohio State Patrol Trooper. The interviews were recorded, and the video from the Trooper's on board camera was obtained.

The results of the investigation are as follows:

The initial traffic stop was reasonable because of the missing headlight and the erratic manner in which Mr. Harmon was driving. However, the officers' approach of the vehicle was flawed, and the breaking of the window was unnecessary. The number of tasings, including the drive stuns, was unreasonable. The investigation revealed excessive force was used on Mr. Harmon, and the criminal charges filed against him were not appropriate. We immediately requested that the Hamilton County Prosecutor have the charges dismissed, which was done.

The officers who conducted the investigation recommended that I take disciplinary action against the deputies involved, as well as the supervisor who authorized the charges against Mr. Harmon. I ordered a suspension from duty without pay for three patrol officers and the sergeant. This discipline was within the guidelines of the Labor Agreement between the Hamilton County Sheriff's Office and the F.O.P./Ohio Labor Council.

Three of the officers involved felt the discipline was inappropriate and filed a grievance, according to the Labor Agreement. I denied the grievance, and the officers then filed for arbitration. An independent arbitrator was appointed, and after separate hearings for each officer, the arbitrator sustained the discipline, and each officer served their suspension. This action closed the disciplinary process.

The Hamilton County Prosecutor's Office then conducted a separate investigation to determine if criminal charges should be filed against the officers. After a very thorough investigation was completed, it was determined no criminal charges would be filed. The Prosecutor even went so far as to seek an expert opinion from a California lawyer noted for her expertise on police brutality. She agreed the incident did not rise to the level of a crime.

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On December 2, 2009, Mr. Harmon filed an official complaint with this office, alleging misconduct on the part of the officers. The results of our investigation sustained the allegation in Mr. Harmon's complaint that excessive force was used during his arrest.

As a result of this incident, I ordered additional training be given to every officer assigned to the Patrol Division. This training was conducted in the form of a Power Point presentation given at each briefing, including handouts detailing how to recognize a diabetic emergency. Each officer signed off as having received this training. This was in addition to the training given every officer as part of the basic training academy.

We are currently in the process of providing additional training through a CD entitled, "Treating Diabetic Emergencies," along with handout material to be given to every officer.

It has been suggested by some that the officers involved in this matter were racially motivated. This is absolutely not true. The written complaint of Mr. Harmon does not allege this, and it was never mentioned during our investigation. Racial slurs or remarks were never made by anyone during, before or after Mr. Harmon's arrest, and this was never even suggested by Mr. Harmon.

I took this matter very seriously, and we provided additional training to all our officers immediately to ensure this never happens again. I do not believe these officers approached Mr. Harmon with any malice, but rather, they failed to recognize a medical emergency and used excessive force on Mr. Harmon, causing his injuries.

The Hamilton County Sheriff's Patrol does not have a history of using excessive force, and our record in this area speaks for itself. I believe this was an isolated incident, and given the fact we took appropriate disciplinary action coupled with additional training, I believe nothing like this will occur again.

Sincerely,

SIMON L. LEIS, JR., Sheriff  
Hamilton County, Ohio