

Richland County Sheriff's Office

Incident Case Number: 2023-000475

Reporting Agency: Richland County Sheriff's

Print Date/Time: 05/19/2023 08:05:16

Disclaimer: The information contained within this report is reflective of the investigation at the date and time of its printing.

Incident Report Additional Name List

Richland County Sheriff's Office

OCA: 2023-000475

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	SIMS, DONALD R Address 1205 E MAIN ST, ASHLAND, OH 44805- Empl/Addr Ashland County So		01/10/1973 H: - - B: - - Mobile #: - -	49	W	M
2) WI 2	HALE, JOHN T Address 1205 E MAIN ST, ASHLAND, OH 44805- Empl/Addr Ashland County So		10/26/1971 H: - - B: - - Mobile #: - -	51	W	M
3) WI 3	DUDTE, GARRETT J Address 1205 E MAIN ST, ASHLAND, OH 44805- Empl/Addr Ashland County So		05/16/1997 H: - - B: - - Mobile #: - -	24	W	M
4) WI 4	WENRICH, LUKE A Address 1205 E MAIN ST, ASHLAND, OH 44805- Empl/Addr Ashland County So		05/03/1994 H: - - B: - - Mobile #: - -	27	W	M
5) WI 5	SAYLOR, DANIEL R Address 1205 E MAIN ST, ASHLAND, OH 44805- Empl/Addr Ashland County So		11/10/1987 H: - - B: - - Mobile #: - -	33	W	M
6) WI 6	STARKEY, OLIVIA R Address 1205 E MAIN ST, ASHLAND, OH 44805- Empl/Addr Ashland County So		08/18/1993 H: - - B: - - Mobile #: - -	29	W	F

INCIDENT/INVESTIGATION REPORT

Richland County Sheriff's Office

Case # 2023-000475

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Stolen 6 = Seized 7 = Recovered 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE
 On the listed date and time our Office received a report of Assist Other Agency at the listed location. A report for Assist Other Agency was completed. The status of this case is pending further investigation.

REPORTING OFFICER NARRATIVE

Richland County Sheriff's Office

OCA

2023-000475

Offense

Date / Time Reported

Thu 02/02/2023 13:14

DERELICTION OF DUTY

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On 01/31/2023, I was advised I needed to contact Chief Deputy Blake at the Ashland County Sheriff's Office. I made contact with Chief Deputy Blake by phone. We scheduled at time to meet on Thursday, 02/02/2023 at 10:00 AM.

On 02/02/2023, I met with Chief Deputy Blake and Lt. Wood at the Ashland County Sheriff's Office. I was briefed on the complaint and was given copies of all the necessary documents pertaining to the case. I was advised to contact them with any further questions.

Incident Report Suspect List

Richland County Sheriff's Office

OCA: 2023-000475

1	Name (Last, First, Middle) <i>BENNER, CYNTHIA JO</i>					Also Known As					Home Address <i>516 ST RT 511 ASHLAND, OH 44805</i>				
	Business Address <i>ACSO, LE</i>														
	DOB <i>06/17/1965</i>	Age <i>56</i>	Race <i>W</i>	Sex <i>F</i>	Eth <i>N</i>	Hgt <i>503</i>	Wgt <i>190</i>	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin	Driver's License / State <i>RR785068 OH</i>				
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail															
Suspect Age					Race	Sex	Eth	Height	Weight	SSN					
Weapon, Type		Feature		Make		Model		Color	Caliber	Dir of Travel Mode of Travel					
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN				
Notes										Physical Char					

Richland County Sheriff's Office

OCA: 2023000475

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/08/2023 08:57:51, Wednesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/08/2023 12:50:45, Wednesday

Contact:

Reference: Investigative Narrative

I was advised by Chief Deputy Blake that they had completed an internal investigation on an employee of theirs for several policy violations. Chief Deputy Blake believed some of violations may meet the criminal violation of Dereliction of Duty. Many of the violations came to light when complaints were filed against Sgt. Cindy Benner by the deputies that were assigned to her shift.

I was given copies of Benner's discipline beginning in July of 2022. On 07/21/2022, She was given a written reprimand for violations of the Standard Operating Procedure, Directive 13.1.1, Rules of Conduct, Rule #38-Performance of Duties.

On 12/08/2022, Sgt. Benner was issued a Notice of Discipline for violating SOP, Directive 13.1.1, Rules of Conduct, Rule #11-Assistance to Fellow Officers, Rule #38, Performance of Duties, and Rule #44-Requirement to Act. Sgt. Benner indicated she would be appealing the discipline.

On 12/22/2022, Sgt. Benner was disciplined again for violating the SOP, Directive 13.1.1, Rules of Conduct, Rule #11-Assistance to Fellow Officers, Rule #38-Performance of Duties, and Rule #44-Requirement to Act. The disciplinary action against Sgt. Benner was a 30-day Suspension, Reassignment to the jail, and demotion from Sergeant to Deputy II. Sgt. Benner indicated in writing she would be appealing the discipline.

I was given multiple incidents of concern by Chief Deputy Blake. Below will be a summary of each incident, sorted by the Call for Service (CFS) number.

On 11/03/2021, Sgt. Benner was dispatched to a call, in reference to a person needing a receipt for a deer carcass (CFS2116115). Several minutes later, Deputy Shaun Taylor was dispatched to a Domestic Violence call (CFS2116117). It is common practice for at least two deputies respond to all domestic violence calls. Sgt. Benner was aware of the call, but chose to handle the deer call, leaving Deputy Taylor to go to the domestic violence call by himself. She spent 30 minutes on the call to issue only a deer carcass receipt. Sgt. Benner never went to the domestic violence call. The Ohio State Patrol was contacted and backed up Deputy Taylor. The domestic violence call was received and dispatched 1618 hours. Deputy Taylor arrived at the call at 1621 hours.

On 10/27/2022, Sgt. Benner was dispatched to an injury crash (CFS2215206) at St. Rt. 603 and County Rd. 1596, which was in her assigned zone. Deputy Saylor advised he would also respond to the call. Sgt. Benner arrived one minute before Deputy Saylor. Deputy Saylor ended up finishing the crash report and issued the citation. Sgt. Benner then went to Savannah for Trick or Treat. It was noted that no AVL data (vehicle location) was available, so it is unknown where each person was responding from. The complaint is that Sgt. Benner will not handle calls in her zone

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/19/2023 08:05

Richland County Sheriff's Office

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/08/2023 08:57:51, Wednesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/08/2023 12:50:45, Wednesday

Contact:

Reference: Investigative Narrative

and deputies have to come help her and end up doing the work needed to handle the call. On 10/27/2022, Sgt. Benner advised she was in Savannah for Trick or Treat at 1751 hours. At 1753, Deputy Dudte called in a traffic stop (CFS2215209) on St. Rt. 224, just inside Huron County. At 1758 hours, Deputy Dudte requested assistance. At 1759 hours, Deputy Duetwel responded and asked if the requested assistance required a priority response and was told no. Deputy Saylor was enroute to Deputy Dudte's location from station at 1800 hours. At 1809 hours, Deputy Dudte advised he had made an arrest. No deputies enroute made it to Deputy Dudte before the arrest was made. The complaint is that Deputy Duetwel to on the leadership role because Sgt. Benner did not say anything over the radio. According to AVL, Sgt. Benner was the closest person to Deputy Dudte's traffic stop. Deputies on the shift advised they have to make the supervisor decisions because Sgt. Benner will not or does not want to make decisions.

