

**Date:** November 22, 2022

**To:** Gabriel Davis, CCA Director

**From:** Kerrie Kimpel, CCA Investigator

**Subject:** **CCA Case No. 22176 - Review of Improper Stop, Improper Seizure, and Improper Search by Victor Lane**

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CCA completed an investigation of CCA Complaint No. 22176 by Victor Lane, M/B/30, alleging Improper Stop, Improper Seizure, and Improper Search against Officers Alexander Gettys, #P0075, M/W/32, Merredeth Newman, #P0507, F/W/30, Alexander McCoy, #P0519, M/B/35. This memorandum is intended to convey the conclusions resulting from that investigation and the basis for those conclusions. This memorandum does not purport to summarize all evidence uncovered during the course of the investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Mr. Lane alleged that on Thursday, August 4, 2022 at 8:00pm at 1018 Sunset Ave, Officers Getty and Newman stopped his vehicle for a window tint violation. Mr. Lane insisted his windows are factory-installed tint and can be seen through. Officers Newman and Gettys made Mr. Lane exit the vehicle, patted him down, and possibly searched his pockets, in addition to handcuffing and placing him in the cruiser. Mr. Lane's vehicle was searched, nothing was found, and he was given a ticket for not having a driver's license. Mr. Lane said no officer answered Mr. Lane's questions, but at the end of the traffic stop, he was also told that he did not use his turn signal when pulling away from the curb.

CCA interviewed Mr. Lane, Officers Bryan Delk (M/W/41), Getty, Newman, and McCoy about the incident. CCA also reviewed relevant body worn camera (BWC) recordings, Contact Cards, relevant police records, records from the Hamilton County Clerk of Courts, and computer aided dispatch (CAD) records.

BWC footage contradicted the complainant's version of what occurred. Credible witness statements corroborated the subject officer's version of what occurred. There is no information establishing that Officers Newman, Gettys, or any other officer searched the vehicle operated by Mr. Lane.

Credible evidence, specifically, relevant BWC footage, proves that Officers Newman and Getty did stop Mr. Lane's vehicle, and detain Mr. Lane, and Officer McCoy frisked him for weapons. However, despite the action taken, CPD Procedure Manual Section 12.205, Section 12.554 permitted the conduct that occurred. Specifically, the evidence establishes the following:

- Officers Getty and Newman had probable cause to stop Mr. Lane's vehicle due to dark window tint and a traffic violation relayed to them by a plain-clothes officer, Officer Delk. Officer Delk witnessed Mr. Lane's vehicle exiting a parking lot and turned a corner at a high rate of speed. Officer Delk followed the vehicle, and observed the vehicle pulled over at a curb. When Officer Delk pulled to the curb, Mr. Lane's vehicle sped away from the

curb without using a turn signal. The uniform officers then got behind the vehicle and stopped it.

- Officers Getty and Newman detained Mr. Lane due to him being evasive and uncooperative during their initial approach, by not responding to questions asking identifying information, and by making a phone call during the traffic stop while Officer Newman was trying to speak with him.
- Officer McCoy frisked Mr. Lane in accordance with a lawful exception to the general rule that a search warrant is required under the U.S. Constitution; he had Mr. Lane's consent to frisk him for weapons.

Therefore, the actions of the subject officer were consistent with CPD policy, procedure, and training.

**Findings:**

Based on my investigation and review of the evidence uncovered, I recommend the following findings for your endorsement (findings are defined in the attachment to this memorandum):

**Original Allegations**

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Stop	Merredeth Newman	Victor Lane	Exonerated
2	Improper Stop	Alexander Gettys	Victor Lane	Exonerated
3	Improper Search	Merredeth Newman	Victor Lane	Unfounded
4	Improper Search	Alexander Gettys	Victor Lane	Unfounded
5	Improper Seizure	Merredeth Newman	Victor Lane	Exonerated
6	Improper Seizure	Alexander McCoy	Victor Lane	Exonerated
7	Improper Search	Alexander McCoy	Victor Lane	Exonerated

**Collateral Allegations**

There were none.

  
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Kerrie Kimpel, Investigator

  
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Gabriel Davis, Director