

Meeting Dates & Events

Mon., August 5
Retiree's Meeting

Mon. & Tue., August 5 & 6
1900 Club Meeting @ FOP Hall

Tue., August 6
FOPA Meeting

Mon., August 12
Executive Board Meeting

Tue., August 13
East Side L-18 Luncheon at APG

Wed., August 14
West Side Luncheon at Triple Cats

Mon., August 26
Regular FOP Meeting

Wed., August 28
West Side Luncheon at Triple Cats

Fri., August 30
Class 115 Graduation

Mon., Oct. 7
FOP Golf Outing

Sat., Oct. 12
Car Show

Sat., Dec. 14
FOP Christmas Party

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Two-Six NEWS



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Editors . . . Doug & Bobbi Utecht

VOLUME 29, ISSUE 8

CINCINNATI, OHIO

AUGUST 2024

FOP President's Message

On June 27th, we saw what Cincinnati Police Officers stand for. They showed courage, sound tactics, restraint, and compassion. There's no doubt many lives were saved when the officers were staring in the face of evil in front of Music Hall. The actions of all the officers involved are worthy of the highest praise the FOP and Cincinnati Police can give.

Wellness and mental health for first responders is not a tag line or a talking point. We have all watched officers throughout our careers suffer from Post Traumatic Stress; most times going undiagnosed and coping in the unhealthiest manners. Thanks to the demanding work of those involved in the wellness/peer support/critical incident stress management team we have begun to make great progress.

The aftermath of this event has left a lot to be desired from the police administration. Four officers must deal with the reality that, although completely necessary and justified, a life was taken. Part of the process is being evaluated by a police psychologist. Everyone reacts to these critical incidents differently and on individual timelines. There is no right or wrong way to feel. However, when a police psychologist orders an officer to not return to duty the rank and file expects the administration to step up and take care of these officers. That was not done. It is shameful to have a Patrol Bureau Commander give an order to make an officer use their own time when a CITY psychologist has ordered the officer to remain off work. The lack of leadership is abominable.

While I recognize I can be critical, I also give praise where it's due. Chief Theetge's remarks at the initial press conference as well as the next day were extremely supportive and appreciated. She set the tone for the rest of the city leaders to follow suit to acknowledge the great work that was done by the officers protecting citizens and themselves. Chief Theetge also made the correction to make sure all officers were afforded the amount of administrative time off needed to process their actions in this critical incident.

Finally, I want to thank those who were delegates this month for the 88th Annual State of Ohio FOP Conference. The delegates elected Jay McDonald and TJ Assion to be the President and Vice President. Our own Greg Toyegas was re-elected to be our State Treasurer. There was a lot of thoughtful discussion as to who the State of Ohio should endorse for statewide races. Delegates voted to endorse Megan Shanahan, Dan Hawkins, and Melody Stewart for the Ohio Supreme Court. There was no endorsement for the Ohio Senate race.

Fraternally,
Ken Kober

POLICE RETIREES NEWS

By Mike Bolte

Retirees for Cincinnati and Hamilton County Officers Meet the First Monday of the Month and begin at 1900 hrs and will be on August 5, 2024. Call Michelle at the FOP Hall, 513-381-2550, to join IF you are not a member.

Luncheons and Breakfasts

All LEO Retirees, Active Officers and Supporters are encouraged to come and have breakfast and/or lunch at these events.

West Side: The West Side luncheon at Triple Cats is the 2nd Wednesday **and** LAST Wednesday of each month. Both are in Harrison and start at noon. The West Side breakfast is EVERY Saturday at Price Hill Chili in the Garden Room and starts at 0800 hrs.

East Side: The East Side L-18 Luncheon is always at the Anderson Pub & Grill at Beechmont/Nagel. The luncheon will be on August 13th. The East Side Saturday breakfast is at the Country Inn located at 910 Ohio Pike, Amelia, Ohio and starts at 8 am.