On 10/27/2022, Deputy Saylor was dispatched to a domestic call (CFS2215211) where the male reportedly choked a female. Sgt. Benner asked Dispatch to contact OSP to back Deputy Saylor up. Sgt. Benner did not leave her Trick or Treat detail. There was no radio traffic advising if OSP would be enroute or not. It was later determined that OSP did respond to the call and back up Deputy Saylor. The AVL log shows that Sgt. Benner's vehicle did not move at all during her time in Savannah for Trick or Treat.

On 10/27/2022, Deputy Dudte was given a death investigation call (CFS2215220) at 2131 hours. Deputy Dudte was on station at that time and Sgt. Benner was at the Savannah baseball fields. At 2136 hours, dispatch advised there was a juvenile on scene that had violent tendencies. Sgt. Benner did not move from her location at the baseball fields until 2145 hours. Sgt. Benner drove south on St. Rt. 545, which was in the wrong direction of the call. Deputy Dudte arrived on scene at 2157 hours. At this time, Sgt. Benner was in the area of St. Rt. 96 and Co. Rd. 1153. Sgt. Benner was the closest deputy to the call and was less than 10 miles away from the call location while sitting at the baseball fields. Deputy Dudte was about 16 miles away from the call while being on station. Sgt. Benner drove 13 minutes in the opposite direction, which put her more than 15 miles from the call location. The complaint is that Sgt. Benner will not help other officers and will purposely make it to where she is too far away to help.

On 11/02/2022, Sgt. Benner was dispatched to the Ashland County Children Services building at 1631 hours for a juvenile that was threatening to run away (CFS2215476). At the time, Sgt. Benner was at the Bell Store on Sugarbush Dr which is only two miles from the call. At 1637 hours, Deputy Saylor advised he was enroute to the call also and was responding from 1522 Claremont Ave., which was about six minutes away from the children services building. Deputy Saylor arrived on scene at 1643 hours. Sgt. Benner arrived on scene at 1646 hours and asked Deputy Saylor where he was at 1647 hours. The complaint is that Sgt. Benner will not handle calls in her zone, even when she is the closest deputy to the call. Sgt. Benner's response times to call are not even close to what they should be. Her response

Investigator Signature

Supervisor Signature

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Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/08/2023 08:57:51, Wednesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/08/2023 12:50:45, Wednesday

Contact:

Reference: Investigative Narrative

time was almost 15 minutes. Google Maps indicates the route she took to get to the call should only take about 7 minutes. I reviewed the AVL data for Sgt. Benner's vehicle for this call. She was dispatched at 1631 hours and her vehicle never moved until 1637 hours.

On 11/02/2023, Deputy Saylor was given a call of a disturbance call (CFS2215485) at 2027 hours at 38 St. Rt. 60 for a dementia patient who was hitting a roommate. Deputy Saylor and Sgt. Benner were both at their homes on a lunch break. They were both about an equal distance away from the call. Deputy Saylor arrived on scene at 2033 hours. Sgt. Benner did not even leave her house until 2053 hours and when she did, it was in the opposite direction of the call. The complaint is that Sgt. Benner is not willing to leave her lunch break to respond to calls even when there is a risk of a hostile person escalating the situation, leaving a single deputy to respond alone. I was provided a video showing the movements of Deputy Saylor's vehicle and Sgt. Benner's vehicle.

On 11/02/2022 at 2318 hours, Sgt. Hale was dispatched to 1135 St. Rt. 250 (CFS2215489) in reference to a call he handled earlier and now a male was there threatening suicide with a gun. Sgt. Benner was the closest deputy to the call being about 3.3 miles away. Sgt. Benner was seen on the video of her AVL location moving slowly in the direction of the call, but stopping at several locations before moving again. As if she was stalling to allow Deputy Saylor and Sgt. Hale to arrive at the call first. Sgt. Benner parked in a parking lot across the street and never marked out at the call. There was also zero radio traffic from Sgt. Benner. In the provided video it shows unit numbers. Sgt. Benner is #306, Sgt. Hale is #307, and Deputy Saylor is #316.

On 11/08/2022 at 2256 hours, Sgt. Benner was dispatched to a call in her assigned zone of a drunk male walking in the road near 1349 Twp. Rd. 653 (CFS2215829). Sgt. Benner and Deputy Wenrich were both on station at the time of call. Sgt. Benner acknowledged the call was given to her, but never left station at all. Deputy Wenrich responded to the call and handled it. The complaint is that Sgt. Benner does not handle calls in her zone and will not respond even as a backup officer.

On 11/10/2022 at 2104 hours, Sgt. Benner was advised of a call (CFS2215937) to assist EMS for a male who had fallen and needed medical attention. EMS advised there were dogs inside the house that were preventing them from making entry and were requesting deputies to assist them. At the time of call, Sgt. Benner was near the intersection of St. Rt. 89 and US 250, roughly 5.5 miles away from the call. Deputy Dudte was the next closest deputy and was on station, roughly 8.2 miles away. Sgt. Benner drove away from the call, stopped to get gas, and then went to the fairgrounds and drove around. Again Sgt. Benner did not handle a call in her zone or even go to the call to help.

On 11/08/2022, the 2nd shift dispatchers sent a letter to Lt. Wood advising they would like Lt. Sims to investigate the conduct of Sgt. Benner during the calls of CFS2215878 and CFS2215937. In reference to CFS2215878, Sgt. Benner

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/19/2023 08:05

Richland County Sheriff's Office

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/08/2023 08:57:51, Wednesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/08/2023 12:50:45, Wednesday

Contact:

Reference: Investigative Narrative

was handling an assist EMS call with a natural cause death. They advised the squad was still on scene and Sgt. Benner was only waiting for the funeral home to arrive to take the body. During this time, call came in stated an intoxicated male was attempting to leave in the caller's vehicle after a verbal dispute. Sgt. Benner was only a couple miles away from the dispute. Sgt. Benner advised to have another deputy handle that call. Dispatch advised the next closest deputy was in the Mifflin area, approximately 25 minutes away. CFS2215937 is the above-described call about the male who had fallen. Dispatch advised Sgt. Benner was dispatched to the call because it was in her zone. Deputy Dudte was on station working on a crash report that he had handled for Sgt. Benner earlier while she was on her lunch break. Sgt. Benner advised Deputy Dudte to break from what he was doing and to handle the call even though she was available and the closest person to the call. Dispatch advised Sgt. Benner refuses to adhere to the procedure of handling calls in her zone. They are also concerned about "the blatant disregard for officer safety".

On 11/11/2022, dispatched attempted to contact Sgt. Benner over the radio and by phone to advised her of a call (CFS2215977) of a deer needing dispatched. Sgt. Benner did not answer her radio or her phone. OSP was contacted to handle the call.

On 02/08/2023, I made contact with Chief Deputy Blake by phone. I told him I was ready to begin interviewing the involved deputies and other supervisors. He advised I should speak with Dispatcher Olivia Starkey also. He said he would make contact with all of them and advised them to contact me to schedule their interview if they are willing. I will contact former Deputy Shaun Taylor to schedule an interview with him.

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Supervisor Signature

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Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/08/2023 11:57:22, Wednesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/09/2023 10:56:53, Thursday

Contact:

Reference: Investigative Narrative

On 02/08/2023, I made contact with former Ashland County Deputy, Shaun Taylor by phone. I explained to him I was investigating a criminal complaint against Sgt. Benner and requested he speak to me about his incidents and experiences with her. Shaun respectfully declined to meet with me. He said he would like to have zeron involvement in this matter.

