

Police sergeant accused of groping woman in Explorer program

By Jennifer Baker and Brad Hawley August 27, 2015 at 9:43 PM EDT - Updated July 11 at 2:05 AM

MIAMI TOWNSHIP, OH (FOX19) - A Miami Township police sergeant is on paid leave and facing criminal sex charges that he groped a 20-year-old woman in the police Explorer program during a ride along.

Sgt. John Swing, 50, was indicted Thursday on three felony counts of gross sexual imposition and one misdemeanor assault charge for an April 15 incident, court documents show.

"Miami Township takes serious all allegations of criminal misconduct," said Miami Township Police Chief, Sue Madsen. "The Township is cooperating fully with the Clermont County Prosecutor's Office."

Madsen confirmed that Swing, an 18-year police veteran, has been on administrative leave since the allegations were made in April.

Miami Township has retained outside investigators to conduct an internal investigation.

Swing, who lives in Milford, was given a summons to appear in court. He was not physically arrested.

His lawyer, Joshua Engel, said he filed a written plea of not guilty and would enter a formal plea when Swing appears in court next week.

"Obviously he denies it but, even if that's true, this is not a grievous sexual assault that would warrant a felony indictment and ruining this guy's career,"

Engel said.

The allegations and criminal charges have hit Swing, a two-time officer of the year, hard.

"He's horribly distressed by this. He's hasn't missed a day of work in 10 years," Engel said. "He's a true career law enforcement officer. To have allegations like this that go at the heart of what he does is just devastating to him."

Swing took the woman on an April 16 ride along arranged at the last minute after the officer she was supposed to go with was unavailable, a copy of her police statement shows.

And that was just fine with her, she wrote. She knew the sergeant, had attended school with his daughter and trusted him.

"Swing at the time was one of my favorite officers whom I had not seen in a while due to the rotation change that had taken place not to (sic) long ago at the police department," her statement reads. "Our friendship leading up to the incident was a very joking and sarcastic one...."

During the ride along, the two started joking about who could "take" who in a fight.

"Swing stated he could take me and that he could prove it and I replied with 'whatever, man, bring it,'" she wrote in her statement.

A bit later, after responding to a call to check on an elderly woman, they began to joke again - but it turned weird.

"When we started walking back to the car the joking continued and then in a very awkward and uncomfortable way he said he would take me," the

woman's statement reads. "I said 'don't do anything here there are witnesses and although the woman was OK and we were leaving the residence, I still felt like we were on call.

"After that call, Swing kept stating that he wanted to take me back to his house because he wanted to prove to me he could take me down," she wrote. "I just stated 'OK' and went along with it because he was kidding around and and we weren't really going to be going back to his house. I trusted him. I had known Swing for about three years from being in the Explorer program and could trust him and any of the officers at Miami Township with my life. I looked up to those officers and trusted them like I would my own family."

The cruiser pulled up to the house, and Swing invited her inside.

"I didn't feel uncomfortable going inside," her statement reads. "I stated 'oh, you weren't kidding about the wrestling, but I figured that Swing just wanted to stop by his house for a bottle of water or check up on something."

That's exactly why the two went to the house and the only reason they were there, Swing's lawyer said.

But the victim told authorities he took off his duty belt containing his service gun, Taser and other devices and grabbed her.

"I had never seen a Miami Township police officer take their duty belt off because when you are a police officer your duty belt is your life," she wrote. "....Swing walked over to me and started wrestling me to the ground. I went along with it thinking he was just going to show me some self defense moves but it was when I was laying on the ground and he was on top of me I thought that things had gone too far and I didn't know what to do.

"I told him more than once that I couldn't breathe but he continued he flipped me over and started to spanking my butt," she wrote, "He stopped for about 2 (sic) minutes to fix his uniform and walked to the bathroom to tuck in his shirt but then shortly after started wrestling me again. Telling me to try to fight him back and to get away from him. He had me pinned against the couch and I really couldn't move and started to have trouble breathing again because he was on top of me. I tried to do a few tactical moves I had learned in the past at explorer meetings but they didn't work because he was a lot more trained than I was. When we were finally finished he allowed me to use the restroom to fix my uniform."

They walked upstairs and he showed her his back yard with a creek. The woman wrote that the whole time he did this her "mind was racing and I didn't know what to do. I wanted the ride along to be over with but I didn't know who to go to or who to tell what had just happened to me."

The woman wrote that she was struck by how "normal" Swing was acting. Once they were back inside the police car, he warned her not to tell anyone what occurred at his house, according to her statement. At times, he put his hand on her leg and held her hand.

"We started driving around some more and Swing just stated that what we just did was to remain a secret and if I were to tell anyone that no one would believe me and that he would just deny the whole thing had happened," she wrote. "I felt really uncomfortable and didn't know what to do. A problem like this you usually go to the police about. But when its an officer thats (sic) hurt you I didn't know what to do."

He kept asking her if she was nervous.

"...I would just shrug my shoulders or just say no in hopes that it would just all stop and that I wouldn't start to cry," she wrote.

She alleged he slowly moved his hand up her leg and then touched her in a sexual way.

"That was when he asked me if I felt nervous and he stopped," she wrote.

The ride along continued with the two going back to the police department for a bit and Swing talking there with the assistant police chief as though nothing had happened.

"All I wanted to do was say something but I knew I couldn't," she wrote.

Later, Swing drove her to a park where he asked her to go back into the woods with him while he checked and she said no.

She texted her friend to come and get her because she didn't want her father to see how upset she was.

But she wound up telling her mother what happened and slept at her parents house because she lives alone and was afraid Swing would come over.

"...Swing would make comments stating that he was going to come to my apartment and finish me off and that he had my cell phone number and that the next day he would call me which he never did."

The woman filed a complaint with Miami Township police a week later.

Engel said there is no cruiser camera recording of the ride along, but there is other surveillance video that suggests her story is not credible.

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