2024 FOP LEOSA Qualifications

Please contact Carl Rauschenberger by email or by cell phone for information: carler272@yahoo.com or 513-325-8022. Certification course is at the Fairfield Sportsmans Assoc., 6501 River Rd. There is a \$5 guest fee, and a \$40 charge for the qualification with 1 or 2 guns. The dates for training are flexible.

Recent Retirements:

Michelle Vogeler Brian Beechler Kelli Abrams
Steven Brown Ann Lally

Recent Promotions to Captain:

Victoria Weyda Robert Wilson

Greater Cincinnati Police Historical Society and The Shield

The Greater Cincinnati Police Historical Society and the Shield are always accepting donations. If you are a member of the Cincinnati Police Federal Credit Union, you can fill out a form and make a monthly donation to one or both. It is easy and tax deductible.

Florida 2025 Police Reunion Information:

February 25th, 26th, and 27th, 2025

Red Lions Lake Buena Vista
5150 W. Irlo Bronson Memorial Highway
Kissimmee, Florida 34746

Our contact is Elisa Quinones or her assistant, Salha. Tell them you are with the Cincinnati Police Reunion. Phone number to call is 407-997-3224

Price of the rooms are now:

King Rooms and 2 Queen Rooms are \$85 plus tax a night. If you plan on playing golf, contact Dave West at 513-604-1532.

The price for the Social Nights will remain at \$35 per person.

Checks are to be made out to Sandy Vickers, and sent to: Sandy Vickers, 10790 Autumnridge Dr., Independence, KY 41051.

The FOP Retirees Meeting is on August 5th.

The Regular FOP Meeting is on August 26th.

L-18 EASTSIDE LUNCHEON John Burke

Another great luncheon at the APG for the L-18 July version is in the books! 73 attendees graced the place with a special appearance by Jim Neil, Republican candidate for Hamilton County Sheriff. Superb eats, and even better networking was experienced by all. The August version is set for 8/13/24, hope you can all make it!



FOPA OFFICER OF THE MONTH

Jackie Metz

The July FOPA was held on Tuesday, July 2nd. District 2 Officers Merlin Murrell, Charles Smith, Howard Moy, Eric Gilbert, and Steven Bosse were honored for their actions while responding to an individual having a mental health crisis at Mt. Lookout Square.

On May 12th, District 2 received multiple calls regarding a female running in and out of traffic. When Officer Murrell arrived, he saw the woman running through the UDF parking lot. When Officers Smith and Moy were almost on scene, Officer Murrell approached the female and attempted to de-escalate the situation verbally. Instead, the female brandished a knife and the officers responded by attempting to taze her. The tasers had no effect and the woman continued to run into traffic with the knife in her hand. When Officers Gilbert and Bosse arrived, the female was distracted enough that Officer Moy was able to grab her by the arm holding the knife and pin her against a traffic divider with the assistance of Officer Smith. Officer Gilbert and Murrell rushed in to assist and between hand strikes and use of the taser in drive-stun mode, the officers were able to get her to drop the knife. Officers Moy and Smith were then able to get the woman in custody with the assistance of Officer Bosse.

According to Sgt. Hunter, "Throughout the encounter, Officers Moy, Murrell, Smith, Bosse, and Gilbert all exhibited professionalism and an ability to change tactics in a rapidly evolving situation while utilizing the equipment they had available to them...Their coordination, concern for public safety, and bravery resulted in the successful apprehension of an armed, unstable individual without the use of deadly force."

Excellent job and congratulations to all of these officers!



Please remember to call Michelle Comarata at (513) 381-2550 if you have moved, have gotten married or divorced, have added a child/dependent, and also to check or update your death beneficiaries.

IN MEMORIAM Greater Cincinnati Police Museum

Cincinnati Police Lieutenant Paul Freeland

Paul joined the Cincinnati Police Division in the 34th Recruit Class on September 9, 1957. He graduated first in his class, was issued Badge 443, and assigned to District 1. A year later, Patrolman Freeland was rotated to District 4. He was rotated again in another year to District 5. In 1961, Patrolman Freeland was selected to attend the highly touted "Homicide Seminar" at the Kettering Labs of the University of Cincinnati. He earned an associate degree in the science of commerce in June 1962 at Salmon P. Chase College School of Law.