I received a text message from Chief Deputy Blake with interview times of the employees he was able to make contact with so far. The following deputies will meet with me on Thursday, 02/09/2023: Deputy Dudte at 11:00 AM, Deputy Wenrich at 2:00 PM, and Deputy Saylor at 3:00 PM.

Investigator Signature

Supervisor Signature

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Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/13/2023 14:18:46, Monday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/14/2023 13:16:54, Tuesday

Contact:

Reference: Investigative Narrative

On 02/09/2023, Garrett Dudte came to our office for an interview regarding the investigation on Cindy Benner. Garrett is a Deputy with the Ashland County Sheriff's Office and has been there for seven years. He is currently assigned to Afternoon Shift, which is from 4:00 PM until 12:00 AM.

Garrett stated his explanation of the purpose of this interview today was to talk about his former Sergeant, Cindy Benner. He said he is not being forced or made to speak with me about Benner and is here voluntarily.

We first spoke about CFS2215209, a traffic stop Deputy Dudte made on St. Rt. 224, just inside Huron County. The stop was made on 10/27/2022 at 1753 hours. At 1751 hours, Sgt. Benner signed out in Savannah to pass out candy for Trick of Treat. At 1758 hours, Deputy Dudte asked for another deputy to respond to his location. He said Sgt. Benner did not respond or even acknowledge his request for assistance. Sgt. Benner was the closest unit to Deputy Dudte and never responded. Deputy Dudte said he ended up controlling the situation himself and no longer needed any assistance.

Next, we spoke about CFS2215220, a call of a dead body at 150 Township Rd. 1031. This also occurred on 10/27/2022 at 2131 hours. At the time of the call, Sgt. Benner was sitting stationary at the Savannah Ball Fields, approximately 8.6 miles from the location of the call taking the fastest route. Deputy Dudte responded to the call from station which is about 16 miles from the call location. While enroute, Dispatch advised there was a juvenile on scene who had violent tendencies. Sgt. Benner's vehicle did not move until 2145 hours. When she did move, she drove south, in the opposite direction of the call towards the City of Ashland. Deputy Dudte said this was just one example of incidents where Sgt. Benner drives away from calls, she doesn't want to handle, even when she is the closest person to the call and is not busy doing anything else. Deputy Dudte said sometime Sgt. Benner will get on the radio and ask what he is doing. He said that is the cue that he needs to handle the call that was dispatched. Deputy Dudte said they are advised by dispatch if there is a person who has violent tendencies or a person who has been confrontational with a deputy over the radio so that everybody could hear it. He said when these types of calls are sent out it is a two-deputy response at the minimum.

I asked Deputy Dudte if he was familiar with CFS2215937, which was a call for service to assist EMS with a male who had fallen inside his home. EMS requested a deputy to respond because there were dogs inside the house and would not allow them to enter to tend to the male that had fallen. Deputy Dudte recalls being on station at the time of call working on paperwork. He said Sgt. Benner asked him to handle to call because it was not in her zone. Deputy Dudte recalls Sgt. Benner being assigned to the Central Zone and the call was definitely in the Central Zone. Sgt. Benner was 5.5 miles away from the call when it was dispatched. Sgt. Benner did not respond to the call even though she was the closest. Sgt. Benner again drove in the opposite direction to the Ashland County Fairgrounds. Deputy Dudte said he

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was not aware of Sgt. Benner's location during his response.

Deputy Dudte said he believes Lt. Sims has spoken to Sgt. Benner about her actions before. He said after they talk, Sgt. Benner gets better for maybe a week and then goes right back to her old ways. He said he has complained about Sgt. Benner several times, but never by means of a formal written complaint. Deputy Dudte said if Sgt. Benner found out anybody made a complaint against her, she would pick on that person. He said he is not the only person on the shift who has complained about Sgt. Benner.

I spoke with Deputy Dudte about a traffic stop he made on 11/08/2022 at US RT. 224 and St. Rt. 60. He said when he approached the car, he noticed a person hiding under a blanket on the floor in the rear seating area of the vehicle. He said the male had a gun on him in his waistband. He said he immediately call for a priority response from other deputies. Deputy Dudte said the male was complaining of not being able to breathe. Deputy Dudte ordered the male out of the car. He said when the male began to exit the car, he saw him removed the gun from his waistband and put it on the floor of the car. Once out of the car, the male began attacking him. Deputy Dudte said during the fight with the male, he observed a magazine sticking out of a pocket of his pants. He said the male tried to get back to the vehicle where the gun was. He said he was able to get the male in handcuffs with the assistance of a citizen who stopped to help. He said it was after the incident that he found out that Sgt. Benner was at her house, eating lunch at this time, which is only a few miles from his traffic stop location. He said Sgt. Benner never responded to his radio traffic. He said dispatch asked Sgt. Benner if she heard Deputy Dudte's call for assistance and she asked what his location was. During this time, Dispatch attempted to make contact with Deputy Dudte twice and he did not answer. Sgt. Benner did not leave her house for 6 more minutes after she asked where Deputy Dudte was. When Sgt. Benner arrived, Deputy Dudte asked her for help because the male was still on the ground, and the gun and magazine were in close proximity. Deputy Dudte said Sgt. Benner just stood there so a New London Police Officer assisted him. I asked Deputy Dudte if Sgt. Benner left her house immediately after the priority response request, could her response and arrival changed the course of events and he said he believes it could have. Deputy Dudte said Sgt. Benner's response time was not acceptable at all.

I asked Deputy Dudte if he feels safe working with Sgt. Benner and he said no. Deputy Dudte said Sgt. Benner always assigns herself in the Central Zone. He said when she does this, she is always going to be the closest unit to respond for assistance. Deputy Dudte said he alters the way he works when Sgt. Benner is working. He said he will not "get into anything" because he believes she will not respond if he ends up needing help. He said Sgt. Benner will handle calls sometimes. He said he has noticed when calls are dispatched that have the potential to escalate to violence or persons that are confrontational to law enforcement she will try to avoid them.

I asked Deputy Dudte what he thinks should happen to Sgt. Benner as a result of this investigation. He said he doesn't

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Supervisor Signature

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Contact:

Reference: Investigative Narrative

want to see her get fired or lose her job. He said he thinks she is close to retirement and doesn't want her to lose out on that. He said he is not sure if she is burnt out or not, but it is not safe for her to be working the road and would not like to see her come back as the afternoon shift Sergeant. He said because of her inability to lead, take responsibility, and make decisions, she should not be a supervisor. I asked him if he believes any of Sgt. Benner's actions or responses are criminal in nature. Deputy Dudte said there has been times when she doesn't respond to urgent calls in a timely manner. He said their job is to protect the public and she doesn't do that. He said he also doesn't feel safe working with her.

Deputy Dudte said that deputies are allowed a half hour lunch during their shift. He said if an urgent call comes in while you're on lunch, you are to leave your lunch and handled the call. He said that is not how Sgt. Benner operates. He said it is known by the deputies on her shift, if she is on her lunch break, she will more than likely respond to the urgent call. He said she may acknowledge radio traffic while on lunch, but that's about it.

I asked Deputy Dudte if anybody has ever told him that he "mumbles" on the radio and he said no. He said he has never had any complaints from other deputies or dispatchers. Sgt. Benner has stated that Deputy Dudte mumbles on the radio and that is why sometime she doesn't acknowledge or respond to his radio traffic.

