

Date: June 22, 2023

To: Gabriel Davis, CCA Director

From: Makiedah Messam, CCA Investigator

Subject: **CCA Case No. 21244 - Review of Improper Search and Discourtesy Allegations by Briaunna Gassett**

CCA completed an investigation of CCA Complaint No. 21244 by Briaunna Gassett, F/W/25, alleging Improper Search and Discourtesy against Officers Joshua Condon, #P0329, M/W/37 and Cameron Fehrman, #P0234, M/W/32. 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.

Ms. Gassett alleged that on Saturday, December 3, 2022, at approximately 2 p.m., along Malvern Place, Officers Condon and Fehrman improperly searched her vehicle, which was parked on the street outside her residence, and were rude to her. Ms. Gassett states that she was inside her residence when a neighbor informed her CPD officers were outside searching her vehicle. Ms. Gassett went to her vehicle and observed uniformed CPD officers concluding the search. The officers claimed they observed marijuana visible inside her vehicle. Ms. Gassett further stated that the officers pulled cocktail butts out of an ashtray in the vehicle. Officer Condon issued her a parking ticket for parking a foot from the curb. Ms. Gassett stated the officers were in the area for a reason unrelated to her vehicle; she did not know why the officers decided to search and cite her vehicle at that time. She noted that another vehicle, near hers, was parked the wrong way on the street. When she asked why they did not cite that vehicle, she stated that officer replied, "Because I don't want to."

CCA interviewed Ms. Gassett, Officers Condon and Fehrman about the incident. CCA also reviewed relevant body worn camera (BWC) recordings, relevant police records, and records from the Hamilton County Clerk of Courts. BWC footage corroborated the subject officer's version of what occurred. Credible witness statements corroborated the subject officers' version of what occurred.

Credible evidence, specifically, relevant BWC footage, proves that Officers Condon and Fehrman searched a vehicle on Malvern Place which was parked with windows down. However, despite the action taken, the Fourth Amendment permitted the conduct that occurred. Specifically, the evidence established the following:

- Ms. Gassett's vehicle was parked along a public roadway and the interior of the vehicle could be viewed by any passerby. There can be no expectation of the right to privacy in this circumstance. The Fourth Amendment allows the warrantless seizure of evidence in plain view, even though the discovery of the evidence was not inadvertent. The discovery of marijuana in plain view gave rise to the search of the vehicle.

- Ms. Gassett's vehicle was also parked illegally and per City Ordinance could have been towed and inventoried.

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

Analysis of Sustained Allegations

Evidence obtained, reviewed, and considered during this investigation established the following violations of CPD policy, procedure, or training:

Allegation: Improper Procedure

Section 1.20 (A) of CPD's Manual of Rules and Regulations states, "Members shall not chew tobacco nor smoke while in uniform or in contact with or visible to the general public, whether on or off duty. ...Uniform members shall not chew gum or similar substance in court, on parade, or in contact with the general public."

Officer Fehrman was seen on BWC footage, in view of fellow officers and the public, handling and placing chewing tobacco in his mouth. This practice was in clear violation of CPD's rule regulating officers' professional deportment. Officer Fehrman's conduct was in breach of CPD's 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 Search	Joshua Condon	Briaunna Gassett	Exonerated
2	Improper Search	Cameron Fehrman	Briaunna Gassett	Exonerated
3	Discourtesy	Joshua Condon	Briaunna Gassett	Unfounded
4	Discourtesy	Cameron Fehrman	Briaunna Gassett	Unfounded

Collateral Allegations

No.	Allegation	Subject Officer	Involved Citizen	Finding
5	Improper Procedure	Cameron Fehrman	Briaunna Gassett	Sustained



Makiedah Messam, Investigator



Gabriel Davis, Director

Previous Contacts and Commendations for Officers with Sustained Findings:

Cameron Fehrman

Previous Contact/s with CCA

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

Case Number	Allegation	Finding
22224	Improper Stop	Exonerated
23015	Improper Stop	Pending
23015	Discrimination	Pending

Previous Contacts for CCA Referrals

Officer Fehrman had no allegations that CCA referred to CPD for investigation in the past three years.

Previous Contact/s with IIS

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

Commendations

Officer Fehrman received no commendation in the past three years.