On April 26, 1964, on his 31st birthday, he was promoted to Sergeant, issued Badge S-44 and reassigned to District 1. Sergeant Freeland was selected to attend the Federal Bureau of Investigation National Academy in March of 1965. On February 19, 1967, he was promoted to Lieutenant, issued Badge L-19, and reassigned to District 5. Six months later, Lieutenant Freeland was transferred to the Identification Section (City Hall) and a year later to the Homicide Squad in the Crime Bureau. During February of 1971, the newly appointed police chief reorganized the Division to include an Investigations Bureau, commanded by an assistant chief, within which was Criminal Investigation Section-commanded by a captain. On March 7, 1971, Lieutenant Freeland was appointed Acting Criminal Investigations Section Commander. In October 1971, he was transferred to headquarters to be the chief's administrative assistant. By December of that year, he was back as acting chief of detectives.

In June 1974, Lieutenant Freeland went to Washington DC to be trained by the Secret Service in Dignitary Protection. In September 1974, he oversaw the investigation and rescue in the Allison Meacham kidnapping. Lieutenant Freeland was transferred to District 3 on October 27, 1974. About a year and a half later, he was assigned as Administrative Assistant to another Police Chief. On February 24, 1980, he was assigned as Intelligence Section Commander.

He retired on May 7, 1998, with almost 35 years of service to his country and communities. Lieutenant Freeland then went on to work for the National Football League conducting internal investigations.

Lieutenant Freeland died while under hospice care on June 14, 2024, at the age of 91.

He is believed to be survived by his wife of 62 years, Sue Carol (Rees) Freeland, sons, Steven (Anita) Freeland and Gregg Freeland; grandchildren, Joshua (Ashley) Freeland, Jacob (Ashley) Freeland, Alexis (David) Monnin, and Jordan Freeland; as well as seven great-grandchildren.

Our thoughts go out to this family and friends.

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Make sure to call the FOP Hall at (513) 381-2550 to notify them of a death of a retired police officer.

COMMUNICATIONS COUNSEL

Ryan Stubenrauch / Jamieson Gordon

Our crisis communications story this edition is coming from sweet home Alabama.

After a gag order hearing in the murder trial for an officer-involved shooting, the Police Chief, Todd Pinion, released a statement. In the hearing, some details were revealed including that another officer used a fake name to make comments on the case in Facebook replies, in response to questioning from prosecutors.

The letter from Chief Pinion in its entirety is below:

"I feel it is necessary today to address public concerns over some recent negative interactions between Officers of the Decatur Police Department and a few members within our community. It is important to me that our citizens understand that I do not condone officer misconduct, and as such, we are currently reviewing those concerns, which are in various stages at this time.

As is our usual practice, while the review continues certain officers will be reassigned to administrative duties to better facilitate this process. Once the review is completed, the results will be provided to the Legal Department for a determination of what suggested personnel action, if any, is appropriate.

That determination will be forwarded to the Mayor, as the appointing authority, for him to decide whether a hearing with any employee is justified in order to provide the employee an opportunity to respond. Since this is a personnel process, it will proceed internally and any action taken will remain internal until the process is completed.

It is my commitment to address concerns and provide counseling, guidance and other personnel actions, including discipline for the betterment of our Citizens, our City and our Police Department.

The process will continue but due to this being a personnel issue, it may not appear to move as quickly as some would like.

I prefer complete transparency in all matters that concern the safety of our community and officers. However, laws dictate what that level of transparency looks like in personnel and criminal cases.

Thank you."

This is a solid statement. Notice that he included an aspirational statement of his commitment to the community's concerns, information about the discipline and review process, and a brief note on why he can't share more details just yet. It's always a good idea to explain the process when it's unfamiliar and there's not much that can be said yet.

