

OFFICE OF THE SHERIFF

SHERIFF DEBORAH K. BURCHETT

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IA-2018-076

Internal Investigation for Yellow Springs Police Department

On December 18, 2018 I was notified by Clark County Chief Deputy Jeff Meyer that Patti Bates, Yellow Springs Village Manager had contacted him to see if our office could assist the Village of Yellow Springs to conduct an internal investigation on a member of their Police Department. Chief Deputy Meyer assigned this internal to myself and Deputy Amanda Mitchell.

Background on reason for Request for Internal:

On December 20, 2018 I met Patti Bates, Yellow Springs Village Manager at her office at 1000 hours. She advised there had been an accidental shooting call in the village on December 13, 2018. She stated when the dispatcher received the call, there were two officers in dispatch. One was a rookie officer who was the officer on duty at the time. She further stated the other officer, David Meister was there, as he had just finished paperwork from a late call. She stated the rookie officer, Officer Paul Raffoul responded to the scene of the shooting, but Officer Meister advised the dispatcher that he was going home and she should call a supervisor. Ms. Bates has concerns this violated the Yellow Springs Police Department Policy, Village of Yellow Springs Personnel Policy, and also safety concerns for the involved parties and the general public. She provided me copies of the policy and the Oath of Office form. I was also provided a copy of the incident report from the call in question. Finally I was provided with the DVD with the cameras from the office building and also several 911 calls received by the dispatcher from Officer Meister and his wife. I advised her I would review these items and I would send notices on when the involved parties in this matter needed to appear before us for the interviews on the internal investigation.

On December 26, 2018 I reviewed the video first. The video where the officers were standing and dispatch was located was the main camera. At 2228 hours, Officer Raffoul leaves the building and Officer Meister stays behind in dispatch. This is when Officer Raffoul went to the

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scene of the call. There did not appear to be any communication between Officer Raffoul and Officer Meister when he left. The camera then shows Officer Meister as it appears he is listening to radio traffic on his portable and looking at his phone. At 2232 hours, Officer Meister leaves the area.

On the same date, I then listened to the calls into dispatch. The first call the caller states this is [REDACTED]. I did confirm that [REDACTED] is the wife of Officer David Meister. She states she is at [REDACTED] house. She indicated that [REDACTED] is the wife of the deceased. She stated she is flipping out and needs verification. Dispatcher Peterson advises her she cannot give that. She then states that Dave just came over. The next call, Officer Meister calls in. He ask if someone is going to make notification to his wife. [REDACTED]

[REDACTED] The next call is from Zoe again. She calls back in with the phone number for [REDACTED]. The final call is from [REDACTED] again. She called in to see if Nipper is awake and aware of this. It should be noted that during the upcoming interviews, we will be asking why and how Officer Meister's wife knew so much about what had happened on this call.

Finally on December 26, 2018, I emailed the notices to appear for the internal investigation to Village Manager Patti Bates. She emailed me back the copies later showing that the Police Chief personally served all of these notices on the same day. The date for the interviews will be Wednesday January 2, 2019 starting at 1600 hours in the Art Room at the Village Offices in Yellow Springs.

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Interviews for Internal Investigation:

On January 2, 2019 we began the interviews with the following three people, Dispatcher Ruth Peterson, Officer Paul Raffoul and Officer David Meister.

First we interviewed Dispatcher Ruth Peterson. She advised she has been a dispatcher for 14 years and also a Clerk for the village. Her basic duties consist of answering phones, give directions, tell officers where they are going, does reporting on stats and does the dispatcher schedule. She confirmed she was working on December 13, 2018 from 1500 hours to 2300 hours. She stated the call in question came in at 2227 hours. This was a call in reference to a shooting at 111 ½ Corry Street in the Village limits. She advised the call came in on 911, which was transferred to her by Greene County. She stated another caller stated they thought the sound was fireworks and not a gun shot. There was then a call that stated there was a possible subject in a black Volvo leaving the scene with an AR15 rifle. She stated when the call came in, both officers were standing in dispatch. She stated Paul advised he would go. She advised she was giving instructions to rookie officer to secure the scene. I advised Ms. Peterson after I watched the video in dispatch, one officer left and one stayed behind. I asked her if she could tell me what that other officer who stayed behind said to her. She stated Officer Meister leaned down to her and said this is where you call your sergeant. She stated he then left. I then asked since I had listened to the calls into dispatch, if Officer Meister called back into dispatch for anything. She stated his wife called in and stated she was with the victim's wife. She advised Officer Meister then called in and asked about the coroner making notification.

