

Date: August 22, 2024

To: Dena Brown, CCA Interim Director

From: Morgan Givens, CCA Investigator

Subject: **CCA Case No. 24083 - Review of Improper Stop, Improper Search, Excessive Force and Discourtesy Allegations by Rodney Cunningham**

CCA completed an investigation of CCA Complaint No. 24083 by Rodney Cunningham (M/B/42) alleging Improper Stop, Improper Search, Excessive Force, and Discourtesy against Officer Brent Eve (#P0647, M/W/41). 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 investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Mr. Cunningham alleged that on Sunday, April 7, 2024 at approximately 12:20 AM, an unknown officer, letter identified as Officer Brent Eve stopped and searched his vehicle, used excessive force by placing him into handcuffs, and was generally discourteous.

CCA interviewed Mr. Cunningham, Officers Eve, Andre Shaw (#P0587, M/B/54), and Sergeant Steven Mittermeier (#S0577, M/W/63) about the incident. CCA also reviewed relevant body-worn camera (BWC) recordings, Contact Cards, relevant police records, and computer aided dispatch (CAD) records.

In this case, Officer Eve initiated a traffic stop on Mr. Cunningham's passenger van due to having an obstructed plate.

Regarding the Improper Stop allegation, credible evidence, specifically, relevant BWC footage, proves that Officer Eve did initiate a traffic stop as alleged. However, despite the action taken, CPD Procedure Manual §12.205 Traffic Enforcement permitted the conduct that occurred. Specifically, the evidence establishes the following:

- Officer Eve had reasonable suspicion to stop Mr. Cunningham. Officer Eve initiated the stop because Mr. Cunningham's license plate was not immediately visible. It was within the back window of the vehicle which was tinted. Officer Eve was able to initiate the stop due to the plate obstruction.

Therefore, the actions of Officer Eve were consistent with CPD policy, procedure, and training.

Regarding the Improper Search allegation, credible evidence, specifically, relevant BWC footage, proves that Officer Eve did search Mr. Cunningham's vehicle as alleged. However, despite the action taken, §12.270 permitted the conduct that occurred. Specifically, the evidence establishes the following:

- The officers searched in accordance with a lawful exception to the general rule that a search warrant is required under the U.S. Constitution;
- Officer Eve conducted an inventory of Mr. Cunningham’s vehicle, which is required before a vehicle impoundment.
 - Mr. Cunningham’s vehicle was impounded because Officer Eve determined it was unroadworthy due to missing lug nuts and an exhaust issue. Per BWC, Mr. Cunningham told Officer Eve that he was the only one who could drive the vehicle.
 - CCA obtained a copy of a vehicle inspection conducted by the City of Cincinnati Fleet Services; they confirmed that the vehicle was not roadworthy.

Therefore, Officer Eve’s actions were consistent with CPD policy, procedure, and training.

BWC footage corroborated the subject officer's version of what occurred. There is no information establishing that Officer Eve used force or was discourteous to Mr. Cunningham as alleged. Mr. Cunningham was placed into handcuffs by Officers Shaw and Eve, but per BWC, no force was used.

Findings:

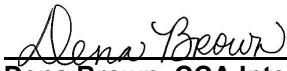
Based on my investigation and review of the evidence uncovered, I recommend the following findings for your endorsement (findings are defined in the attachment to this memorandum):

Original Allegations

| No. | Allegation | Subject Officer | Involved Citizen | Finding |
|-----|-----------------|-----------------|-------------------|------------|
| 1 | Improper Stop | Brent Eve | Rodney Cunningham | Exonerated |
| 2 | Improper Search | Brent Eve | Rodney Cunningham | Exonerated |
| 3 | Excessive Force | Brent Eve | Rodney Cunningham | Unfounded |
| 4 | Discourtesy | Brent Eve | Rodney Cunningham | Unfounded |



Morgan Givens, Investigator



Dena Brown, CCA Interim Director