He's also set expectations for a timeline to be longer than some would like. This isn't a bad idea if he suspects that people will start questioning a slower pace of the investigation.

One potential improvement we would recommend is putting the aspirational statement ("it is my commitment to address...") closer to the top in case folks don't read all the way through the statement. We definitely want them to see that part of the statement specifically, and knowing attention spans have diminished, it'd be wise to put it closer to the top.

Second, we'd always like to see people talk more like humans and less like robots! Terms like appointing authority have no business in a statement to the public. Anyone outside government has little to no idea what that term means.

This is one of the better statements we've seen. Great job, Sheriff!

MEMBER SUBMITTED ARTICLE

Sgt. Dan Hils

This is not okay!

Funny that this all started with that innocent okay hand gesture made in city hall by a SWAT officer during the unrest of 2020. Terrible human beings began to harass that SWAT officer and his family by "doxing" them. It was a scary time for everyone in law enforcement, but especially this family. The doxing was putting the officer and his family members in physical danger with the release of home, work, school and even family sporting activity locations.

I was the union president at the time and I regularly consulted with an attorney that was not our union counsel. This attorney had demonstrated an ability and desire to help police officers when more traditional means were ineffective.

This attorney met with the officer and his wife. His strategy was to throw everything possible at these jerks. There were several filings including a civil stalking order which had immediate effect. The stalking and doxing stopped!

The lawyer has never and will never charge the officer a penny! He was disgusted with what was occurring to this officer and decided to help him and his family.

So, what is not okay?

I was sent a letter authored by our union council that is intended to go in the monthly newsletter, "the 26". Our counsel highlights a ruling, which is being appealed, recently went against this officer and his attorney. The ruling indicates the officer and his attorney could be fined due to the filing of defamation law suit which has been thrown out.

The attorney told the officer in the outside possibility that the ruling stands and ever include an actual dollar amount that he would cover all of it.

After reading this letter, I called the officer involved. He is 100% appreciative of how this attorney jumped in to help his family! He is most appreciative that this will never cost him a dime. The attorney, the officer and his family are now good friends.

(continued on page 5)

Police Officer and His Attorneys Ordered to Pay Defendants for Frivolous Lawsuit Filed on Behalf of Local Police Officer

Steve Lazarus, Esq. • Lazarus & Lawson, LLC • SteveLazarus@hlmlaw.com • (513) 607-4455

On May 22, 2024, the Ohio First District Court of Appeals determined that a local police officer (“Officer”) and his attorneys filed a frivolous lawsuit. The Court ordered that they pay sanctions to the Defendants. The case will now be sent back to the Hamilton County Court to determine how much money the Officer and his attorneys must pay to the Defendants.

In 2020, the Officer made a hand gesture at a city council meeting that prompted several individuals (“Defendants”) to make posts on social media portraying the Officer as a “white supremacist,” and threatening to publish his personal information on social media. In July 2020, the Officer, through his attorneys, filed a complaint against the Defendants alleging defamation, false light invasion of privacy, and negligence/recklessness. In March 2023, the trial court dismissed the complaint because police officers are public figures and there was no actual malice, concluding that, “all of the Defendants’ statements were either true or constitutionally protected statements of opinion.”

Following the dismissal, the Defendants filed a motion for sanctions against the Officer and his attorneys for frivolous conduct for ignoring the controlling legal standard as established in the landmark case of *New York Times v. Sullivan* (“*Sullivan*”). *Sullivan* established the right to free expression and utilized the ‘actual malice standard,’ “obligating public figures suing for defamation to satisfy a stringent test that requires that the speaker acted with the knowledge that the statement was false, or with reckless disregard to the statements falsity.”

The Officer’s attorneys had fourteen days to file a response to the motion for sanctions but failed to respond to the motion. As a result, the Defendants moved the court to grant their motion as unopposed. Once the Officer became aware of the fact his attorneys failed to even file a response with the court, the Officer himself requested leave to file a response out of time and filed a memorandum opposing the motion for sanctions. His attorneys did not join in the motion or request leave to file a response out of time. The trial court ultimately denied the motion for sanctions. Defendants appealed the denial of their motion for sanctions and the Officer appealed the trial court’s dismissal of his claims.

