
**Office of the Sheriff
Ashland County**



Justice Complex
1205 East Main Street
Ashland, Ohio 44805

Telephone: 419-289-3911
FAX: 419-281-2060
Jail Division: 419-281-9009
Jail FAX: 419-289-3502

E. Wayne Risner, Sheriff

Jan 12, 2023

Sgt. Cindy Benner

In review of your disciplinary packet, "with correction of one date as noted in the pre-disciplinary hearing", and consideration of your arguments and that of your counsel, the employer has established just cause for disciplinary action as set forth in the Notice of Disciplinary Action dated Jan 4, 2023, (which is incorporated in this decision), I therefore find and impose the following:

Demotion to a Deputy II per contract effective Thursday, Jan 12, 2023;

Reassignment to the Corrections Division and;

30 calendar days suspension pending the acceptance of this discipline and/or a ruling from an arbitrator if appealed to an arbitrator.

A handwritten signature in black ink, appearing to read "E. Wayne Risner", written over a horizontal line.

Sheriff E Wayne Risner

**Office of the Sheriff
Ashland County**



Justice Complex
1205 East Main Street
Ashland, Ohio 44805

Telephone: 419-289-3911
FAX: 419-281-2060
Jail Division: 419-281-9009
Jail FAX: 419-289-3502

E. Wayne Risner, Sheriff

Notice of Disciplinary Action

Date: Jan 4, 2023

To: Sgt. Cindy Benner

You are hereby notified that your Appointing Authority (Employer) proposes to take the following Disciplinary Action against you to wit:

30-day suspension

Reassigned to the Jail (is also a management right)

Demotion to Deputy II

You are in violation of the following offenses to wit: 2021 Standard Operating Procedure (SOP's), Directive 13.1.1, Rules of Conduct, Rule #11 - Assistance to Fellow Officers, Rule #38 - Performance of Duties, & Rule 44 - Requirement to Act; such below conduct also constitutes malfeasance, nonfeasance, and dereliction/neglect of duty.

On 11/3/21. Deputy Taylor was dispatched to a domestic call where the suspect pushed his grandfather down the stairs. You were working the central zone and were aware of the 2-officers call and never went. Instead, you decided to handle a non-priority call of a dead deer in the pond by phone and then stopped at the house to issue a receipt. OSP was called to assist Deputy Taylor. This is poor decision making on your part and risked the safety of your officers.

When asked about this you stated that the call needed handled. You gave no reason when asked about it being a priority call and you chose the non-priority call. You failed to render assistance to a deputy on a priority 2-man call. OSP could have handled the deer call and you handling the domestic call.

On 11/3/2021. This address is listed as a 2-officer call. The female called and said her uncle punched her and strangled her. You never acknowledged or responded to the call. Deputy Taylor handled the call himself. This is another serious act of omission and dereliction of duty.

Again, you failed a supervisor and a deputy to assist and aid your fellow deputies where danger might reasonably be impending.

On 11/3/21. Deputy Hall was dispatched to a disturbance in the north zone, which is a 2-man call. Sgt. Benner told dispatch to call OSP to back him up. Sgt Benner was not on any calls at the time.

On 2/16/2022. Talking with Deputy Saylor and Dispatcher Starkey, you were sitting at the Goasis area, and at 17:02 you were dispatched to a suspicious car at Schumacher Homes. You were the closest unit and never moved from the Goasis area. Another deputy after 25 minutes called and said he would handle the call due to the fact he just finished his call in Loudonville. You were still at the Goasis area and never responded or moved. While sitting at the Goasis area, at 17:08 you were told about a suicidal male call in the city that Ashland Police Department wanted us to handle. You told dispatch that you were assigned the suspicious car call and to send the north car deputy. (Keep in mind you didn't move from your Goasis area spot until 17:30. At 17:30 you told dispatch that you were enroute to the city call. You arrived at the same time as the north car deputy coming from Sullivan. It took you 22 minutes to start towards the suicidal male call. You were only a few miles away from the suicidal male call. It was wrong not to respond to a suicidal male call and sat for 22 minutes so another deputy would handle it. You gave no reason why you didn't respond promptly.