Deputy Dudte said Sgt. Benner has not attempted to speak with him after her demotion. I asked him who else I should speak with about this. He said Sgt. Hale, Lt. Sims, Deputy Saylor, Deputy Wenrich, and dispatcher; Olivia Starkey.

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Supervisor Signature

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Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/14/2023 14:44:47, Tuesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/14/2023 14:56:53, Tuesday

Contact:

Reference: Investigative Narrative

On 02/09/2023, Luke Wenrich came to our office to speak to me about his former sergeant, Cindy Benner. Luke is a deputy for the Ashland County Sheriff's Office and has been employed there for the last six years, but has only been on the road for one year. He works afternoon shift. Deputy Wenrich said nobody forced him to come speak with me today and is here on his own free will. He stated he was willing to speak with me about Cindy Benner.

The first incident we talked about was CFS2215829, a possible intoxicated male walking in the roadway. This occurred on 11/08/2022 around 2256 hours. At the time of call, Sgt. Benner and Deputy Wenrich were both on station. Sgt. Benner acknowledge she was assigned the call. Deputy Wenrich said he told Sgt. Benner he would start towards the call because it was near the end of his shift and the call was on the way to his house. He responded to the call and ended up making an arrest. Sgt. Benner never left station to respond to her call or back-up Deputy Wenrich.

The next incident we talked about was CFS2212688. This occurred on 09/06/2022. On this day, Sgt. Benner was on duty along with Deputy Wenrich and Deputy Hemenway. Sgt. Benner was assigned to the central zone. Deputy Wenrich and Deputy Hemenway were assigned the north and south zones. Deputy Wenrich and Deputy Hemenway were both on a call in the southern part of the county. Once they cleared the call, another call of a domestic dispute was put over the radio and assigned to Sgt. Benner due to the call being in her zone. Deputy Wenrich said he and Deputy Hemenway responded to the call also because Deputy Hemenway was supposed to relieve another deputy that was on an assignment at the hospital which was near the call. Deputy Wenrich said he and Deputy Hemenway arrived at the call and Sgt. Benner was not there yet. She arrived 22 minutes after they did for a call in her zone and never left her vehicle. Deputy Wenrich said Sgt. Benner then questioned him why they both responded to the call when they knew Deputy Hemenway had to go to the hospital.

Next, we spoke about CFS2213943, which was a traffic stop that was initiated by Deputy Wenrich and turned into a pursuit. This occurred on 10/03/2022. Deputy Wenrich said he attempted to stop the vehicle for speeding violation. He said speeds of the pursuit reached 120 MPH. He said Deputy Saylor was able to "spike" the suspect vehicle just outside the City of Ashland. The vehicle finally stopped in the city. He said they had to physically remove the driver of the vehicle. He said they were assisted by Ashland PD Officers. Deputy Wenrich said once the suspect was in custody, he walked the female back to the area of his cruiser. He said he noticed Sgt. Benner was on scene standing back away from the direct incident. He said Sgt. Benner "patted" the female down and volunteered to take her to jail. Deputy Wenrich said he was not give the opportunity to perform a roadside interview.

I asked Deputy Wenrich about Ashland County Sheriff's Office pursuit policy and if the supervisor is required to approve the continuation of the pursuit. He said he gave out the speeds, direction of travel, road conditions, and the reason for the stop, but Sgt. Benner never once said anything on the radio until she parked on scene where the vehicle

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Richland County Sheriff's Office

OCA: 2023000475

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/14/2023 14:44:47, Tuesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/14/2023 14:56:53, Tuesday

Contact:

Reference: Investigative Narrative

came to rest. He said even when Sgt. Benner was on scene, she did not make any supervisory decisions. Deputy Wenrich said he and an Ashland PD Sgt. made all the decisions. He said Sgt. Benner pretty much just sat back and did nothing. Deputy Wenrich commented that since the pursuit was initiated by their agency, she should have been the supervisor to step-up and make the decisions instead of Ashland PD's Sergeant.

Deputy Wenrich explained to me the situation involving CFS2215874. He said he believes he was in Mifflin handling a lock out complaint. He said Sgt. Benner was in Sullivan Township handling a death investigation. He said the death scene had been cleared and she was only waiting on the funeral home to arrive when a call of an intoxicated male who was trying to leave in a vehicle came in. At that time, Sgt. Benner was only 2.8 miles away and she chose not to leave the call she was on and respond to the more urgent call. It took Deputy Dudte and Deputy Wenrich almost 22 minutes to respond to the call. By the time they arrived, the intoxicated male had already been picked up by a friend and left. Deputy Wenrich said if he was in Sgt. Benner's position, he would have left the DOA call and responded to the other call.

I asked Deputy Wenrich to tell me about his knowledge of circumstances for Deputy Dudte's car stop on 11/11/2022 on St. Rt. 60 near St. Rt. 224. He said prior to the stop, he was actually on a phone call with Deputy Dudte. He said Deputy Dudte told him he was going to make a car stop and it was either going to be an old lady or a criminal. Deputy Dudte never ended the phone call, nor did Deputy Wenrich as they both made traffic stops. Deputy Wenrich said after the initial contact with driver on his stop, he returned to his cruiser. He said he heard Deputy Dudte asked for another unit with a priority response. Deputy Wenrich said he cleared from his traffic stop and started to toward Deputy Dudte's location which he was 21 miles away from. He said while enroute, their prior phone call was still active and he could hear what was going on with Deputy Dudte. At the time the car stop was called out, Sgt. Benner was at her house taking a lunch break which is only 6 miles from Deputy Dudte's location. Deputy Wenrich said he could hear over the phone what he interpreted as Deputy Dudte wrestling with somebody. I asked Deputy Wenrich if Sgt. Benner ever acknowledged the radio traffic given by Deputy Dudte. He said all he recalls is Dispatch asking Sgt. Benner if she was clear on the radio traffic and she responded with, "where's he at?". Sgt. Benner did not leave her house for another 6 minutes. I asked Deputy Wenrich if he thought if a more prompt response from Sgt. Benner could have changed the way things worked out? He said maybe her presence would have helped, but physically she would have not been able to help in attempting to secure the male.

I asked Deputy Wenrich if he had any concerns about working with Sgt. Benner. He said he did. He said he is afraid if he gets into a use of force with somebody and Sgt. Benner is his next closest back-up unit, he is not confident that she would be able to help him physically because of her fitness condition. Deputy Wenrich told me about a time he was in training with Sgt. Benner. He said during the training she had to walk up one flight of stairs and was completely out of

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Richland County Sheriff's Office

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Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/14/2023 14:44:47, Tuesday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/14/2023 14:56:53, Tuesday

Contact:

Reference: Investigative Narrative

breath. He said it took her several minutes to recover. He said he is also concerned about her inability to make decisions.

I asked Deputy Wenrich what he thinks should happen to Sgt. Benner. He said he does not want to see her get fired or be charged criminally. He said she should just not work the road anymore. He said she is just not physically capable. He also said he alters the way he works when Sgt. Benner is the closest deputy to respond to him if needed. He believes if she doesn't want to retire, she should finish her career in the jail.

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Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/15/2023 10:15:43, Wednesday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/16/2023 13:48:52, Thursday

Contact:

Reference: Investigative Narrative

On 02/09/2023, Deputy Dan Saylor come to our office to speak with me. He said he has been employed by the Ashland County Sheriff's Office for about 7 years, 5 of those years are on the road and the other two in the jail. I asked him what is his understanding for speaking with me today and he said it was for the purpose of speaking about Cindy Benner. Deputy Saylor stated he was here voluntarily and nobody had forced him to come meet with me.