The First District Court of Appeals dismissed the Officer’s claims alleging defamation because the lawsuit failed to plead actual malice as established in *Sullivan*. After denying the Officer’s appeal, the Court unanimously held that the Officer’s attorneys filed a frivolous lawsuit by ignoring the controlling legal standard in *Sullivan*. In evaluating the frivolous conduct claim, the Court considered whether a “reasonable attorney would have brought the action in light of existing law.” The *Sullivan* standard is derived from the First Amendment of the U.S. Constitution, and requires

that “public figures, such as police officers, show that the defendant’s statement was made with ‘actual malice,’ which is ‘knowledge that it was false or with reckless disregard of whether it was false or not.’” In the Officer’s case, the Officer’s attorneys never cited *Sullivan*, never defined the actual malice standard, never explained how the defamation claims would fit within the *Sullivan* framework, and never disputed that *Sullivan* governed the case. Instead, the Officer’s attorneys cited common law malice, which the Ohio Supreme Court has repeatedly held does not apply to defamation claims involving public figures.

As a result, the Court granted the Defendant’s motions for sanctions for frivolous conduct against the Officer and his attorneys, holding that “no reasonable attorney would have brought his defamation claims without expressly acknowledging and addressing the existing legal standard under *Sullivan* and fairly arguing either that Defendant’s acted with actual malice and defined by *Sullivan* or for a modification of or exception to that legal argument.” The matter has since been sent back to the Hamilton County Court of Common Pleas to determine the amount of money that the Officer and/or his attorneys must pay to the Defendants.

Legal Lesson Learned: For cases involving defamation of public officials, including police officers, actual malice must be alleged. Failure to adhere to existing law and controlling legal standards can lead to sanctions against both the Officer and his attorneys. Officers seeking recovery for injuries suffered as a result of defamation should seek experienced attorneys who will not file frivolous lawsuits, potentially resulting in sanctions against both the attorneys and the Officer. Finally, if an opposing party files a motion with the court, make sure you have retained attorneys who will file a timely response to that motion to avoid default judgments.

(continued from page 4)

My opinion on this letter from our union counsel is that he is “celebrating” the set back the officer and his family had in this incident. To celebrate this is not only not “okay”, but appalling. I have heard our union counsel report repeatedly whenever this one particular attorney has any rulings against him. This attorney’s wins way outnumbers his loses, yet I have never once heard our counsel mention any of those successes. Why is our very well-paid counsel monitoring the work of this attorney, but only reporting when there is a negative?

Full disclosure is I now work with the attorney who generously defended this officer and his family. If you ever need someone who truly advocates and cares about police officers reach out to me.

Daniel Hils, Retired CPD Sergeant and FOP member

9th DISTRICT TRUSTEE Jon Halusek

The delegates that were elected to represent you at the Fraternal Order of Police of Ohio Eighty-Eighth Conference 2024 in Dublin Ohio, conducted the business of the State lodge representing Queen City Lodge 69. Listed below are the highlights of what occurred.

The new State FOP Board is as follows:

President: Jay McDonald

Vice President: TJ Assion

Secretary: Travis Parker

Treasurer: Greg Toyneas

Second Vice President: Bill Saringer

Sergeant at Arms: Shari Robertson

Immediate Past President: Gary Wolske

9th District Trustee: Jon Halusek

State endorsements were made and voted on by the floor and they are as follows. It took 60% of the seated delegates to confirm the endorsed candidates; if that does not occur, then it becomes a no endorsement.

Senate

Sherrod Brown v Bernie Moreno. The endorsement committee voted to endorse Sherrod Brown. Sherrod Brown did not receive 60% of the vote, so it was a no endorsement.

Ohio Supreme Court

Judge Forbes v Judge Hawkins. The endorsement committee voted to endorse Judge Hawkins. The floor upheld the recommendation and endorsed Judge Hawkins.

