

**Date:** September 1, 2023

**Case:** 21143

**Investigator:** Dena Brown

**Complaint Received:** August 25, 2021

**Complainant:** Keith Conner

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CCA completed an investigation of CCA Complaint No. 21143 by Keith Conner. 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:**

Date: July 13, 2021

Time: 4:20PM

Location: 3131 Spring Grove Avenue

Mr. Keith Conner stated he was on a routine drive to the park on Spring Grove Avenue when at least 10 uniformed police officers stopped him. They had their lights flashing, screamed at him to get out of his vehicle, and when he did, all their firearms (fingers on their triggers) were pointed at him. Mr. Conner was unarmed and asked why he was being stopped. The officers screamed at him to walk backward and to get on the ground. Mr. Conner felt the officers were escalating instead of de-escalating the situation. Mr. Conner offered his license, and insurance and asked them to run a check on that information. They did not listen to anything he said, just kept screaming at him to walk backward with his hands raised. Mr. Conner complied with their orders. They made him get on his knees, and he was handcuffed. Mr. Conner was frisked, and an officer reached into his pocket and retrieved his information with his consent. Another officer opened his passenger door and looked inside his vehicle without his permission. They did not look in the trunk. A large German Shepard police dog was approximately eight feet away from him charged and barked at him. When Mr. Conner stood, he provided his identification, and they ran it, then let him go. He was detained for between 5 -10 minutes.

Mr. Conner stated the vehicle belonged to him; however, they accused him of stealing his own vehicle. Mr. Conner felt he should not have had to get out of his vehicle. They should have just taken his information and ran a check on that. This was a very traumatizing experience.

Mr. Conner advised CCA about six weeks earlier his license plate had fallen off his vehicle or someone had taken it off he was unsure of which. Mr. Conner took his front plate and moved it to the rear of his vehicle. His older brother who was a former CPD officer told him to do a report about his plate in case someone picked up his plate and put it on their vehicle and it would come back to his name. Mr. Conner went to District 1 and filled out the report. He emphasized that the plate had fallen off his vehicle if it turned up on another vehicle it was not him. That is when he placed his front plate on the rear of his vehicle. He also stated his vehicle was not stolen so please

don't stop him. He was not reporting a stolen vehicle, just a plate had fallen off. Mr. Conner stated he now pulls over when he has an officer behind him because he does not want to have this situation happen to him again.

### **Allegations:**

Improper Stop  
Discrimination  
Improper Search  
Improper Pointing of a Firearm  
Discourtesy

### **Persons Involved:**

Officer Genesis Steele, #P0259, F/B/38, (CPD, Subject Officer)  
Officer Matthew Mauric, #P0272, M/W/28, (CPD, Involved)  
Officer Dane Billingsley, #P0188, M/B/37, (CPD, Involved)  
Officer Andria Smith, #P0807, F/W/43, (CPD, Involved)  
Officer Hunter Gibson, #P0517, M/W/23, (CPD, Involved)  
Officer Ross McNicol, #P0375, M/W/47, (CPD, Involved)  
Keith Conner, M/B/Unknown (Citizen, Complainant, Involved)

### **Evidence Reviewed:**

Hamilton County Clerk of Courts  
CPD Records Management System (RMS)  
CPD Internal Investigation Section (IIS) Report  
CPD Computer Aided Dispatch (CAD)  
Body-Worn Camera (BWC) Officers Steele, Billingsley, Smith, McNicol  
Statements by officers and complainant

### **Significant Discrepancies or Clarifications:**

1. Contact Card states "Vehicle plate returns stolen-owner stated BMV re-issued same plate to him for his current vehicle."
2. Mr. Conner reported his rear license plate missing on June 27, 2021.
3. IIS reported that eCLEAR/RCIC information confirming Mr. Conner's license plate was still listed as actively stolen on July 13, 2021.
4. A review of Officer Billingsley's BWC showed he did order his canine to "watch it" referring to Mr. Conner and the canine barked at Mr. Conner as ordered by his handler as Mr. Conner alleged. Officer Billingsley never let his canine near Mr. Conner and maintained control of him with two hands holding him. There is no violation.

## Authorities:

CPD Procedure Manual Section 12.031 Automatic License Plate Recognition (ALPR)  
CPD Procedure Manual Section 12.205 Traffic Enforcement  
CPD Manual of Rules and Regulations – Section One – 1.06  
CPD Procedure Section 12.550 Discharging of Firearms by Police Personnel

## Analysis:

### **Allegation 1: Improper Stop**

Credible evidence, specifically relevant BWC footage, proved that Officer Steele initiated a stop of Mr. Conner's vehicle. However, despite the action taken, CPD Procedure Section 12.031 Automatic License Plate Recognition (ALPR) authorizes an officer operating the ALPR to "take enforcement action" after confirming the plate and the status of a wanted return. The procedure also states that any hits received from the ALPR including stolen vehicles, delinquent citations, open capiases, or wants must be confirmed through the MDC, Police Communications, the Hamilton County Clerk's Office, or Central Warrants before enforcement action is taken.