You failed and neglected your sworn duty to the citizens of this county as a deputy and a supervisor by not responding to this suicide call.

On 9/6/22. Both the north car and south car were in the south zone handling a call. While traveling north another call came in that was a priority call in central zone, so they both decided to go that way. You were the supervisor and central car and did not say anything to them as they responded and handled the call. A deputy was to go to the hospital and relieve another deputy. You never responded on the radio about the call and just showed up where the two deputies were. When deputies came outside you were sitting in your car and never got out. You questioned Deputy Wenrich why Deputy Hemenway didn't go to the hospital and relieve. It took you 30 minutes to arrive at the call that was in your zone when you were not on any other calls. You failed to supervise the shift and did not take leadership. You could have responded to the call and had the other deputy respond to the hospital or you could have responded to the hospital since did not help on the priority call.

During the interview the only thing you said that someone needed to go to the hospital. When asked why you didn't give direction you had no response.

On 10/3/22. A vehicle pursuit started in the county and ended in the city. At no time did you ever communicate with deputies in the pursuit. The pursuit ended in the city and APD Sgt Eggeman took command of the situation. The suspect was refusing to get out of the car. When you arrived, you stayed back and observed the incident. When the female suspect was brought out of the car, you told deputies that you were going to take her to jail. Deputy Wenrich said that they never had time to talk with the suspect about the incident before you left. You as the supervisor did nothing to supervise the incident that started within your jurisdiction and left it in the deputies and APD hands. Deputy Wenrich said this is common problem regarding your supervision on 2nd shift. Deputy Saylor explained that he never knew that you were on scene, because there was radio traffic from you at all during the entire incident.

As a supervisor didn't ask why the pursuit started or give permission to allow deputies to pursue the vehicle. You said that didn't know why the pursuit had started. This is another failure to supervise the shift.

On 10/14/22 @ 20:19:49 you were dispatched to a crash call at 680 Co Rd 1775. As soon as you were given the call you asked Dep. Dudte to go because he was closer than you were. At the time of the call, you were at St Rt 302 and St Rt 511. Dep Dudte's AVL had stopped working 6 minutes prior to this but at that time he was at 42/60/511. Dep. Dudte arrived on scene at 20:28:09. Sgt. Benner arrived on scene at 20:42:25.

Another call that you dragged your feet and asked another deputy to your zone work. It is unclear how you know Deputy Dudte was closer than you.

On 10/27/22 @ 21:31:38 Dep. Dudte was given dead body call at 150 twp. rd. 1031. Dep. Dudte was on station, and you were sitting at the Savannah ball fields when this call was given out. At 21:36:16 dispatch reported that a male juvenile was on scene that had known violent tendencies. You sat at the Savannah ball fields until 21:45:49. You then went south on SR 545 driving further away from the call. At 21:57:05 Dep. Dudte arrived on scene of the dead body call. You had driven to St. Rt. 96 and Co. Rd. 1153 by this time.

You were the closest unit to the dead body call, but you did not respond. Even after reports had been given to you that a known juvenile with violent tendencies was on scene, you left the area and drove away from the call. This is an example of how you will not help other officers out and will purposely create a situation where you were too far away to help when something is needed. This is a complete dereliction of your sworn duties. You failed as a supervisor and deputy to assist a fellow officer in time of possible danger or circumstances where danger might reasonably be impeding.

On 10/27/22 @ 15:53 you were dispatched to an injury crash at SR 603 and TR 1596 which was in your zone. At 15:56 Deputy Saylor advised that he was enroute to the crash also. You arrived at the crash at 16:01 and Deputy Saylor arrived at the crash at 16:02. When units cleared the crash Deputy Saylor went to the hospital and finished the crash report and issue the ticket. You created the ticket and Deputy Saylor served it. Deputy Saylor cleared the hospital at 17:48 and you signed out for trick or treat in Savannah at TR 1751.