Judge Deters v Judge Stewart. The endorsement committee voted to endorse Judge Stewart. The floor upheld the recommendation and endorsed Judge Stewart.

Judge Shanahan v Judge Donnelly. The endorsement committee voted to endorse Judge Shanahan. The floor upheld the recommendation and endorsed Judge Shanahan.

The floor passed the following Constitution and Bylaw Amendment:

ARTICLE II-PRESIDENT

Section 1 Meetings and Legislative Chairman

The President may:

- a. Call regular meetings of the Board of Trustees and shall call a special meeting upon written request of not less than four (4) members of the Board. The secretary shall send a notice of any special meeting via email, with delivery confirmation and read receipt requested to each member of the Board stating the time, place and date of the meeting and the business to be considered, unless waiver of such notice is signed by all of the members of the Board of Trustees:
- b. With the advice and consent of the board of Trustees appoint a legislative chairperson who shall promote legislation in the furtherance of the purposes of the Fraternal Order of Police and oppose legislation detrimental thereto, *except for certified State Issues determined directly by a vote of Ohio voters in a general*

election. The legislative chairman may call upon and officer of the State Lodge and any officer or member of a subordinate lodge to assist him in the performance of his duties.

With respect to any certified State Issue being placed before Ohio voters in an election, all decisions concerning the endorsement or opposition of said issue shall be determined by the delegates at the annual Ohio State conference. If a vote of the delegates is unattainable due to the timing of an election, all decisions concerning the endorsement or opposition of any issue shall be decided by a vote of the State Board of Trustees.

The legislative chairman and all persons authorized to assist him in the performance of his duties shall be compensated in the performance of official duties. The legislative chairman shall present to each annual conference, a written report of his activities which the Secretary shall make available to the delegates.

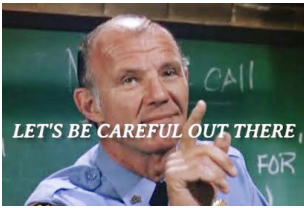
The legislative chairman shall have the authority to incur obligations for and on behalf of the State Lodge in the performance of his duties subject to review by the Board of trustees, *except for certified State Issues determined directly by a vote of Ohio voters in a general election.*

On the National Front:

The House version, H.R. 82, has reached 323 cosponsors. The FOP has been working with the bill's sponsors, Representatives Garret N. Graves (R-LA) and Abigail D. Spanberger (D-VA), to get a markup in the Committee on Ways and Means. After weeks of discussions, the Republican majority offered a proposal that falls far, far short of our goal of fully repealing the Windfall Elimination Provision (WEP) and Government Pension Offset. Representative Graves pitched the plan to the FOP, the International Association of Fire Fighters (IAFF), and other stakeholder groups which roundly rejected the proposal as insufficient for our members. With the available legislative time running short Representative Spanberger has introduced a special rule that provides for the consideration of H.R. 82 on the House floor. Once the special rule has been on the legislative calendar for a specified number of legislative days, she will file a discharge petition on the rule. A discharge petition is a legislative mechanism to move legislation directly to the floor provided it is signed by 218 Members of the House—with 323 cosponsors, we believe we can succeed, but it will take time. The D.C. staff is preparing a lobbying campaign, so check back on our website and social media pages often for the latest information!

To date this year 80 officers have been killed in the line of duty along with 11 K9 officers. We are up 5% from this time last year.

Please watch each other and cover over, as I have said many times one is too many.



ROLL CALL

Doug & Bobbi Utecht

Fallen Motorcycle Ride & Stephen Watt Day - Jim Brown Facebook page

Saturday, May 18th, was the MC Memorial for Fallen Officers. Thank you to The Shield and Hamilton County Police Association for making this year's ride a huge success.

Mayor Aftab Pureval signed a declaration declaring Saturday, May 18th, as "Stephen Watt Day" in the city of Cincinnati. Thank you, Steve, for all you do for the Law Enforcement community!

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