GREATER CLEVELAND
TRANSIT POLICE DEPARTMENT

PCCP-1: INITIAL COMPLAINT REPORT

Name of Complainant: [redacted]
Address: unk **City: unk** **State: unk**
Telephone Number: unk **D.O.B.:unk** **S.S.N.: unk**

Name of Victim (if different from complainant): unk
Address of Victim (if different from complainant): unk
Telephone Number of Victim (if different from complainant): unk

Date and Time Complaint Received: 2/9/2024 Complaint taken by whom: Legal Dept.
How received: ___In Person ____Via Telephone __X__Other (Explain): Notice of Claim to Legal Dept. (See attachment A)

Email

Location of Alleged Incident:
Date and Time of Occurrence: 1/23/2024
Involved Employee Description: [redacted]
Alleged Employee Misconduct:

Witnesses: **Name: N/A** **Address:**
Telephone #: **S.S.N.:** **D.O.B.:**
Name: **Address:**
Telephone #: **S.S.N.:** **D.O.B.:**

Was the complaint adjudicated at the time of receipt? ____ YES ___ NO X
Remarks

Signature of Complainant

COMPLAINANT'S RECEIPT

Supervisor receiving complaint: Ronald Darden #908
Date and Time received:
Nature of Complaint:
ATTENTION COMPLAINANT – Making a false report/complaint can result in criminal and/or civil action against you.

GREATER CLEVELAND
TRANSIT POLICE DEPARTMENT

PCCP-1: INITIAL COMPLAINT REPORT

TRANSIT POLICE ADMINISTRATIVE OFFICE: (216) 356-3850
TRANSIT POLICE MAIN NUMBER: (216) 566-5163

Notice of Claim

TO: GCRTA CEO India L. Birdsong Terry, Chief Jones. [redacted]
1240 West 6th Street
Cleveland, Ohio 44113-1877

Attn: Transit Police, Public Records, GCRTA Janet E. Burney/ Legal Department, HR George F. Fields

On February 24th, 2024 at approximately 10:10 am to 10:30 am, there was an illegal Terry Violation and detainment issue that went bad, due to a non criminal matter (public concerns over firearms are no cause for "stop and frisk" of targets as citizens have a right to as of Senate Bill 215 in 2022 to conceal carry, permitless carry, open carry, as well exercise there 2nd, 4th, 1st, 14th and 10th rights federally as your political subdivision is under state and therefore bound by the Constitutional protections of Terry v Ohio as other ruling law. There was no danger being reported to dispatch of GCRTA TRANSIT POLICE, This was a questionable stop that turned into a baf stop and then detainment then frisk and then visual and manipulative contraband search yet became even more lawless by the actions of [redacted] OF Transit Police, were unlawful and a failure to identify, give supervisory information when prompted several times, are violations of public safety and [redacted] **and his family's rights, as the stopping and frisking of minorities arbitrarily** *and abuse of officer contact and police safety to stop and id and warrant check are key issues legally and are at the heart of* **public trust during African American History Month and being sent for news media and digital YouTube pending release.**

Terry v. Ohio represents a clash between Fourth Amendment protection from intrusive, harassing conduct by police when no crime has been committed, and the duty of an officer to investigate suspicious behavior and prevent crime. Let's make this clear, his family is unsettled, as he was almost shot initially and told he could record or grab his phone after he declared he had no gun and was in a time sensitive matter and cooperative.

Only armed persons (concealed carry holders and permitless holders) have to forgo reaching towards, touching the firearm and declare a "weapon" when asked, this was a unarmed disabled veteran and landlord walking downtown as a pedestrian that was " uses lyft, uber, ebikes and scooters downtown, as well and shops and dines downtown " and this transit police stop was unconstitutional.