No AVL data was available for this call, so it was unknown where units were coming from when this call was given out. This is an example of how you will not handle calls in your zone. Officers will come to help you and end up doing most or all the work needed to handle the call.

On 10/27/22 @ 17:51 you had signed out for trick or treat in Savannah. At 17:53 Deputy Dudte signed out on a traffic stop on SR 224 just inside Huron County. At 17:58 Deputy Dudte asked for assistance. At 17:59 Deputy Duewel asked Deputy Dudte if he needed that assistance with any priority as he was somewhat close doing trick or treat in Bailey Lakes. Deputy Dudte advised that he did not need the assistance with any priority as the subject was currently being

cooperative. Deputy Saylor went enroute from our station to assist Deputy Dudte at 18:00. Deputy Dudte logged a 21 at 18:09:22 and Deputy Saylor never made it to Dep. Dudte to assist him.

Deputy Duewel took on the leadership role in this incident. Deputy Duewel was prepared leave the trick or treat detail to assist an officer that was only a few minutes away. You were even closer to Deputy Dudte but had no radio traffic to find out what was needed. This is example of how the officers on 2nd shift must make leadership decisions for themselves because you either will not or does not want to make that leadership decision.

On 10/27/22 @ 18:17 Deputy Saylor was given a domestic with a report that the male had choked the female. Deputy Saylor was around SR 224 and SR 250 when he was given this call. You were doing trick or treat in Savannah. At 18:18 you asked dispatch to see if the state highway patrol could be enroute to assist Deputy Saylor. At 18:28 Deputy Saylor arrived on scene of the domestic. You did not leave the trick or treat detail. This was a priority call, and you should have stopped the trick and treat detail and responded to this priority call

You asked for the state highway patrol so she would not have to go assist with this call. No radio traffic was recorded to indicate if the state highway patrol had anyone available or not. You did not respond to this call to assist Deputy Saylor and you did not know if the state highway patrol was coming or not.

On 11/2/22 @ 16:31 you were given a child threatening to run away from the Children Services building call. You were at the Bell Store on Sugarbush at the car wash. At 16:37 Deputy Saylor advised that he would be enroute to the juvenile call. Deputy Saylor was at 1522 Claremont Ave. when he advised that he would be enroute. Deputy Saylor arrived on scene at 16:43. You arrived on scene at 16:46. At 16:47 you asked Deputy Saylor if he was upstairs in the building.

The call was complete by Deputy Saylor even when the call was in your zone. You were within 2 miles of Children Services, and it took you 15 minutes to get there. An example of even a simple call will not be completed by you. You have the other officers on the shift take care of calls even when they are in her zone.

On 11/2/22 @ 20:27 Deputy Saylor was given a call of a disturbance call at 38 St. Rt. 60. This was for a dementia patient who was hitting their roommate. Deputy Saylor and you were both at your homes on lunch. This call was about an equal distance for the both of you. At 20:33:31 Deputy Saylor arrived on scene.

You signed out at her home for lunch at 20:17:42 and did not leave until 20:53:28.

Any disturbance is a 2-man call. Again, you failed a supervisor and a deputy to assist and aid your fellow deputies where danger might reasonably be impending. This is an example of you neglecting your sworn duties to the citizens of this county and not willing to leave her lunch to go help. This had the potential to become a physical altercation and you did not go.

On Nov 2, 2022, 23:12 Deputy Saylor was working the north zone responded to a central call with a suicidal man with a gun. This was the second call on your shift to this residence. While Deputy Saylor was in the house with the male, Sgt. Hale responded from the south zone and passed you sitting in a parking lot not far from the call.