I had Deputy Saylor tell me about CFS2215206, which was an injury crash Sgt. Benner was dispatched to. This incident occurred on 10/27/2022. He said nothing really stood out to him on this call. He said this is just a typical call that he would automatically respond to because he knows Sgt. Benner will need help. He said when you arrive, you typically end up doing most of the work. He said Sgt. Benner may offer to complete the citation, but nothing much more than that.

Deputy Saylor talked about CFS2215211, which was a domestic assault incident where the male half allegedly choked the female half. He said this would definitely have been a two-deputy response call. I told him at the time the call came out, Sgt. Benner was in Savannah doing Trick or Treat. He said Sgt. Benner was less than 10 minutes away from the call. He said she did not leave her detail, but instead had dispatch contact OSP to back him up. He said on a call like this he would expect Sgt. Benner to respond, but rarely does that happen.

Next, we spoke about CFS2215476 which occurred on 11/02/2022. The call was in reference to a juvenile who was threatening to run away from the Children Services building and Sgt. Benner was sent to it because it was in her zone. I told him at the time of the call, Sgt. Benner was at the Bell Stores on Sugarbush Dr. He said Sgt. Benner did show up to the call after he did. She did come inside the building, but just stay back and let him handle the call.

I had Deputy Saylor speak to me about CFS2215485. He said he was dispatched to this call and is well familiar with the address and involved parties. He said two women live at the residence together and one of them has developed dementia and can get physically abusive to her partner. I told him at the time of the call, both he and Sgt. Benner were at their houses on a lunch break. It was agreed that they were both about an equal distance away from the call. The call was dispatched over the radio at 2027 hours and Deputy Saylor arrived at 2033 hours. He said when the call came out, he immediately left his lunch to respond to the call. Sgt. Benner did not leave her house until 2053 hours. She never responded to the call.

I asked Deputy Saylor why he thought Sgt. Benner was not responding to calls, making decisions, or backing other deputies up when they ask. He said he wasn't sure if she was lazy or just didn't care. He said it seems to be two-deputy calls are the ones she responds slowly or not at all. He thinks maybe she is not wanting to deal with conflict.

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/15/2023 10:15:43, Wednesday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/16/2023 13:48:52, Thursday

Contact:

Reference: Investigative Narrative

I spoke to Deputy Saylor about CFS2215489 which occurred on 11/02/2022 at 2312 hours. It was in reference to a male threatening suicide with a gun. Deputy Saylor said he was familiar with this incident. I first asked him about the location of the call, 1135 US RT 250 N. I asked him which zone this address was in and he told me the Central Zone. He said Sgt. Benner was assigned the Central Zone this date. He said he was in the north zone and Sgt. Hale was in the south zone. I gave Deputy Saylor the locations of himself, Sgt. Hale, and Sgt. Benner at the time of call. I told him Sgt. Hale was on US RT 42 near the Richland County Line. He was at Township Rd. 511 near Township Rd. 620. Sgt. Benner was on US RT 42 near Middle Rowsburg Rd. He said Sgt. Benner was definitely the closest person to the call. He said for a call of this nature, her response time should have been less than two minutes. He said he arrived first, followed by Sgt. Hale. Sgt. Benner never went to the call, but parked just down the street from the call location and never left her vehicle.

Next, we spoke about CFS2201963 and CFS2201965. I told him this was in reference to a suspicious vehicle at Schumacher Homes. He said he wasn't involved in these calls. He said former Deputy Sean Taylor handled these incidents. He said Taylor resigned because of her. He said Sgt. Benner was always picking on him and would not respond to his calls or back him up just because she didn't like him.

Deputy Saylor said Sgt. Benner has several locations she frequents and just sits there for hours. He said she doesn't even patrol areas and again the other deputies have to pick up her slack and needed time in the villages. He said Sgt. Benner deflects her calls onto other deputies. He stated she also does not self-initiate anything. Deputy Saylor said he is most concerned with the safety of himself and other deputies. He feels Sgt. Benner is not capable of helping other deputies physically. He said he believes Sgt. Benner could not protect herself if needed.

I asked Deputy Saylor what he thinks should happen with Sgt. Benner and these allegations. He believes what she has done or hasn't done, she could definitely be fired for. He said he doesn't want her to get fired. He said with her inability to protect herself or other deputies, she should no longer be assigned to work road patrol. I asked Deputy Saylor if he believed any of Sgt. Benner's actions rise to the level of criminal activity. He stated if you look up the definition of Dereliction of Duty, her name should be next to it.

Deputy Saylor said he has tried to be polite to Sgt. Benner since demotion and assignment change. He said he has waved to her several times, but got nothing back from her. He said he believes she is mad at everyone who complained about her. He stated nobody hates her, they just don't think she can work the road any longer.

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Printed: 05/19/2023 08:05

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/15/2023 10:17:21, Wednesday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/16/2023 13:48:59, Thursday

Contact:

Reference: Investigative Narrative

On 02/14/2023, I received a phone call from Deputy Joshua Duewel from the Ashland County Sheriff's Office. I explained to him why I had requested to speak with him. I told him his name came up one time while investigating this matter. He said that was really the involvement he would have had with Sgt. Benner because he normally doesn't work with her. I told Deputy Duewel if that was the case, then I would not need him to come speak with me. He said he would let me know if anything comes to mind.

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/15/2023 13:19:43, Wednesday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/16/2023 13:49:05, Thursday

Contact:

Reference: Investigative Narrative

On 02/14/2023, Lt. Don Sims came to our office to speak with me about the investigation of former sergeant, Cindy Benner. Lt. Sims has been with the Ashland County Sheriff's Office for about 28 years. He has been a lieutenant for about five years. He is currently the lieutenant for the uniformed Enforcement Division. Lt. Sims advised he understood the reason of my request to speak with him about Cindy Benner. He said he was not forced or made to come speak with me and is voluntarily here.

I asked Lt. Sims if he had received a written complaint from the Afternoon Shift dispatchers about Sgt. Benner. He said he has actually received "a few" over the last few years. He said he believes the first complaint was in 2020. He said the complaint was about Sgt. Benner's response to calls, not handling calls, and a request that these concerns be addressed. He admitted to making a mistake by not keeping those written complaints on file. He said he did meet with Sgt. Benner several times over the past couple of years to address the issues. Lt. Sims said he told Sgt. Benner she needed to respond and handle calls, as well as leading the men and women on her shift. He said he believed Sgt. Benner was receptive to their concerns. He said he just assumed things would get better and that is the reason he didn't save the complaints. He said that he never issued any type of documented discipline to Sgt. Benner as part of these meetings.

Lt. Sims said he believes Sgt. Benner took advantage of the "younger" deputies on her shift because of their willingness to handle calls and be "go getters". He said more complaints and concerns came in about Sgt. Benner about her not backing deputies up on calls, the concerns of the deputy's safety when working with Sgt. Benner, and how they have to change the way they work on the shift because they know Sgt. Benner is their immediate back-up.