[redacted] **returned to backwards to the transit police direction, upon arrival was both non fleeing, helpful and declared he had no gun yet was embarrassed, denied proper procedures, treated to unprofessionalism including profanity and attempts to cuff him and do a contraband search without any personal observations , "articulated" for or to justify any Frisk for weapons or even the stop initially. Yet this pattern continued to the comments, by Transit Cop "under color " [redacted] , "Claiming he doesn't work for the public. And he doesn't have the ID or give his badge number nor his supervisors information." These transit police stops and frisks on public easements away from bus stops are illegal. Yet the refusal of this transit cop are all predatory and unlawful and against department policy and by law it states,** as only "a limited search for weapons, generally of the outer clothing, but also of those areas which may be within the suspect's control and pose a danger to the officer " are allowed, as law enforcement agencies teach officers to frisk via a "pat down" of the

suspect's outer clothing, after a crime, or for officer safety when alone at night or early morning. Yet based on non anonymous tip even if given a description of a person, a actual crime had to occur to have *reasonable suspicion, personal observations, and immediate recognition to conduct this level of "stop and frisk" while detaining by a arm "torque" hold any unarmed pedestrian walking on public streets regrettably* for this officer this was recorded and his family is well known in Ohio. There was no Legal Basis, thereby lawful Justification for a Stop and Frisk.

This is a bad stop and frisk as The officers relied solely on the Anonymous tip.. Nor can this officer off duty, citizen or anyone be automatically frisked even if lawfully "stopped" under Terry in addition reasonable suspicion that Criminal activity is afoot is required.

Key Issues :

The officer [redacted] must also be able to articulate "Reasonable suspicion" that the suspect is Armed and dangerous. "Officer Safety" Alone will not justify a frisk. The limited weapons check as an pat down was unlawful, based on an non criminal dispatch call received and no reasonable suspicion, jurisdiction, even for licensed peace officers of GCRTA staff for Transit Police, nor evidence search nor unprofessionalism called for and was unconstitutional, as [redacted] seeks damages, for both pain and suffering, to prevent further issues as these from escalating in the interest of public trust, the shame and damage to thus shoulder pending left labrum damage by this left arm hold and illegal detainment wrist torque technique applied by To intentionally behave to inflict emotional distress and physical harm covertly by arm lock and wrist torque while holstering with his left hand his firearm , the use of profanity and lack of professionalism, make this matter intentional and no mere accident or rookie mistake. This was malicious, unlawful and careless abuses of discretion and code of conducts of his employee and set escalation of force continuum standards and against public publication safety in the USA.

" An officer / agent

Cannot automatically frisk everyone

Lawfully "stopped" under Terry. In

Addition to reasonable suspicion that

Criminal activity is afoot, the officer /

agent must also be able to articulate

reasonable suspicion that the suspect is

armed and dangerous. "Officer Safety"

alone will not justify a frisk. Terry v. Ohio, 392 US 1

Reasonable Suspicion that the suspect is armed and dangerous (see the previous article for a discussion of what constitutes "reasonable suspicion").

"Plain Feel" Doctrine: If while conducting a valid stop and frisk for a weapon, an officer feels what is "immediately recognized" as contraband, the contraband may be lawfully seized.

The incriminating nature of the contraband must be "immediately apparent." If an officer / agent must "manipulate" the item to figure out it is contraband – it is not lawfully seized.

"Plain Feel" Doctrine: If while Conducting a valid stop and frisk for a Weapon, an officer / agent feels what is "immediately recognized" as contraband,

The contraband may be lawfully seized. Yet why check at this point by [redacted] To intentionally behave to inflict emotional distress and physical harm covertly (left arm lock and wrist torque) while holstering with his left hand initially ,drunk for evidence for contraband as a last resort to a false arrest and prolonged detainment is a violation of federal and state statue and clearly violated [redacted] rights.

The incriminating nature of the contraband **must be** "immediately apparent." If an Officers and Agents must "manipulate" the item to figure out it is contraband, these persons are conducting bad stops and bad frisks, and it is not Lawfully seized and thrown out and dismissed by law. What was this officer even thinking in this matter.

This was a bad seizure , unlawful detainment, and violates the grounds for a Frisk and Plan View Doctrine, as performed by a litmus test, as defined was a failure as the Officer [redacted] TO INTENTIONALLY BEHAVE TO INFLICT FURTHER LEGAL HARM AND CONTINUE THE LAWLESS AND EMOTIONAL HARM TO THIS LAW ABIDING PERSON WALKING., and advanced the escalation and scope of searched for contraband, as it became manipulative, and advanced as visual [redacted] did a internal pocket inspection, and further after telling [redacted] to "shut up and ", and use of verbal profanity, he had no immediate recognition, manipulated and neither immediately identified nor performed well as an officer. **This is a classic bad Terry stop and seizure of person** [redacted] as a pedestrian unarmed due to a dispatch description or an anonymous tip regardless.