The next interview was with Officer Paul Raffoul. He stated he has been a Police Officer for seven months with the Village. The only other law enforcement job he has had was with the Summit Behavioral Hospital in Cincinnati for three years. He stated his job with Yellow Springs consist of patrol, police duties and some investigations. He also confirmed he was working on December 13, 2018. When asked if he received a call about a shooting at 111 ½ Corry street he advised dispatch took the call. He advised he and Officer Meister were in the room in dispatch. He advised Dispatcher Peterson received a call of either fireworks or a shooting at this location. He also stated the caller stated someone was bleeding from the head. I then asked him what took

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place during this call. He stated he was not expecting a shooting. He stated he has never been on one before. He advised a woman was running from the fire department on the phone. She advised him that the person had shot themselves in the head. He also had one witness say there was a guy that had an AR15 with a vest on and got into a Black Volvo and left the area. I then asked him about the video in dispatch. He stated he was the only officer on duty. He stated that Officer Meister was there as he had finished a late call but did not say anything to him when he left for the call and never offered to go with him or help him. He also stated Officer Meister never called him on the radio asking for help. I then asked him if Officer Meister ever responded to the scene to assist him. He stated he never saw him. He also stated he kinda half expected to see him show up. I asked Officer Raffoul if Officer Meister would have known this was his first major event call and he stated he would have known this. He also stated for Officer Meister to go home, he would have had to pass the scene in question. I then asked Officer Raffoul what he would have done if he was the other officer and the one officer was on the scene by himself. He stated he would have grabbed a cruiser and went to the scene or asked if they needed any help.

The last interview was with Officer David Meister. Officer Meister also came with his attorney, David Duwel. He confirmed he was a Peace Officer for the Village for about nine years. He stated he does basic patrol duties, Firearms Instructor, Taser Instructor and an FTO. He advised he was working on December 13, 2018. His assigned hours were 1100 hours to 2100 hours. He stated he received a late call at 2045 hours. After that call, he still had to return to the office for paperwork and did not sign out of service on his time sheet until 2215 hours. I advised him according to the video, it showed himself and Officer Raffoul in dispatch when the shooting call came in. He advised he was in dispatch talking. He was getting ready to leave when the call came in. He advised he had a little discussion when the call came in. I then advised him after Officer Raffoul left to respond to the shooting call, it was just he and Dispatcher Peterson in the room. I asked him what the conversation was with her during the time Officer Raffoul left and he left. He stated he was listening to what was going on. He advised Greene County Sheriff's Office and the fire department had already been dispatched to the scene to assist. He stated according to Officer Raffoul's radio traffic, he discovered the body and gun on arrival. He stated this is when he told Dispatcher Peterson to call the Sergeant. He also stated he told Dispatcher Peterson he was available to come out if necessary. He stated that Dispatcher Peterson acknowledged that. He was then asked where he went when he left dispatch and he advised he went home and confirmed he did not go by the scene. I then asked Officer Meister if he or his

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wife called into dispatch after he arrived home and if so how would his wife have known the details on what took place. Officer Meister advised he went home and told his wife what happened and that Mr. Livingston was dead. He stated that Mr. Livingston is his neighbor. [REDACTED]

[REDACTED] I then asked what details were given by Mr. Meister to his wife or the victim's wife. He stated he did not give her any details. He stated that Mr. Livingston's wife had already been called by a relative and told he had been shot in the head. He stated his wife went over to be with her and then he also went over until two of her friends arrived to be with her. I then asked Officer Meister if there was anything else important to this investigation. He advised there was never a request made for him to respond to the scene. He also stated when he left dispatch, the officer on scene had the scene contained and the fire department had already confirmed the victim was deceased. He also stated that Mr. Livingston's wife asked him if he could tell her what happened and he advised he could not. Officer Meister then pointed out a section of the contract that if an officer works over, this has to be approved by a Sergeant. However he stated this does not apply if the officer is going on a late call. He advised this was on Page 50 of the Policy section 402 Timekeeping and Page 53 section 410 of Overtime.