Lt. Sims said the incident that brought all of this to a boiling point was CFS2215821, Deputy Dudte's traffic stop on 11/08/2022 where he call for help because he was fighting with a subject and Sgt. Benner's response was unacceptable. He said it was also the junior officer who stepped up to talk to dispatch and make sure Sgt. Benner knew what was going on. Sgt. Benner never said anything over the radio before dispatch marked her directly. Lt. Sims said the other officer responding was 21 miles away and arrived only a couple minutes after Sgt. Benner, who was only 6 miles away. Lt. Sims said after this incident, Deputy Dudte made contact with him and filed what he considered to be a formal complaint about Sgt. Benner, even though it wasn't in writing. He said he addressed the complaint with Chief Deputy Blake.

Lt. Sims said Chief Deputy Blake told him to speak with Sgt. Benner about this incident. He said he asked her to meet with him. He said he told Sgt. Benner that this incident was "very bad". He said during this time, they had contract negotiations going on. He said the Deputies were advised by their Union Attorney, that the Union could file a complaint against Sgt. Benner. He said during this discussion, more deputies had talked about their issues with Sgt.

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Case Status: *COMPLETED - NO* Case Mng Status: *NA* Occurred: *11/01/2021*
 Offense: *DERELICTION OF DUTY*

Investigator: *DAWSON, J. (716)* Date / Time: *02/15/2023 13:19:43, Wednesday*
 Supervisor: *ZEHNER, D. (711)* Supervisor Review Date / Time: *02/16/2023 13:49:05, Thursday*
 Contact: Reference: *Investigative Narrative*

Benner. He said the administration got word of this and realized this was a much bigger issue than they thought. Lt. Sims stated that Sgt. Benner has never really been active, even as a deputy. He said she has always had the reputation of not going to calls and this not new behavior for Sgt. Benner.

Lt. Sims said they (Admin) asked the deputies to submit specific incidents to reference their complaints about Sgt. Benner. He said they received "a laundry list" of incident. He said they began investigating each incident and were able to validate their complaints. He said they don't typically look at the AVL History (Vehicle GPS), but did in this case. He said there were incidents of Sgt. Benner not responding to calls dispatched to her, driving in the opposite direction of calls that are near her, slow response time to calls she actually did go to, and her stopping to wait so she would not be the first person on scene. He said they weren't able to view this on all the complaints because the data is only saved for a period of time.

Lt. Sims commented that he believes Sgt. Benner was promoted base upon her seniority and not her work performance. He said she was assigned to Afternoon Shift, which is the shift where all the new, younger deputies go to. He said Sgt. Benner would always give the excuse of her not handling calls and such because she was thought the younger deputies should handle to call to gain experience. He said some of the complaints had to do with Sgt. Benner not answering questions they had. Lt. Sims said he was told she would just look at them and not do anything.

I asked Lt. Sims if he noticed any patterns in the types of calls Sgt. Benner would avoid. He said he did. He said the calls seemed to be dangerous in nature, calls that would require investigations, or calls where she may have to make an unpopular decision. He said the majority was the calls that could be dangerous or have the possibility to become dangerous. He said he asked Sgt. Benner if she was not wanting to fight with criminals anymore because of her age or past injuries and she would not answer him.

I asked Lt. Sims if he thought Sgt. Benner's actions were criminal. He said he believes it does even though he does not want it to. He thinks she has enough years of service to retire. Lt. Sims said he thinks after what they've heard, seen, and proven, he is not sure how she could legitimately be put back on the road. Sgt. Benner is a safety liability for herself and other deputies.

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/15/2023 13:22:20, Wednesday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/16/2023 13:49:11, Thursday

Contact:

Reference: Investigative Narrative

On 02/13/2023, I received a phone call from Sgt. John Hale from the Ashland County Sheriff's Office. He said he was asked to give me a call by his supervisor. I explained to him I was investigating several incidents involving Cindy Benner and he was named in at least one of them. He said he would speak to me about it and said he could come in tomorrow at 11:00 PM.

On 02/14/2023, Sgt. Hale arrived at our office. He said he has been with the Sheriff's Office for 22 years with the last 7 years as a sergeant. Sgt. Hale advised he knew the reason for the interview request. He also stated that nobody is forcing him to speak with me and is doing it voluntarily.

Sgt. Hale said he rarely works with Sgt. Benner. He said the only reason he was involved in an incident was because he signed up to work overtime on her shift that date. He recalls early in the shift handling a call for a Civil Stand-by. Sgt. Hale said he was there while the female half got her belongings from the residence.

Sgt. Hale told me he heard a second call come over the radio involving the same two individuals he had dealt with earlier in the shift. The location of the call was not in his assigned zone, but responded because he was familiar and because of the nature of the call. He recalls being told the male had sent a picture of a gun to the female and then sent a text along the lines of "he's got to go". He said due to the nature of the call, all available deputies should respond to that call. Sgt. Hale confirmed the call would have been in Sgt. Benner's zone and that she did not acknowledge the call or say anything over the radio. He stated that he actually passed Sgt. Benner on the way to the call and that her vehicle was parked, just a short distance from the location of the call.

Sgt. Hale said he was not aware of Deputy Saylor's or Sgt. Benner's location at the time of the call, but did confirm the area he responded from (US RT 42/Richland County Line). I told him Sgt. Benner was only 3.3 miles away from the call location and Deputy Saylor was 6.3 miles away at the time of the call. Sgt. Hale agreed with me that Sgt. Benner should have been the first on scene because she was the closest to the call location.

I asked Sgt. Hale if he had a conversation with Sgt. Benner after this incident. He said he did. He said that they share an office and he made contact with her there. He said without saying anything, Sgt. Benner said the reason she did not go to that call was because the male had just had an argument with a female and felt the male would be more comfortable speaking to a male deputy. I asked him if he thought that was an appropriate response. He said he thinks a deputy should make sure the scene is safe first and that the person is not a threat to himself or another. He said after that happens then a decision should be made what deputy is best suitable to resolve the situation.

I asked Sgt. Hale if there were any other incidents he encountered working with Sgt. Benner and he said he couldn't

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Printed: 05/19/2023 08:05

Richland County Sheriff's Office

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Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/15/2023 13:22:20, Wednesday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/16/2023 13:49:11, Thursday

Contact:

Reference: Investigative Narrative

think of any. He said he has heard other guys complain about her not helping her co-workers before. He said the same types of things happened to him while he was a deputy working for Sgt. Benner.

Sgt. Hale told me he was unaware that these types of things were going on until recently. I asked him of what he knows now, does he have any concerns about working with Sgt. Benner. He said if somebody take a long time to respond to another deputy calling for help, then that is an issue. I asked him if he thought Sgt. Benner should be allowed to return to her former position and he said she has 32 years of service in and thinks it might be time to "hang them up".

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Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/16/2023 08:17:39, Thursday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/17/2023 10:42:21, Friday

Contact:

Reference: Investigative Narrative

On 02/16/2023, Dispatcher Olivia Starkey came to our office to speak to me about the incidents involving former sergeant, Cindy Benner. Olivia said she has been with the Ashland County Sheriff's Office for 4 ½ years and is currently assigned to afternoon Shift (1500-2300). I asked Olivia if anybody was forcing her to speak with me about this and she said no. She did add that a lot of people did not want to see this issue be pursued criminally, but know it is something that needs done.

I asked Olivia to tell me about specific incidents where she believed Sgt. Benner did not act or respond appropriately. Olivia said they used to have a lot of documented records that were turning in along with the complaint. She said through the forwarding of these documents, nothing seemed to happen to fix the problem, and the documents can no longer be found. Olivia said she could think of two big incidents that came to mind.