Summary :

This was a unjustified stop for "Frisk" : *An anonymous tip alone, even if detailed, cannot form Reasonable Suspicion to conduct a stop and frisk. The officer / agent must add personal observations to corroborate and / or add to information received from the anonymous source. Florida v. J.L., 529 US 266 (2000) Clearly, dispatch receiving a call over a gun is no reason for a bad stop and illegal frisk and violation of the Plain View Doctrine.*

- No probable cause, as he was stopped for no suspicion of a crime, or arrestable offense, as having a firearm either " open carry " or permitless carry" is lawful in Ohio as of Senate Bill 215.
- [redacted] was , even as a "peace officer", the jurisdiction of this agency GCRTA Transit Police and Curtilage, on the easements of public space away from any BUS STOP and across the street from any BUS STOP as per Federal, State, Local law and by GSI survey.
- [redacted] had declared, he was unarmed with a firearm, was cooperative, and a pat down was performed after the unlawful detainment. Further, Use of Force Issues: Since a Terry stop is an "involuntary" detention, reasonable force may be used to execute the stop and,

if justified, the frisk. Graham v. Conner, 490 US 386 (1989) *at Headnote 9: The right of law enforcement officers*.

- [redacted] was neither *fleeing suspect and using reasonable force to overcome resistance to a lawful frisk. The force used must be reasonable under the circumstances.* ***A detainment by left arm torqued and wrist lock, before a personal observation, and without a crime even articulated or alleged, to escalate a bad Terry Stop to a Visual and manipulative search is unlawful,*** *. The US Supreme Court has used language such as "some degree of physical coercion" in describing permissible use of force to execute a Terry stop. New York v. Earl, 431 US 943 (1977)*

Even if [he] was armed or ran upon sight of GCRTA Transit Police. Those ***two matters would never be able to justify a stop and frisk***. And are bad stops and violations of Terry v. Ohio. Nor would the addition of the precursor of an anonymous tip make this process even legal. There has to be a clear crime, to have probable cause. And violations of if armed of the permitless conceal carry law and concealed carry holders law, **and** neither applied as [redacted] had declared he was a pedestrian walking in a time sensitive matter. *Had stopped and never ran , and even if he did run, this Officers conduct would of put* [redacted] *freedoms and safety in jeopardy as this officer was further holstering his weapon and even if a weapon was found, this matter would have been suppressed, thrown out as officer safety matters no reason for conviction even if stopped, and thrown out, unless the officer had seen the gun being pulled or grabbed, or the person was wanted for a crime and deemed armed and dangerous, as to actions.* [redacted] *was neither armed, fleeing, or dangerous, and cooperative and declared yet even still a unlawful detainment occurred, then an bad stop continued to a violation of plain feel doctrine , and became unprofessional, profane, refusal to id himself and supervisor, advanced an illegal plain feel into manipulative, advanced internal visual , "non plain view and non feel view doctrine complied " stop for contraband and evidence search as clearly seen by the non immediate and manipulation of* [redacted] *pant, visual inspection, and " manipulative non immediate " as the Transit Cop* [redacted] *failed to do his job, perform his duties, maintain professionalism, nor did he recognize the item as contraband upon touch, he escalated the use of force and which is another issue as this was a Transit Police stop on pubic easements by GSI away from any same street side bus stops, and this is grounds for dismissal and even if a gun was found, this would be a suppression of evidence, or dismissed as Officer safety nor a personal observation was made as both armed and dangerous require observation, outside of mere officers being. Alone to be articulated.*

