

Date: October 20, 2022

Case: #21023

Investigator: Morgan Givens

Complaint Received: February 23, 2021

Complainant: Sheri Haley on behalf of Deontae Lemon

CCA completed an investigation of CCA Complaint No. 21023 by Ms. Sheri Haley (F/B/67). This report is intended to convey the conclusions reached as a consequence of the investigation, and the basis for those conclusions. This report 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.

Complaint Summary:

Ms. Haley alleged that on Sunday February 14, 2021, at approximately 2:00pm at 3420 Warsaw Avenue, officers later identified by CCA as the subject officers initiated a traffic stop on her grandson, Mr. Deonte Lemon (M/B/24). Ms. Haley wasn't present for the stop but relayed information that she received from Mr. Lemon. According to the complainant, she alleged that Mr. Lemon should not have been stopped or detained. Mr. Lemon remained handcuffed in the back of the cruiser for approximately 20 minutes.

Allegations:

Improper Stop
Improper Seizure
Improper Search

Persons Involved:

Officer Cameron Mullis, #P0464, M/W/26 (CPD, Subject Officer)
Officer Jerome Herring, Jr #P0189, M/B/25 (CPD, Subject Officer)
Officer Katelyn Hoffbauer #P0600, F/W/27(CPD, Witness)
Deontae Lemon, M/B/24 (Citizen, Involved)
Sheri Haley, F/B/67 (Citizen, Complainant)

Evidence Reviewed:

Hamilton County Clerk of Courts
CPD Records Management System (RMS)
CPD Criminal Investigation Section (CIS) documents
CPD Internal Investigation Section (IIS) Report
CPD Computer Aided Dispatch (CAD)
Body-Worn Camera (BWC)
Statements by officers, complainant, and relevant witnesses

Authorities:

CPD Procedure § 12.205 Traffic Enforcement

CPD Procedure § 12.554 Investigatory Stops

CPD Procedure § 12.555 Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders

Analysis:

Allegation: Improper Stop

Credible evidence, specifically, relevant BWC footage, proves that Officer Mullis did initiate a traffic stop on Mr. Lemon. However, despite the action taken, CPD Procedure Manual § 12.205 Traffic Enforcement permitted the conduct that occurred. Specifically, the evidence establishes the following: the subject officers had reasonable suspicion to stop Mr. Lemon.

Therefore, the actions of Officer Mullis were consistent with CPD's policy, procedure, and training.

Allegation: Improper Seizure

Credible evidence, specifically, relevant BWC footage, proves that Officers Mullis and Herring did seize Mr. Lemon's person. However, despite the action taken, CPD Procedure Manual § 12.554 Investigatory Stops permitted the conduct that occurred. Specifically, the evidence establishes the following: The officers had reasonable suspicion to detain Mr. Lemon for a brief investigatory period after discovering marijuana in plain view on floor near the driver's seat in the vehicle.

Therefore, the actions of Officers Mullis and Herring were consistent with CPD's policy, procedure, and training.

Collateral Allegation: Improper Search (Person)

CCA Procedure Manual Section 12.554 Investigatory Stops states, "Every 'Terry' stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous." CCA Procedure Manual Section 12.555 Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders further states, "The officer may only pat down or frisk the subject to assure his safety. The officer must have reasonable suspicion that the subject is armed and poses a threat of harm. No search is permitted as would be lawful in an actual arrest."

In his CCA interview, Officer Mullis did not recall searching or frisking Mr. Lemon before he was placed in the cruiser. Officer Mullis did articulate that he typically conducts a frisk of individuals before he places them into his cruiser for his safety.

Per BWC, after marijuana was observed in plain view on floor near the driver's seat, Mr. Lemon was removed from the vehicle and frisked by Officer Mullis before being placed into the cruiser.

In his CCA interview Officer Mullis was unable to recall and therefore unable to articulate the reason for the frisk of Mr. Lemon. Officer Mullis' articulation that it is his common practice to frisk individuals before they are placed into the cruiser falls short of the requirements needed to legally justify the frisk. *See State v. Lozada*, 92 Ohio St.3d 74, 77, 748 N.E.2d 520, 524 (2001) ("[W]e hold that during a routine traffic stop, it is unreasonable for an officer to search the driver for weapons before placing him or her in a patrol car, if the sole reason for placing the driver in the patrol car during the investigation is for the convenience of the officer"). Therefore, Officer Mullis was not within CPD's policy, procedure, and training.

Findings:

Original Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Stop	PO Cameron Mullis	Deontae Lemon	Exonerated
2	Improper Seizure	PO Cameron Mullis	Deontae Lemon	Exonerated
3	Improper Seizure	PO Jerome Herring, Jr	Deontae Lemon	Exonerated

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Search	PO Cameron Mullis	Deontae Lemon	Sustained



Morgan Givens, Investigator



Gabriel Davis, Director

Previous Contacts and Commendations for Officers with Sustained Findings:

Cameron Mullis

Previous Contacts with CCA

Officer Mullis had two previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
20126	Excessive force	Unfounded
21021	Improper Search (Residence)	Not Sustained
21021	Improper Search (Vehicle)	Exonerated
21021	Discourtesy	Exonerated
21021	Lack of Service	Exonerated
21021	Law Violation	NFR
21021	Dishonesty	NFR
21021	Improper Procedure	NFR

Previous Contact/s with IIS

CCA is unaware of any additional previous contact by Officer Mullis with IIS.

Commendations

Officer Mullis received no commendations in the past three years.