Olivia said the first one occurred around a year ago. She said at the time of call, Deputy Wenrich was in Sullivan, Deputy Taylor was in Loudonville and was handling a call, and Sgt. Benner was in the Central Zone. Olivia said they received a call for service that was located in the Central Zone so they dispatched Sgt. Benner to the call. Olivia said she believes Sgt. Benner acknowledged the call, but never said she was enroute. At the time of the call, Sgt. Benner was in the area of US RT 250 and I-71. Olivia said she also observed that Sgt. Benner's vehicle had not moved since she was dispatched.

Olivia said several minutes later, they received another call to assist Ashland Police Department. All of their officers were tied up and requested the Sheriff's Office assist them by responding to a suicidal and homicidal person in the City of Ashland. She stated the person in question has a history with Ashland PD and suffers from PTSD. Olivia said they dispatched Sgt. Benner to this call because of the nature and that it took precedence of the suspicious person who was no longer on scene (which was advised over the radio) that Sgt. Benner was sent to earlier. Sgt. Benner responded to dispatch that she was already assigned the suspicious person call and that Dispatch needed to send somebody else to the suicidal/homicidal person.

Olivia said a short time later, Deputy Taylor cleared his call and advised he would handle the suspicious person call. Olivia noted that the suspicious person call was probably about an equal distance from Sgt. Benner's location and Deputy Taylor's location. However, Sgt. Benner was much closer to the second call to assist with the suicidal/homicidal person. She said Sgt. Benner never said anything else on the radio. Deputy Wenrich responded to the call in the city and when he stated he was on scene, he included Sgt. Benner.

I looked at the call times for this incident. Sgt. Benner was dispatched to the suspicious person call at 1704 hours. The assist for Ashland call was received at 1708 hours. Deputy Wenrich marked enroute to the assist for Ashland call at

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Investigator: DAWSON, J. (716)

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Reference: Investigative Narrative

1713 hours. Deputy Taylor advised he was enroute to the suspicious person call at 1730 hours. At that time dispatch cleared Sgt. Benner from that call and assigned her to the other call. Olivia stated there was no further radio traffic from Sgt. Benner about either call. Deputy Wenrich advised that her and Sgt. Benner were on scene at 1739 hours. Sgt. Benner arrived on scene at the same time as Deputy Wenrich when she was only about 4.9 miles away and Deputy Wenrich was about 14.4 miles away. Olivia said from the time she was originally dispatched to the first call, Sgt. Benner's vehicle location never moved until after Deputy Taylor said he would be enroute to the suspicious person call. Sgt. Benner's vehicle sat stationary for approximately 26 minutes and she made no movement toward either of the calls she was dispatched to.

Olivia said when Sgt. Benner was dispatched to calls, she would watch Sgt. Benner's vehicle movement. She said "many times" Sgt. Benner would arrive to the area of the dispatched call, but would then stop and wait until the other responding deputy would arrive on scene. She said she believes Sgt. Benner did this so that she did not have to be the primary deputy on scene or do a report if necessary. Olivia said new protocol was put in place because of Sgt. Benner. She said they used to call another agency on their own to get back up for a responding deputy because they knew Sgt. Benner was not going to respond. Sgt. Benner was asked about this and said she was not aware of the other calls. The new protocol was that Dispatch needed to get permission from the Supervisor on duty to call another agency for assistance.

Olivia began to tell me about Deputy Dudte's traffic stop at 60 and 224. I asked her if she could remember the radio traffic of that incident and she said yes. She said Deputy Dudte called out a traffic stop at the above stated location. She said Deputy Dudte notified them that he was going to have a person step out of the vehicle. She said the next radio traffic from Deputy Dudte was just multiple "mic clicks". She said Deputy Wenrich, who was on his own traffic stop near Mifflin, cleared his stop and told Dispatch he had Deputy Dudte on speaker phone and he was in a fight. She said during this time, Sgt. Benner was at her home, eating lunch. Olivia said Sgt. Benner was probably less than five minutes from Deputy Dudte's location. Sgt. Benner never acknowledged any of the previous stated radio traffic. Dispatch radioed Sgt. Benner and asked if she was clear on the radio traffic and she said yes and asked where he was at. At this time, Dispatch was continuously attempting to make contact with Deputy Dudte with no success. Olivia said during Deputy Dudte's fight, he was able to call dispatch on his cell phone. Olivia said all you can hear was scuffling and Deputy Dudte stating, "I need units now." Olivia said she looked at the deputy's locations and Sgt. Benner still had not left her house. She said Deputy Wenrich who responded from the Mifflin area, arrived just a minute after Sgt. Benner finally arrived on scene. She said she was able to view Deputy Dudte's body cam and could see the person he was fighting with did have a gun.

Olivia said there has been multiple times when they have dispatched Sgt. Benner to a call and she never acknowledges

Investigator Signature

Supervisor Signature

Richland County Sheriff's Office

OCA: 2023000475

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/16/2023 08:17:39, Thursday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/17/2023 10:42:21, Friday

Contact:

Reference: Investigative Narrative

the call so they have to send somebody else to the call, taking the other person out of their zone. Olivia said when they are entering call, the deputies can see the information as they put it in. She said almost all the deputies watch this, and will start to head in the direction of the call without being told to. She said Sgt. Benner will see a call is coming in that is close to her location and then they will watch her vehicle move away from the call in the opposite direction. Olivia said she feels that Sgt. Benner works harder to get out of a call than it would be to just handle it.

Olivia said she remembers an incident where they had two priority calls going on at the same time. She said Deputy Hall was sent to a domestic dispute in Savannah, a two-man call. Deputy Taylor was sent to a mental person in the Jeromesville area that is flagged in their system as a two-man call. She said Sgt. Benner was in the Central Zone and never left. She never volunteered to back either of them up. She said Deputy Hall handled the call by himself and Deputy Taylor requested an OSP unit to respond with him.

I asked Olivia to tell me her opinion of what the resolution should be to correct the issue with Sgt. Benner. She thinks the demotion and her reassignment is a good start and that it will keep Sgt. Benner from returning to the road. She agreed that with the evidence regarding the complaints, a criminal charge is reasonable. However, nobody wanted to see her get fired or criminally charged. They just wanted everybody to be safe.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/19/2023 08:05

Richland County Sheriff's Office

OCA: 2023000475

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/22/2023 08:26:41, Wednesday

Supervisor: ZEHNER, D. (711)

Supervisor Review Date / Time: 02/22/2023 10:55:19, Wednesday

Contact:

Reference: Investigative Narrative

On 02/21/2023, I went to the Ashland County Sheriff's Office to attempt to speak with Cindy Benner. Cindy was brought into the conference room. I introduced myself and explained to her that I have been reviewing her actions while on duty for several different incidents over the past two years. I told her I was trying to determine if any of her actions were criminal. I asked Cindy if she was willing to give her version of each incident. Cindy told me she was not willing to speak with me without her attorney present. I gave her my business card and requested she or her attorney contact me to set up an interview.

I spoke with Chief Deputy Blake prior to leaving. He told me he has spoken with their Law Director, Rick Wolfe. He gave me Rick's contact information so I could make arrangements to present the case to him.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/19/2023 08:05

Richland County Sheriff's Office

OCA: 2023000475

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 02/23/2023 08:43:37, Thursday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 02/23/2023 11:26:22, Thursday

Contact:

Reference: Follow Up Case Status Change

On 02/22/2023, I made contact with the Ashland City Law Director, Rick Wolfe. I advised him that I had completed my investigation for this matter. He advised he would like to meet with me for a short period before I turned the case file over to him. I am scheduled to meet with Mr. Wolfe on Friday, 02/24/2023 at 10:00 AM.