Numerous issues and this officer needs to be firstly suspended and furthermore retrained and maybe fired due to the [redacted] matter and a quick settlement and notice of claim as forwarding to HR, Legal are required as of now and we request a follow up for possible policy changes and future injunctive relief in the interest of public safety in Greater Cleveland, and for departmental discipline and that response by email to [redacted]. Or directly at [redacted] or [redacted] regarding all legal matters or directly to [redacted], as to avoid any authorization release issues to body camera, as ***we have requested the photographic evidence and logs from GCRTA Transit Police dispatch from February 24th 2024 regarding all activity on Bus Number #3865 Route 14,*** [redacted] ***have them emailed or digitalis for USB delivery, and notify if costs exceeds as to our own expense $1 per page or $10 for the USB DRIVE.***

"Stopping" and "Frisking" a Person are Two Different Things: An officer at GCRTA on a "non easement parcel/non bus stop or GCRTA curtilage cannot automatically frisk **everyone who uses public transportation** nor regressed, or ingresses or egressed from RTA property lawfully "stopped" under

Terry. In Addition to reasonable suspicion that Criminal activity is “at large”, the officer at Transit Police of GCRTA must **also** be able to articulate Reasonable suspicion that the suspect is Armed and **dangerous**. “Officer Safety” Alone by law no longer and never in 2024 justify a frisk. And personal observation and the ability to immediately recognize a firearm during a weapons search “ Frisk”, or have a suspicion of a crime to have to happen before a involuntary detention, **then** a pat down or “frisk” and Plain Feel Doctrine go into effect yet even if any firearm or contraband or evidence needed was found or else the stop, frisk, arrest even with a firearm due to mere suspicion, is suppressed, unlawful and dismissed, as armed and dangerous, and a crime have to occurred plus the added procedures above.

We are seeking a quick settlement yet, because you are. A political agency of the state, we will be filing our notice of claim and post discovery seeking. Mitigation. In this arbitration and we want you all to cooperate. Or we will turn this into a social media campaign during African American History Month. If any resistance or there any attempt to turn [redacted], who was a textbook example of what to do. Wouldn’t stopped. Becomes another less attack someone due to size., weight, or veteran discrimination. Our veterans and African Americans need not be targeted because of these historical inept patterns and systems of corruption or the color, size, weight, make of their clothes, as with this situation targeting a veteran on a side and city block with no bus stops, clearly. Be targeted on public streets [redacted] is doing this because he realized and I’m going to end this very shorty and briefly. That anyone can make a anonymous complaint and whether it was a rival or a mischievous person, or far left or far right personas maybe even a swatting call. That’s the nature of America, and police have a right to respond. Yet there is jurisdiction, even as a “peace officer”, and law, legal procedures and safety policies. And when an adult, teenager or child is walking to his or her house, you don’t expect an officer to be pulling up from Transit Police Trying to throw violate known laws, stop and frisk premeditated while holstering for a **non crime then detainment before a frisk and contraband search and visual search, all unlawful.**

All this goes to show is this could have been a classic example of African America being. Murderous or murdered? While they’re being erased. In public space and society where we have too many serial killers and far right, far left concerns to be targeting. African Americans coming to and from based on non arrestable offences. If minorities want to travel with rifles and they’re above the age of 21 and they have a holster and firearm, why would transit police think that they can stop people to do ID and gun checks?. [redacted] feels that if this was a European. This would have never happened, any one over 18 could have open carried a rifle as well as permitless carry and concealed carry over 21. In 2024, We do not want to see transit police racing down the public street anywhere to automatically “stop and frisk” without any crime or personal observation or to think citizens when thinking they are going to stop and frisk people because some and can run from police legally and even with an anonymous tip , and a gun was found it would be all illegal **by law.** This officer needs to be reminded of his duties as a public servant and to comply with [redacted] **direct orders for [his] badge and name, as [redacted] is 100% service connected and totally and permanently T&P (HIPAA ENVOKED) , and needed assistance and accommodations with law enforcement and needed the supervisor name and [he] was in a hurry and** confused about the law at the time and on a public easements/sidewalk away from any bus stop by over a 100 feet.

