

Joe Deters took Sheriff Charmaine McGuffey off Brady List 'as a professional courtesy'



After Charmaine McGuffey became Hamilton County's sheriff, then-County Prosecutor Joe Deters took her off a long list of officers accused of wrongdoing.

By [Jennifer Edwards Baker](#)

Published: Oct. 11, 2023 at 1:50 PM PDT | Updated: 21 hours ago



CINCINNATI (FOX19) - After Charmaine McGuffey became Hamilton County's sheriff, then-County Prosecutor Joe Deters took her off a long list of law enforcement officers accused of or found guilty of wrongdoing, FOX19 NOW has confirmed.

She "was removed from the list sometime in 2021 by former Prosecutor Joe Deters as a professional courtesy when she became Sheriff," a spokeswoman for the prosecutors' office, Amy Clausing, said Wednesday.

"However," she noted, "our obligation to inform defendants of Brady information remains unchanged. If Sheriff McGuffey was ever a witness in a case, the two infractions that placed her on the Brady list would be disclosed to the defense."

The Brady List is the result of a more than 50-year-old Supreme Court ruling that requires prosecutors to seek and disclose evidence to defense attorneys and the accused that is material to his or her guilt or punishment.

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This includes evidence about their untruthfulness; certain prior criminal convictions and evidence of bias; excessive use of force.

The prosecutor's office keeps a lengthy and detailed list, one that currently has more than 150 law enforcement officers, mostly from the two largest agencies in the county: the sheriff's office and Cincinnati police.

McGuffey was put on it sometime between September 2018 and February 2019, for a 2010 charge by Covington police of "Disorderly Conduct, Public Intox." and a second incident of "Dishonesty" during an internal investigation, according to copies of the list the prosecutor's office recently provided in response to a FOX19 NOW public record request.

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Before McGuffey was added, the list had 48 names.

The next time the list was printed, in February 2019 with her on it, the names more than doubled to 111. McGuffey was listed as #76 and #109.

Her name appeared on the list for the last time in October 2020. It was not on the next printed version in February 2021 and has remained off, prosecutor's records show.

Deters declined on Wednesday to comment for this story: "I cannot because of my current position in government."

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He stepped down from the prosecutor's office in early January after Gov. Mike DeWine appointed him to serve as an Ohio Supreme Court Justice.

Chief Assistant Prosecutor Mark Piepmeier was named interim prosecutor until the Hamilton County Republican Party's central committee appointed Melissa Powers, a recently retired county juvenile court judge, to be the prosecutor on Jan. 24.

Sheriff McGuffey did not respond to repeated requests for comment FOX19 NOW relayed through a spokeswoman.

Changing policies at prosecutor's office

No other law enforcement officer has been removed from Hamilton County's Brady List in at least the past five years, county records show. Removal is not totally unprecedented, however, Clausen tells FOX19 NOW.

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"For a period of time, we had a policy of removing officers after 10 years. At some point that policy was changed and officers are no longer automatically removed after 10 years," she said.

She also stressed that the county is not required to keep a written copy of the list but does:

"It is important to note, we are under no obligation to maintain this list. The list is created as a tool for use by our assistant prosecutors to aid them in their responsibility in providing Brady material to criminal defendants. So, how we maintain the list has changed over time and been tweaked to better serve our assistant prosecutors."

Some local prosecutors do not keep the list in written form.

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Butler County Prosecutor Mike Gmoser has said he refuses to keep a paper or electronic copy that can be published by the media or possibly used as a retaliatory move by police officials trying to punish cops.



In Hamilton County, law enforcement agencies submit names they believe merit being on the list but the final say rests with the prosecutor's office.

Phil Cummings, assistant division chief of the appellate division, has been responsible for maintaining the list for years and continues to this day.

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They look for anything that a defense attorney might be able to use to impeach an officer's testimony including untruthfulness, being fired for using excessive force and making racial slurs.

They rely on law enforcement agencies to send them the information and then they review it to decide who goes on the list.

"We add officers to the list as we become aware of incidents that may require disclosure to the defense," Clausen said Wednesday.

There are 158 names on the list now. The most recent addition is Cincinnati Police Officer Justin Shields.

