

Date: December 20, 2022

To: Gabriel Davis, CCA Director

From: Morgan Givens, CCA Investigator

Subject: **CCA Case No. 21106 - Review of Discrimination, Discourtesy, Improper Search, and Excessive Force Allegations by Autumn Thompson.**

CCA completed an investigation of CCA Complaint No. 21106 by Autumn Thompson, (F/B/25), alleging Excessive Force, Discourtesy, Improper Search, and Discrimination against Officer Dylan Scalf (#P0388, M/W/24). 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. Thompson alleged that on Tuesday, May 25, 2021 at approximately 12:40 PM at 4400 Colerain Avenue, Officer Scalf improperly stopped her vehicle, used excessive force, and discriminated against her based on her race. Ms. Thompson further alleged that officers later identified by CCA to be Officer Benjamin Williamson (#P0450, M/W/30) and Sergeant William Kinney (#S0369, M/W/46) illegally searched her vehicle.

CCA interviewed Ms. Thompson, Sergeant Kinney and Officers Scalf and Williamson. CCA also reviewed relevant body worn camera (BWC) recordings, relevant police records, use of force reports, records from the Hamilton County Clerk of Courts, and computer aided dispatch (CAD) records.

Ms. Thompson specifically alleged that Officer Scalf called her a "bitch" during their interaction and that Officer Scalf stopped her because of her race. BWC footage corroborated the subject officer's version of what occurred. There is no information establishing that Officer Dylan Scalf called Ms. Thompson a "bitch" or treated her in a discourteous manner. Furthermore, at the time of this incident, Officer Scalf was assigned to a traffic unit and specifically on the day he encountered Ms. Thompson, he utilized a radar to identify those greatly exceeding the speeding limit which captured Ms. Thompson going 63 mph in a 35-mph zone. When confronted with the Discrimination allegation, Officer Scalf denied stopping Ms. Thompson because of her race; he stated he didn't know the race of the driver when she passed him while he utilized the radar gun.

Credible evidence, specifically, relevant BWC footage, proved that Sergeant Kinney and Officers Scalf and Williamson searched Ms. Thompson's vehicle as alleged. However, despite the action taken, the motor vehicle exception to the fourth amendment's search warrant requirement permitted the conduct that occurred. Specifically, the evidence establishes the following: The officers searched Ms. Thompson's vehicle in accordance with a lawful exception to the general rule that a search warrant is required under the U.S. Constitution. Sergeant Kinney and Officer Williamson observed an open container of what appeared to be a Seagram's wine cooler through the window prior to searching the vehicle. Therefore, the actions of the subject officer were consistent with CPD policy, procedure, and training.

Ms. Thompson departed her vehicle and walked into the store. Officer Scalf followed her into the store and told her that he was conducting a traffic stop. Ms. Thompson refuted Officer Scalf's authority to conduct a stop because she was already in the store. She did not adhere to verbal commands. When Officer Scalf asked her to keep her hands out of her pocket, she said, "why" and placed her hands into her pocket. Officer Scalf decided to go hands on and attempted to take her into custody; she tensed her body and dropped her body weight to the ground. Simultaneously, Officer Scalf guided her towards the ground and placed her in handcuffs. Credible evidence, specifically, CCTV footage, proves that Officer Scalf used Hard Hands when repositioning Ms. Thompson to a prone position while inside the store. However, despite the action taken CPD Procedure Manual Section 12.545 Use of Force permitted the conduct that occurred. Specifically, the evidence establishes the following: The subject officer's use of force was objectively reasonable in light of the applicable factors for evaluating force under the Fourth Amendment and CPD policy; 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	Dylan Scalf	Autumn Thompson	Exonerated
2	Discrimination	Dylan Scalf	Autumn Thompson	Unfounded
3	Excessive Force	Dylan Scalf	Autumn Thompson	Exonerated
4	Discourtesy	Dylan Scalf	Autumn Thompson	Unfounded
5	Improper Search	Benjamin Williamson	Autumn Thompson	Exonerated
6	Improper Search	William Kinney	Autumn Thompson	Exonerated
7	Improper Search	Dylan Scalf	Autumn Thompson	Exonerated

Collateral Allegations

There were none.


 Morgan Givens, Investigator


 Gabriel Davis, Director