After looking into this we learned that when the call came out you drove south on SR 42 away from the call. You were within a few miles of the call. You stopped at a church in the city while Deputy Saylor was on the call. As you seen on the GPS that Sgt. Hale in the south zone was going to assist Deputy Saylor. You started to drive towards the call and then stopped on SR 250 and waited for Sgt Hale to get close and then you started to drive towards the call and then parked in a lot. At no time did you ever get on the radio and assist your deputies.

You know an emergency call with a report of a man with a gun is a 2-officers call. You failed the citizens of Ashland County and neglected your sworn duty as a deputy and supervisor to respond. You had complete radio silence, being the closest car for back up, and never responded in an emergency to assist your fellow officer.

During your interview you stated that you were made dispatch for not giving you call. I told you they know not to give it to you because you would not respond. You as a supervisor should have taken control of this. Again, you failed a supervisor and a deputy to assist and aid your fellow deputies where danger might reasonably be impending.

On 11/8/2022, you were given a call in your zone of a drunk walking on the road near 1349 Twp Rd 653. You and Deputy Wenrich were both on station when this call was given out. Deputy Wenrich gave radio traffic at 22:59 that he was enroute to the call and his AVL showed him leaving station at 23:00. Deputy Wenrich arrived in the area at 23:04. Deputy Wenrich went out with the subject at 23:05. Deputy Wenrich worked with the subject to find him somewhere to go but was unsuccessful. Deputy Wenrich ended up taking the subject into custody at 23:34 and charging him with DC intoxication.

You acknowledged the original call being given to you, but no other radio traffic during this incident. You never left station during this call. Deputy Wenrich was left to handle the call on his own. An example of you not handling calls in your zone and not responding to help with incidents.

You stated in your interview you didn't feel the need to respond.

On 11/9/22. you responded to DOA call. You were on scene with the body for 2 ½ hours, which is longer than normal. A doctor had agreed to sign the death certificate, so a funeral home was called. As you were waiting for the funeral home to arrive a call came out CFS2215878, about a drunk male getting into a car and driving away from a threatening domestic. You were within 3 miles of this call and would not respond. Deputies from Hayesville and Jeromesville responded. They handled the call. Deputies Wenrich and Dudte felt that you stayed on the DOA call for as

long as you could so you wouldn't have to respond to the domestic call. Dispatchers also filed a complaint that you were dragging her feet on the DOA call.

On 11/10/22 @ 21:04 you were advised of a call at 1001 Twp. Rd. 133. The call was for a male that had fallen and had dogs in the house. You asked on the radio if Deputy Dudte was clear on the call. Deputy Dudte advised that he was.

When this call came out you were sitting at St. Rt 89 and US 250 and Deputy Dudte was on station handling a crash report from your zone. You turned west on SR 250 and went to Co Rd. 653 and then north to CO 1302. You then went west on CR 1302 away from the call. Deputy Dudte left station on 21:10 and headed north on US 42 to head to this call. You and Deputy Dudte almost met at the intersection of US 42 and US 250. Deputy Dudte continued to the call, and you stopped and got gas and then continued west into the city. You made your way south and went to the fairgrounds where you drove around checking the fairgrounds.

These are proven examples of how you, as sergeant will make other officers handle calls that are in your zone, and or when you are close, for no other reason than you just did not want to handle them. You not only did not handle this call, but you did not even go to the call to help. You instead drove to the fairgrounds and drove around. This is a complete failure of you as a deputy and a supervisor. Failing to respond to calls or assist your deputies is a complete neglect of your sworn duties as a deputy sheriff and supervisor.

You stated in your interview that this would be good animal call training for the deputy. I asked why? There was no reports of animal abuse or neglect.

On 11-11-2022. Dispatch tried giving you an injured deer call in your zone. After four minutes of you not answering your radio or phone, the call was given to OSP by dispatch.

11-8-22
On Nov 11, 2022, you were assigned as the central zone car and you went home to eat, which is in the middle of the north zone. At 6:48 p.m. Deputy Dudte stopped a car on SR 60 & SR 224, six (6) miles from you.

At 6:50 p.m. Deputy Dudte asked for a backup ASAP. The south car, Deputy Wenrich asked if it was a priority.

