

Date: March 31, 2022
To: Gabriel Davis, CCA Director
From: Morgan Givens, Investigator
Subject: **CCA Case No.19183**
Review of Improper Stop and Improper Search by Ms. Cheryl Howard on behalf of Mr. Glenn Gilliam

CCA completed a review of CCA Complaint No.19183 by Ms. Cheryl Howard, F/B/60, alleging improper stop and improper search of Mr. Glenn Gilliam's, M/B/26, vehicle and residence against Specialist Mark Longworth, M/W/45, #PS204.

Ms. Cheryl Howard alleged that her grandson, Mr. Gilliam, was pulled over and had his vehicle and residence searched without cause.

On May 8th, 2019, Specialist Longworth, requested a marked unit conduct a traffic stop on Mr. Gilliam who was a person of interest in an ongoing drug trafficking investigation. Specialist Longworth developed information which linked Mr. Gilliam to narcotics and weapons offenses. Officers Thomas Wells, M/W/56, #P0054 and Christopher Clarkson, M/W/37, #P0405, initiated a traffic stop on Mr. Gilliam. He and his child were transported to District Three where Mr. Gilliam was questioned, and his child was picked up by a relative. Mr. Gilliam's vehicle was inventoried and towed. He was consequently charged with Ohio Revised Code (ORC) 4511.81 Child Restraint, ORC 4513.241 Using Tinted Windows and Other Vision Obstructing Materials, and Cincinnati Municipal code 513.52 Unauthorized License Plates.

CPD Procedure §12.554 Investigatory Stops maintains that when an officer has reasonable suspicion to believe a citizen is committing a crime, the officer may forcibly stop and detain the citizen briefly. It further states when the officer has the intent to arrest, the arrest must be supported by probable cause to believe the citizen is committing or has committed a criminal offense. Under Ohio law, probable cause must be assessed as follows:

The test for establishing probable cause to arrest without a warrant is whether the facts and circumstances within an officer's knowledge were sufficient to warrant a prudent individual in believing that the defendant had committed or was committing an offense. . . . Probable cause is a lesser standard of proof than that required for a conviction, which is proof beyond a reasonable doubt. . . . It requires only a probability or substantial chance of criminal activity, not an actual showing of such activity.

State v. Jordan, 2020-Ohio-689, 145 N.E.3d 357, ¶ 11 (1st Dist.) (internal citations and quotation marks omitted).

Here, Officer Longworth developed probable cause for an arrest based on evidence that Mr. Gilliam may have committed a crime. More specifically, after the execution of a separate search warrant, Officer Longworth tied Mr. Gilliam to weapons and drug trafficking activity. Officer Longworth was later granted a search warrant for Ms. Howard's residence based on evidence presented to a judge. Therefore, Officers Wells and Clarkson's traffic stop of Mr. Gilliam and subsequent arrest of Mr. Gilliam were within CPD policy, procedure, and training

CPD Procedure §12.270 Impounding, Moving, and Release of Vehicles states that a police officer may impound any motor vehicle which is "In the possession of a physically arrested person." Given that Mr. Gilliam was arrested, the impound of his vehicle was within the policy.

Specialist Longworth was granted a search warrant for [REDACTED] Avenue as it was a known residence for Mr. Gilliam. On May 8th, 2019, Officers Brandon Connley, M/W/40, #P0408, Bryan Delk, #M/W/38, Eric Priestle, M/W42, #P0762, Molly Shust, F/W/32, #P0120 and Specialist Longworth, participated in the search of the residence. They were met with three large dogs who the officers alleged were aggressive. Specialist Longworth requested the assistance of the SCPA who secured the dogs prior the execution of the search warrant. Marijuana and what CPD allege was \$1,500 in cash were recovered from the residence. Ms. Howard alleged CPD confiscated \$3,000, not \$1,500 that was reported. Ms. Howard further alleged that her home was left in disarray and that feces was spread throughout the residence. At the time of the incident, the officers were not required to wear Body Worn Cameras due to their plain-clothes assignment. Specialist Longworth stated that SPCA initially had difficulty securing the three large dogs and indicated that they knocked furniture over and their tails and paws were the reason feces was smeared on the wall and throughout the residence. Given Specialist Longworth was granted a search warrant for the residence, CCA found that the search of Mr. Howard's residence was within the bounds of the law.

As a result of Specialist Longworth's larger investigation of Mr. Gilliam, he was charged with two counts of ORC 2925.03 Trafficking in a Fentanyl related compound, two counts of ORC 2925.11 Possession of a Fentanyl related compound, ORC 2925.03 Trafficking in Marijuana, ORC 2925.11 Possession of Marijuana, ORC 2925.03 Trafficking in Cocaine, ORC 2925.11 Possession of Cocaine, and ORC 2923.13 Having Weapons While Under Disability. All charges other than ORC 2923.13 Having Weapons Under Disability were dismissed; consequently, he was sentenced to nine months of incarceration.

Ms. Howard's allegation that \$1500 more dollars were taken than was reported by CPD is criminal in nature and therefore out of the CCA's purview.

For the aforementioned reasons, Ms. Howard's Improper Search allegations and Improper Stop allegation should be closed as Exonerated.



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