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He was added after his April OVI arrest during a traffic stop on I-275 in Clermont County.

On May 17, he pleaded guilty to a reduced misdemeanor charge of "Having Physical Control of a Motor Vehicle While Under the Influence," according to the Brady List's most recent list, which was last updated in July.

'We have to be guided by due process'

Cummings testified at length during a January 2019 Cincinnati police arbitration hearing that once officers are on the list, they are not taken off, even if the original accusation was thrown out or overturned.

The prosecutor's office would add that new information to the officer's mention on the list because defense attorneys are entitled to it, according to a copy of the transcript.

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"If a penalty is vacated or mitigated somehow, that has no impact on our obligation under Brady," he said under oath, according to a copy of the arbitration transcript obtained by FOX19 NOW.

"We still have to provide the initial finding that was sustained, um, initially that he had this problem on his record. And that would still be on his, on the -- he'd still be on the Brady List even if the penalty was subsequently reduced for some reason, yes."

An attorney for the city of Cincinnati asked him: "Have you, has this issue been presented to you before about what happens if the initial determination was somehow called into question?"

"No," Cummings responded. "I'm aware, we are aware that this has happened in other cases around the country. We are aware of other cases where this is an issue. We have not dealt with it ourselves."

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"Once again, though," he continued, "we err on the side of due process of the defendant in a criminal case and we would still consider this information to be something that a defense attorney would want to know.

"But we also want the information out there that it was vacated and reversed later, in some form, if that was truly the case. And of course, the officer can always explain this. If this becomes an issue at trial. He can, he or she can explain how this was subsequently vacated and explain the details.

"But under Brady, we are still obligated to let everybody know that there was an initial finding made and it was sustained and went to his credibility so -- but he would still be on the Brady List."

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The attorney said: "I think you described it to me before as you just cannot un-remove that?"

Cummings responded: "That's correct. That's correct. Unfortunately, I understand the officer's position, I understand how frustrating that would be for them, but we have to be guided by the due process."

'It doesn't rise to the level of a Brady offense'

McGuffey started working for the sheriff's department in 1983 and worked her way up to major in charge of the county jail until she was fired in 2017.

She sued in 2018, alleging her termination was a result of being a whistleblower who exposed excessive use of force by the sheriff's deputies and corrections officers. She also has contended some within the department didn't like the fact she was an openly gay woman.

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McGuffey ran against her former boss, then-Sheriff Jim Neil, and beat him in the Democratic primary in March 2020 and then defeated the Republican candidate, Bruce Hoffbauer, in the November 2020 general election.

Days before she was sworn into office, McGuffey settled the lawsuit with the county and it never went to trial. The county and Neil did not admit to any of the allegations in the lawsuit.

McGuffey's placement on the Brady List came up during the election. She was not put on it until 2018, several years after she was charged in Covington in 2010.

She addressed it in a June 2020 news release, saying "I stood up to an unlawful police stop in Covington Ky where my friends and I were targeted coming out of a gay bar.

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She said Neil, her political opponent, submitted her name to be put on the Brady List in December 2018 when she ran against him in the primary.

"I'll let you decide the motive behind that," she wrote in the June 25, 2020, statement on her [website](#). "By the way, because of the 10-year statute of limitations, my name is already off for that. Citations given at the time were dismissed and expunged because they had no merit. Then (former longtime) Sheriff (Simon) Leis gave me 5 days off work because he was mad I was at a gay bar. That was my offense.

"And yes, I know how it feels to be targeted by bad policing and I will fight every day to protect and serve all, equally. I am also on there for an 'accusation' mind you, that I was dishonest in a conversation with Internal Affairs," her statement reads.

"That is not only in dispute and is at the core of my lawsuit for unlawful termination, as a reporter asked earlier, it doesn't rise to the level of a Brady List offense. Sheriff Neil was aware that this allegation was in dispute but he held the power to put me on the list regardless."



FOX19 NOW reached out to Neil for comment and specifically asked if he submitted McGuffey's name to the prosecutor's office because of "dirty politics."