At 6:51 p.m. Deputy Wenrich again asked Deputy Dudte if he needed a priority backup and Deputy Dudte acknowledged "affirm."

At 6:53 p.m. dispatch asked you if you were aware of the call for backup and you asked, "where is he at?" Dispatched called Deputy Dudte twice on the radio with no answer from him. There was loud audible male voice across the radio.

At 6:54 p.m. and 6:55 p.m. Dispatch called Deputy Dudte three (3) times and he did not respond. You as the supervisor did not respond other than acknowledging the call. Deputy Wenrich told dispatch to call OSP 3 to respond. This should have been you, as the supervisor, to take lead and make that call.

At 6:55 p.m. Deputy Wenrich told dispatch that he spoke with Deputy Dudte, and he believes he is fighting with the suspect because he had him on the phone. Deputy Wenrich ended his car stop and responded to the call for assistance from 21 miles.

At 6:56 p.m. your GPS shows you leaving your house. It took you six (6) minutes to leave your house from when Deputy Dudte asked for a priority back up.

At 6:57 p.m. Deputy Dudte acknowledges he has an arrest. In his voice you can tell that he struggled and asked for the Sheriff's Office deputies to respond along with a squad. You responded that you were at Five Points, which is still two to three miles away.

At 7:01 p.m. you arrived to assist Deputy Dudte. Eleven minutes after the call for help.

When you arrived, Dep. Dudte asked for help, and you just stood there. The suspect was laying on the ground, the suspects handgun was laying on the ground, and one magazine clip also laying on the ground. You just stood there and didn't say anything. There was a New London Officer there and Dep. Dudte had to ask him to help me since you wouldn't.

You, as a supervisor of the shift failed to monitor your portable radio and acknowledge that one of your deputies needed emergency help. It wasn't until dispatch called you that you acknowledged his request for help. It took you six (6) minutes to respond from your house after his call for help, and a total of eleven (11) minutes to get to Deputy Dudte's location, which was six miles away. On a previous call, with another agency, this suspect had a gun and was suicidal, and wanted suicide by cop. You also failed to assist your own deputy and taking charge of the serious incident. Deputy Dudte had to turn another agency for assistance.

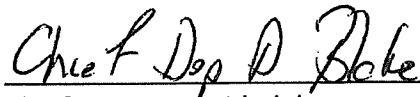
On 11/11/22. Deputy Dudte stated that you were called to shoot a deer call. You were there for an hour and a half. Normally these calls don't take more than 15 to 20 minutes. You finally cleared the call 9:24 p.m. At 9:15 p.m. another call came in of a deer crash in your zone, CGS2215982. You cleared on the call and then Deputy Dudte volunteered to take the call knowing that he would have to handle it anyway.

On 11/21/22. Deputy Dudte stated that he stopped a car in the Polk area and did a car search and found drugs. It took you 34 minutes to arrive to assist Deputy Dudte from being 5 miles away. At no time did you call the deputy or inquire what was going on with him or if needed assistance. You stated in the interview he didn't ask for assistance, and I was meeting with another deputy at Mapleton school

Please review the evidence supplied to your union rep. There have been several complaints from deputies and dispatch about you not handling calls, putting officers in danger by not assisting them, and driving away from calls within your zone. Even when deputies are tied up on follow-ups and reports you assign your zone calls to other deputies. Staff have reported that they do not feel safe working with you. As a supervisor, they feel that you put their lives and the citizens of this county in danger by not assisting or making decisions when asked.

Investigation has revealed that over the past eighteen (18) months or longer that your deputies have no confidence in you as a deputy or supervisor. You have put their lives in danger by your actions. You are in dereliction of your sworn duties.

With a reprimand within the past six months of poor supervision and these allegations, you have demonstrated poor judgment as a supervisor and put your fellow officers' lives in danger as well as creating liabilities to the Employer.



Chief Deputy David Blake

cc: Sheriff Risner