

Date: April 25, 2025

To: Dena Brown, CCA Interim Director

From: Joseph Vesper, CCA Investigator

Subject: **CCA Case No. 24226 - Review of Improper Search Allegation by Deborah Coulter**

CCA completed an investigation of CCA Complaint No. 24226 by Deborah Coulter, (F/B/47), alleging an Improper Search against Officers John Goebel, M/W/52, #PO105, CPD Start Date 1/3/2016, Jeremy Reed, M/W/29, CPD Start Date 2/18/2024, and Sergeant Sabreen Robinson, #SO019, F/B/47, Start Date 2/17/2002. This memorandum is intended to convey the conclusions resulting from that investigation and the basis for those conclusions. This memorandum does not intend to summarize all evidence uncovered during the investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Ms. Coulter alleged that on Tuesday, October 22, 2024 at 2:22 PM her vehicle was illegally searched while it was parked on 13th Street. The Officers reached into her vehicle's window, let the window down and searched through it, even though she was not present. Witness A, (M/B/Age Unknown), viewed the entire event.

CCA interviewed Ms. Coulter, Officers Reed, Goebel, and Sergeant Robinson with information about the incident. CCA also reviewed relevant body worn camera (BWC) recordings, relevant police records, and computer aided dispatch (CAD) records. CCA attempted to contact Witness A, but received no response.

Credible evidence, specifically, relevant BWC footage, proves that Officers Reed, Goebel, and Sergeant Robinson did search Ms. Coulter's vehicle. However, despite the action taken, CPD Manual of Rules and Regulations § 1.21 and applicable case law permitted the conduct that occurred. Specifically, the evidence establishes the following:

Allegation: Improper Search

Ms. Coulter alleged that her vehicle was improperly searched.

CPD Manual of Rules and Regulations § 1.21 (A) states, "Members shall not make any arrest, search, or seizure not in accordance with law." The United States Supreme Court has long recognized the "plain view" doctrine as an established exception to the warrant requirement.¹ Under this doctrine, law enforcement officers may seize evidence without a warrant if three conditions are met: (1) the discovery of the evidence is inadvertent, (2) the evidentiary nature of the item is immediately apparent, and (3) the officer is lawfully present in the location where the

¹ *Harris v. United States*, 390 U.S. 234, 88 S. Ct. (1968). ([Objects falling in the plain view of an officer who has a right to be in the position to have that view are subject to seizure and may be introduced in evidence.]).

evidence is observed.² In accordance with CPD 2020 Investigations Manual § 12.1.6, officers are permitted to seize evidence of a crime or contraband without a warrant if such evidence is discovered in plain view.

Furthermore, legal precedent establishes that “probable cause for a motor vehicle search exists when a reasonably prudent person would believe that there is a fair probability that the place to be searched contains evidence of a crime.”³ Additionally, “the smell of marijuana alone, by a person qualified to recognize the odor, is sufficient to establish probable cause to search a motor vehicle, pursuant to the automobile exception to the warrant requirement.”⁴

In this case, as recorded on body-worn camera (BWC) footage, Officers Reed and Goebel were walking on a public sidewalk when they passed Ms. Coulter’s vehicle. At timestamp 14:00:04, Officer Goebel audibly stated, “There’s a big bag of weed here.” The BWC footage further confirms that the front passenger window of the vehicle was down, which allowed the officers to clearly observe a large bag of marijuana on the front passenger seat without making entry into the vehicle. Subsequently, at timestamp 14:11:00, Sergeant Robinson arrived at the scene, at which point the three officers proceeded to search the vehicle. During the course of the search, officers discovered additional items, including a scale located in the driver’s side door, a firearm magazine recovered from the center console, and a bag of marijuana that appeared to contain a residue consistent with possible lacing of other illicit substances, such as fentanyl. No test was done on scene, but the evidence was seized and sent for testing.

Given that the officers were positioned on a public sidewalk, were not unlawfully intruding upon private property, and observed the contraband in plain view without actively searching the vehicle at the time of discovery, their actions fall squarely within the established parameters of the plain view doctrine. The visible presence of the marijuana provided sufficient probable cause to conduct a search of the vehicle pursuant to the automobile exception to the Fourth Amendment.⁵

Therefore, the actions of Officers Reed, Goebel, and Sergeant Robinson were consistent with CPD policy, procedure, and training.

² *see Carroll v. United States*, 267 U.S. 132, 162 (1925) (That certain items may be contraband or stolen property or useful as evidence of a crime; it does not demand any showing that such a belief be correct or more likely true than false. A [practical, nontechnical] probability that incriminating evidence is involved is all that is required.); *see also Texas v. Brown*, 460 U.S. 730, 742, (1983) ([Probable cause is a flexible, common-sense standard. It merely requires that the facts available to the officer would warrant a man of reasonable caution in the belief.]).

³ *Illinois v. Gates*, 462 U.S. 213, 246, 103 S.Ct. 2317, 76 L.Ed.2d 527 (1983); *see also Carroll v. United States*, 267 U.S. 132, 45 S. Ct. 280 (1925) (The motor vehicle exception allows officers to search a vehicle absent a search warrant if they have probable cause to believe that contraband is within the vehicle).

⁴ *State v. Taylor*, 161 N.E.3d 844, 847 (Ohio Ct. App. 2020); *citing State v. Moore*, 90 Ohio St.3d 47, 48, 734 N.E.2d 804 (2000); *see also State v. Vega*, 154 Ohio St. 3d 569, 572 (Ohio 2018).

⁵ *see Cincinnati Municipal Code* § 910-23, Possession of Marijuana. Under subsection (A), “No person aged eighteen or over shall knowingly obtain, possess, or use marijuana, in an amount less than one hundred grams.”

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):

Allegations

No.	Allegation	Involved Officer	Involved Citizen	Finding
1	Improper Search	Jeremy Reed	Deborah Coulter	Exonerated
2	Improper Search	John Goebel	Deborah Coulter	Exonerated
3	Improper Search	Sabreen Robinson	Deborah Coulter	Exonerated

Joseph Vesper

21 Apr 2025, 12:05:57, EDT

Joseph Vesper, Investigator

DENA BROWN

21 Apr 2025, 11:24:44, EDT

Dena Brown, Interim Director