He did not directly address that question. Instead, he sent us a statement: "When a sheriff's deputy is arrested and/or found to be dishonest during an official investigation, sheriff's investigators turn the case file over to the prosecutor's office at the conclusion of their investigation. The case file on McGuffey would have been sent to the prosecutor's office in 2017. The prosecutor would determine who is placed on the Brady List."

He recently filed petitions to be on the May 2024 primary ballot in the sheriff's race.

October 2020 Brady List with the sheriff

Report Updated: 10/08/2020

MANDATORY DISCLOSURE OF IMPEACHING EVIDENCE TO PROSECUTORS

Per Brady and Giglio, this information must be disclosed to defense counsel in discovery

	Officer's Name & Badge No.	Municipality	Date(s) of Incidents	Findings
1.	Tom Campbell	Springfield Twp. PO	Prior to 3/26/2012	*Internal Investigation Report of Acts of Dishonesty dated 3/26/2012 *Terminated by Springfield Township effective 4/4/2012
2.	Bryon Roos	North College Hill Police (formerly)	8/21/2012	P.O. Roos indicted federally in August 2012 for his involvement in Marijuana trafficking conspiracy/money laundering scheme (11 total charged)
3.	Robert "Bobby" J. Ward	Norwood PD (formerly)	8/11/2012 and November 2011	*Convicted of misdemeanor Assault in Case No. C/12/CRB/346661 against Denise Diallio in his capacity as a Norwood police officer. Special Prosecutor Keith Schneider appointed to handle this matter and any subsequent matters.
4.	Jeremy Trentman	Springfield Township	11/22/2010	<ul style="list-style-type: none"> Internal Investigation determined Officer violated Section 1.3.1 unreasonable amount of force; Section 1.3.1.01 regarding limited used of neck force; and Section 26.1.1 mistreatment of persons in custody (involving incident at Township Police Station subsequent to arrest of Dominique Hill.)

Report Updated: 10/08/2020

	Officer's Name & Badge No.	Municipality	Date(s) of Incidents	Findings
5.	Adam Wong	Sharonville P.D.	9/27/2013; and January 2011	<ul style="list-style-type: none"> Sept. 27, 2013, incident involved overtime compensation abuse. Internal investigation revealed Wong "untruthful" throughout 3 interviews; he was subsequently terminated. In January 2011 incident, Chief Schappa found Wong guilty of "Competent Performance" involving a traffic light camera citation. Adam Wong resigned from Sharonville PD 6/2/2014, subsequent arbitration hearing.
6.	Richard L. Frey, Jr.	HCSO - Court Services	10/26/2013	<ul style="list-style-type: none"> Frey found Guilty of Theft on 1/7/2014 in Harrison Mayor's Court Case No. 13CRB00101 Terminated by HCSO on _____??
7.	Gregory S. Sersion	HCSO	10/20/2012	<ul style="list-style-type: none"> Found Guilty on 6/3/2013 under C/12/TRD/52825(A) (Reasonable Control) but Acquitted of (B) charge (Leaving the Scene). Officer Sersion terminated by Sheriff Neil Later, arbitrator reduced his termination to 20-day suspension.

September 2021 Brady List: Sheriff removed

Report Updated: 09/27/2021

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Report Updated: 09/27/2021

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Current Hamilton County Brady List

Report Updated: 7/12/2023

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Report Updated: 7/12/2023

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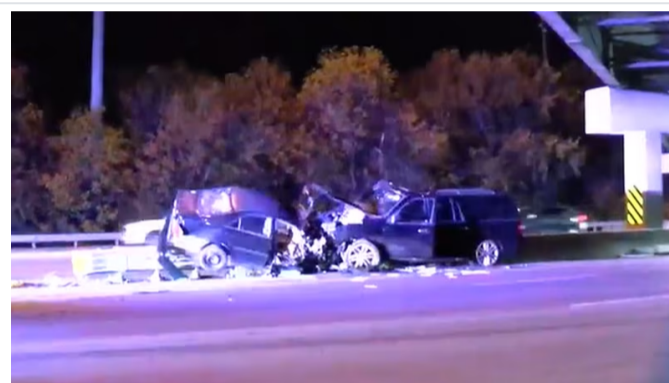


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