To perform a Frisk after a stop, with no need on this disabled African Americans Veteran for a non crimes, with the use profanity, discourteous, refuse to follow law as to plain view and feel doctrine are departmental failures for review. And may warrant both policy changes and termination yet at least and formal review and mental evaluation before retraining and feedback and demotion(s) reviews. As if there was laws to violate in 2024, hence no crime had ***been or was*** being commented or witnesses by

him to warrant any false imprisonment or physical injury or emotional harm/distress , or was reported to GCRTA Dispatch, **even if armed or by a description in a non crime** and Transit Police should have took a personal observation mode only. And never detained then frisk and do a contraband search manipulatively at that. This is escalation and lawless overstepping the job description and juridical jurisdiction, as a "peace officer", Will also agree, even though [redacted] was. Very cooperative. He could have ran away. And as long as he didn't reach for a weapon, if a weapon was found, it still would have been dismissed, As contact with police is voluntary. Until requested. And being armed has nothing to do with being armed and dangerous to warrant. Even being detained for fleeing from a police officer. By current Ohio Revised Code. Legally. Yet the issue is. [redacted] was involved in a involuntary detention. And was cooperative by declaring he had no weapon, therefore he was no longer under any permanence of being armed Or conceal carry criteria for a frisk. Therefore, the best Transit Cop "under color " [redacted] could have done is do a safety pat down if contact was made within the GCRTA transit police jurisdiction, if this is a currently licensed "peace officer", "under color", as well. Everything else was unwarranted as there was no reasonable suspicion to even stop [redacted] as no crime had occurred.

The principal element of damages In an action for false imprisonment is the loss of freedom. Sometimes, a court also takes into account the fear and nervousness suffered as a result of the detention. Pitts v. State, 51 Ill. Ct. Cl. 29 (Ill. Ct. Cl. 1999).The tort of false imprisonment involves an unlawful restraint on freedom of movement or personal liberty. Therefore, two essential elements to constitute false imprisonment are:

- *Detention or restraint against a person's will,*
- *Unlawfulness of the detention or restraint.*

Ette v. Linn-Mar Cmty. Sch. Dist., 656 N.W.2d 62 (Iowa 2002).

We seek damages in amount of. **$60k** in a settlement in 45 days. This complaint will be automatically amended to the maximum $*250k* due to the " actionable offense itself ", conduct afterwards by [redacted] and/or including fright, shame, and mortification from the indignity and disgrace. Plain View and Fell Doctrine Violations during this brief encounter with this transit cop on public streets away from any bus stop and to prevent this type of action any further as it escalates the use of force continuum and fails to prevent civil rights violations on public streets by GCRTA TRANSIT POLICE. In Terry v. Ohio, the Supreme Court rules that 'stop and frisk' fell under the fourth amendment decrees in that citizens have a right to walk freely without being stopped by the police.

Stop and frisk law must be based on more than whimsy but less than probable cause; it must be based on (1) reasonable suspicion, (2) good cause to believe, and (3) articulable suspicion. In Terry v. Ohio, the Court ruled that officers have the right to stop and pat down a suspect if they have reasonable suspicion that the person may be armed. The basis for this decision was officer safety as was the case in Sivron v. New York, in which the Court ruled that police officers must articulate their fear that the suspect is armed in order for the stop and frisk case to be valid. The Court also set scope limitations of the stop. It cannot be a full-scale seizure of a person; it must be within reach; and it must last only a little while. Similarly, police officers can frisk a suspect only for what is absolutely necessary (e.g., looking for a weapon), and the risk must be a limited search (a pat down of the exterior clothing of the suspect). The police must

have a flexible set of escalating responses beginning with an articulable suspicion and extending to a reason to believe that the suspect is armed.

Stop and Frisk. American Judicature Soc, US Dept of Justice, American Judges Assoc, American Academy of Judicial Education.

In conclusion, the malicious, Callous Nature. and basic disregard for [redacted] rights, refusal to ID, and due to his torn left labrum, left shoulder pain pending surgery and the failures to follow the reasonable suspicion indicators and proper escalation proceeds led to a condition and lawless Detention, and bad stood, and failed to keep this innocent Man and protected class free from harm and distress, as he and his property were legally "seized" for an extended prolonged investigation, under a time sensitive emergency as explained which further fails the time stipulation, to require damages.

The person who suffered may recover nominal damages as well as compensation for mental suffering, including fright, shame, and mortification from the indignity and disgrace, consequent upon an illegal detention. Barnes v. District of Columbia, 452 A.2d 1198 (D.C. 1982).