There was one part of Officer Meister's interview that did not match. He stated that he told Dispatcher Peterson that he was available to come out if necessary and she acknowledged that. We brought Dispatcher Peterson back in to clarify that question. She was advised of what Officer Meister said about being available. She stated he did not say that because if he had said that, she would have told him to get to the scene to assist.

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Policy Review and Possible Violations:

We reviewed the two sections of the policy that Officer Meister pointed out. Although it states Overtime must be approved by the Supervisor, it also states it may be performed in cases where it is necessary to complete arrest or paperwork needed immediately for the prosecutor or court. This section is very open ended and in our view does not apply to something like a shooting where an immediate need for assistance and manpower is needed. The thought of Overtime when there has been a shooting and a single officer on scene handling it should be the last thing on an officer's mind at that time. The section about overtime on Page 53 only states about Overtime that if offered and how the rate of pay is except for where it states overtime work must receive prior authorization by the supervisor. Again, we refer to the statement above that overtime pay and contacting a supervisor for approval on a shooting should be the last thing on someone's mind at the time of a serious call such as this.

We then reviewed the Yellow Springs Police Department Law Enforcement Code of Ethics that was provided to us. The first line in part states that as a law enforcement officer, my fundamental duty is to serve the community to safeguard lives and property. This was not done by Officer Meister. By not responding to the scene to assist, not knowing if there was still someone around with an AR15, this clearly was not serving the community and safeguarding lives. The second paragraph in part states, Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. Again, by Officer Meister going home and telling his wife that this victim was dead was not keeping this information confidential. There would be no need since he did not respond to the scene to tell anyone what took place since he did not have the details from the scene to be able to even provide accurate information. By going home and telling his wife

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this was not keeping this information or what he heard in dispatch confidential. Finally we also noted Section 320.5.8, Performance of the YSPD Policy Manual. Section D on this states in part that interfering with any investigation or case being handled by any other employees of the police department unless a supervisor orders it. Again not only by telling his wife what took place, but having both of them calling into dispatch for information after he was off work, this tied up the phone line with the dispatcher and caused what would be interference in her performing her work duties trying to call others and give information to the officer on scene.

Finally we looked at the Village of Yellow Springs Personnel Policy. We read section 703, Unacceptable Behaviors. In part it states Dishonesty and neglect of duty shall be cause for disciplinary action. We believe there was a neglect of duty on Officer Meister's part by not responding to the scene and assisting a fellow officer on a serious call such as a shooting and possibly a person leaving the scene with an AR15. The fact the policy of having overtime approved by a sergeant causes great concern if there is an officer in need of assistance and the only thing a person is worried about is overtime approval.

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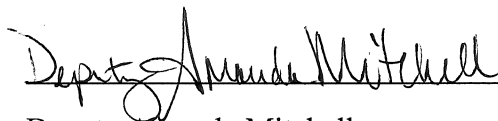
Conclusion:

The basis of the call was a subject was shot and there was blood everywhere. There was also a report of a person leaving the scene with an AR15. Officer Raffoul responded to the scene right away and began any possibly life saving efforts and securing the scene. The fact that Officer Meister did not even respond to assist in life saving efforts or helping a fellow officer with not only scene control but scene safety and was quick to point out in his interview about overtime needing approval causes great concern. There was a victim that needed immediate help and an officer trying to control a scene by himself and Officer Meister was less than a minute away and chose to go home instead of helping. Also, we believe that Officer Meister was not truthful in saying that he offered to come out if necessary to the dispatcher because after speaking to her, she was confident that her 14 years of experience would have told her that she would have told him to go to the scene if he offered. Finally, going home and advising his wife even of the basic details was a violation of not keeping this information confidential since this was an ongoing investigation at that time this was told to her.

Respectfully,

 1/7/2019

Detective Brian Melchi



Deputy Amanda Mitchell