CPD Procedure Section 12.205 Traffic Enforcement states that officers should, "Take appropriate enforcement action whenever a violation is detected." Despite the action taken, the procedure permitted the conduct that occurred. Officer Steele had probable cause to conduct a traffic stop based on the following:

- Officer Steele's Automatic License Plate Recognition (ALPR) alerted on the stolen license plate on the vehicle, belonging to Mr. Conner. Officer Steele advised the Emergency Communications Center (ECC) that she was following Mr. Conner's vehicle. Officer Steele queried Mr. Conner's license plate on her mobile data computer (MDC) which confirmed the license plate was reported stolen. Officer Steele waited until assistance arrived and she then conducted a felony stop on his vehicle.

Per Officer Steele's statement to CCA she conducted the traffic stop based on the automatic alert that a warrant was attached to Mr. Conner's license plate, which she confirmed. Officer Steele's actions were consistent with CPD's policy, procedure, and training.

### **Allegation 2: Improper Pointing of a Firearm**

Mr. Conner alleged that several officers had their firearms drawn and pointed at him.

Officer Steele conducted a felony traffic stop on Mr. Conner's vehicle due to her ALPR alerting her that his license plate was reported stolen. ECC confirmed the warrant. Officer Steele withdrew her firearm and pointed it in the direction of Mr. Conner while keeping her right index finger off the trigger and ordered him out of the vehicle and he was placed in handcuffs.

Credible evidence, specifically, BWC proved that the officers did display their firearms. CPD Procedure Section 12.550 Discharging of Firearms by Police, "At such time as a police officer perceives what he interprets to be a threat of loss of life or serious physical harm to himself or others at the hands of another, he has the authority to display a firearm with finger outside the trigger guard and have it ready for self-defense. The finger is only to be placed on the trigger when on target and ready to engage a threat." Given that executing a high-risk felony traffic stop is inherently and objectively dangerous, it's reasonable that the officers may interpret there could

be a threat of loss of life or the possibility for serious physical harm to themselves or others, as such their display of firearms was permitted.

The Cincinnati Police Department Tactical Patrol Guide and training allows the withdrawal and pointing of a firearm for protection during these high-risk stops. High-risk stops include incidences where the Officer has formed probable cause to believe a felony is afoot, such as that of a reported stolen vehicle.

Officer Steele acted in an objectively reasonable manner by drawing and pointing her firearm (finger off the trigger) at Mr. Conner for personal and public protection. The officers' actions were consistent with CPD's policy, procedure, and training.

### **Allegation 3: Improper Search**

Mr. Conner alleged that officers improperly searched his vehicle.

Credible evidence, specifically, relevant BWC footage and consistent statements provided by Officers proved the officers did not search inside Mr. Conner's vehicle, they approached the vehicle and only looked inside to see if there were any other persons. The officers' actions did not constitute a search, as defined by law. Therefore, the actions of the officers were consistent with CPD's policy, procedure, and training.

### **Allegation 4: Discrimination**

Mr. Conner alleged that Officer Steele discriminated against him when she stopped his vehicle. CPD Procedure § 12.205 Traffic Enforcement states in-part, an Officer will "take appropriate enforcement action whenever a violation is detected." Officer Steele relayed she conducted a felony traffic stop on Mr. Conner's vehicle due to her ALPR alerting her that his license plate was reported stolen not because of his race. Officer Steele provided a race-neutral basis for her stop of Mr. Conner and had probable cause to make the stop.

BWC footage corroborated the subject officer's version of what occurred. A review of Contact Cards provided no proof of a pattern of disparate treatment based on race. There is no information establishing that Officer Steele discriminated against Mr. Conner as alleged. Therefore, the actions of Officer Steele were consistent with CPD's policy, procedure, and training.

### **Allegation 5: Discourtesy**

Mr. Conner alleged that "Officers screamed and yelled commands." Mr. Conner was upset and traumatized by the interaction.

A review of Officer Steele's BWC footage showed that during Mr. Conner's traffic stop, Officer Steele did not escalate the verbal interaction; she explained her basis for stopping Mr. Conner stating she would apologize for the inconvenience if his information was correct, which she did. There is no information establishing that any involved officer engaged in discourteous, coarse, or profane language as alleged; therefore, there was no violation of CPD policies, procedures, or training.

**Findings:**

**Original Allegations**

No	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Stop	Genesis Steele	Keith Conner	Exonerated
2	Improper Pointing of a Firearm	Genesis Steele	Keith Conner	Exonerated
3	Improper Pointing of a Firearm	Ross McNicol	Keith Conner	Exonerated
4	Improper Pointing of a Firearm	Matthew Mauric	Keith Conner	Exonerated
5	Improper Pointing of a Firearm	Andria Smith	Keith Conner	Exonerated
6	Improper Pointing of a Firearm	Dane Billingsley	Keith Conner	Exonerated
7	Improper Search	Genesis Steele	Keith Conner	Unfounded
8	Improper Search	Ross McNicol	Keith Conner	Unfounded
9	Improper Search	Matthew Mauric	Keith Conner	Unfounded
10	Improper Search	Dane Billingsley	Keith Conner	Unfounded
11	Discrimination	Genesis Steele	Keith Conner	Unfounded
12	Discourtesy	Genesis Steele	Keith Conner	Unfounded

  
Dena Brown, Chief Investigator

  
Makiedah Messam, Interim Director