I request the case status be changed to "Completed-Awaiting Adjudication".

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/19/2023 08:05

Richland County Sheriff's Office

OCA: 2023000475

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: COMPLETED - NO

Case Mng Status: NA

Occurred: 11/01/2021

Offense: DERELICTION OF DUTY

Investigator: DAWSON, J. (716)

Date / Time: 03/02/2023 15:08:48, Thursday

Supervisor: EICHINGER, R. (709)

Supervisor Review Date / Time: 03/03/2023 10:09:52, Friday

Contact:

Reference: Investigative Narrative

On 03/01/2023, I received a phone call from the Ashland City Law Director, Rick Wolfe. He advised he had finished reviewing the case and drafted charges. He asked me to come to his office to review and sign as the complainant of the charges.

On 03/02/2023, I met with Mr. Wolfe at this office. I reviewed the complaint of charges that were prepared and affirmed the draft was accurate with the findings of my investigation. The complaint advised of four separate incidents which accounted for the four counts on the complaint. All the charges were for Dereliction of Duty, ORC 2921.44(A)(2). I signed the complaint and it was taken to the Ashland Municipal Court Clerks Office to be filed. I was advised the Bailiff would issue a summons to Cynthia Benner.

A copy of the complaint of charges will be attached to the case.

Investigator Signature

Supervisor Signature

2023-000475

COMPLAINT

Case No. _____

THE STATE OF OHIO)
Ashland County) ss.

Before me, B Stoner, Deputy Clerk/Deputy Bailiff of the Municipal Court of the City of Ashland, in said County, personally came Detective Josh Dawson who being duly sworn according to law, deposes and says that

Name: Cynthia Jo Benner
Street: 516 State Route 511
City: Ashland, Ohio 44805
DOB- 06/17/1965 SSN- XXX-XX-2375

FILED
MAR - 2 P 1:22
ASHLAND MUNICIPAL COURT
ASHLAND, OHIO

did as follows:

Count 1. On or about the 3rd day of November, 2021 in the County of Ashland, State of Ohio, being a law enforcement officer; to wit: a Sergeant for the Ashland County, Ohio Sheriff's Office, did negligently fail to prevent or halt the commission of an offense or to apprehend an offender, when it was in her power as a law enforcement officer to do so alone or with available assistance; to-wit: as the supervising road deputy of her shift, she was made aware by radio communication of a priority call for assistance relating to a domestic violence situation, which by Ashland County Sheriff's Office policy was a two-deputy response situation; that she failed to respond to the domestic violence call even though the location was in her assigned zone; that Deputy Shaun Taylor did respond but had to call for his own back-up from the Ohio State Highway Patrol because Sgt. Benner declined to leave the call she was on in order to assist Dep. Taylor, said call being for the purpose of issuing a deer carcass receipt for which she spent 30 minutes to do, thereby failing to assist Dep. Taylor, to halt the offense or apprehend the offender this being in violation of Ohio Revised Code Section 2921.44(A)2.

Count 2. On or about the 27th day of October, 2022 in the County of Ashland, State of Ohio, being a law enforcement officer; to wit: a Sergeant for the Ashland County, Ohio Sheriff's Office, did negligently fail to prevent or halt the commission of an offense or to apprehend an offender, when it was in her power as a law enforcement officer to do so alone or with available assistance; to-wit: as the supervising road deputy of her shift, she was made aware by radio communication of a priority call for assistance relating to a domestic violence situation, which by Ashland County Sheriff's Office policy was a two-deputy response situation; that she failed to respond to the domestic violence call because she was attending to a Trick Or Treat detail while stationary in the Village of Savannah, Ohio;

that she advised dispatch to contact the Ohio State Highway Patrol to provide back-up to Dep. Dan Saylor who was dispatched to the domestic violence call which reportedly involved a male choking a female; that even though there was no radio traffic advising whether or not the OSHP would be enroute to assist Dep. Saylor, Sgt. Benner determined not to leave her Trick Or Treat detail and remained stationary, thereby failing to assist Dep. Saylor, to halt the offense or apprehend the offender, this being in violation of Ohio Revised Code Section 2921.44(A)2.

Count 3. On or about the 2nd day of November, 2022 in the County of Ashland, State of Ohio, being a law enforcement officer; to wit: a Sergeant for the Ashland County, Ohio Sheriff's Office, did negligently fail to prevent or halt the commission of an offense or to apprehend an offender, when it was in her power as a law enforcement officer to do so alone or with available assistance; to-wit: as the supervising road deputy of her shift, she was made aware by radio communication of a male threatening suicide with a gun; that Sgt. Benner was the closest deputy to the call, being approximately 3.3 miles away; that the tracking of her vehicle shows it moving slowly in the direction of the call, but stopping several times on the way, in order for other deputies who were further away than she, Deputy Saylor and Sgt. Hale, to arrive at the call ahead of her, then stopping down the street and never participating in the call thereby failing to assist Deputy Saylor and Sgt. Hale in this matter or handling it sooner by herself or with the assistance of other deputies, this being in violation of Ohio Revised Code Section 2921.44(A)2.

Count 4. On or about the 8th day of November, 2022 in the County of Ashland, State of Ohio, being a law enforcement officer; to wit: a Sergeant for the Ashland County, Ohio Sheriff's Office, did negligently fail to prevent or halt the commission of an offense or to apprehend an offender, when it was in her power as a law enforcement officer to do so alone or with available assistance; to-wit: that Dep. Garrett Dudte made a traffic stop near U.S. Rt. 224 and S.R. 60, that Dep. Dudte, upon approaching the vehicle, noticed a male person hiding under a blanket on the floor of the rear seating area of the vehicle and that he observed the male to have a gun in his waistband; that Dep. Dudte immediately made a call for a priority response from other deputies; that Sgt. Benner, the supervising road deputy on the shift, was at her house eating lunch at this time, although still on duty, and was the closest Deputy to the location of Dep. Dudte's traffic stop, which was just a few miles away; that Dep. Wenrich, in the southern zone was on a traffic stop near Mifflin, Ohio, a considerably greater distance away to be able to assist Dep. Dudte; that Dep. Dudte became engaged in a fight with the subject male when the male attacked Dep. Dudte; that Sgt. Benner never responded to Dep. Dudte's radio traffic requesting assistance; that dispatch communicated with Sgt. Benner asking if she had heard Dep. Dudte's call for assistance and she responded by asking what his location was; that Sgt. Benner did not

leave her house for more than six minutes after asking where Dep. Dudte was; that Dep. Dudte was able to subdue the male attacker with the assistance of a citizen passer-by; that when Sgt. Benner did arrive, the male was still on the ground and the gun and magazine were in close proximity; that Sgt. Benner just stood there rendering no assistance, necessitating a New London, Ohio Police Officer who had come on the scene, to help Dep. Dudte; Sgt. Benner thereby failing to assist Dep. Dudte in the halting of the commission of an offense and the apprehension of the offender, this being in violation of Ohio Revised Code Section 2921.44(A)2.

Signed: 
Det. Josh Dawson

Street: 597 Park Avenue East
City: Mansfield, OH 44905
Ph: (419) 774-6300

Sworn to before me and subscribed before me this 2 day of Mar. A.D. 2023.


Deputy Clerk/Deputy Bailiff of Municipal Court

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2023 MAR -2 P 1:22
ASHLAND MUNICIPAL COURT
ASHLAND, OHIO
BY B