

Case: 20238

Investigator: Makiedah Messam

Complaint Received: December 7, 2020

Complainant: Antwan Morris

Complaint Summary:

On December 2, 2020, at approximately 11:31 a.m. Mr. Antwan Morris was stopped by police for alleged traffic violations. Mr. Morris alleged, “[t]hey pulling me straight out of the car, cuffing me, frisking me. I heard one officer say, “he got weed on the floor.” Now I don’t smoke, I don’t drink. I’m a valid driver, everything is good. I don’t know what’s going on. They handcuffing [sic] me say I’m detained. He said I ran a stop sign and I was driving erratically.” After the officers said he was free to go, Mr. Morris asked for a Sergeant to respond. According to Mr. Morris, Sergeant Luke Putnick arrived on the scene and explained the reason for the stop.

Mr. Morris stated that after the incident he tried reaching out to Sgt. Putnick to make a complaint based on the stop and the treatment he received. Mr. Morris believed Sgt. Putnick, “tried to talk him out of making a complaint.”

Allegations:

Improper Stop
Improper Search
Improper Procedure

Persons Involved:

Officer Joshua Condon, #P329, M/W/36 (CPD, Involved)
Officer Thomas Chiappone, #P331, M/W/34 (CPD, Involved)
Officer Trent Meucci, #P190, M/W/36 (CPD, Involved)
Officer Cole Dunahay, #P263 M/W/27 (CPD, Involved)
Sergeant Luke Putnick, #S0001 M/W/39 (CPD, Involved)
Antwan Morris, M/B/33 (Citizen, Complainant)

Evidence Reviewed:

Hamilton County Clerk of Courts
CPD Records Management System (RMS)
CPD Criminal Investigation Section (CIS) documents
CPD Computer Aided Dispatch (CAD)
CPD Form 648 Citizen Complaint - EVT 00007328-1
Body-Worn Camera (BWC) of Officers Condon, Chiappone, Meucci and Dunahay
CPD Internal Investigation Section (IIS) Report
Statements by officers and complainant

Authorities:

Ohio Revised Code (ORC) §2925.11 Possession of controlled substances
CPD Procedure §12.205 Traffic Enforcement (Revised 8/01/19)
CPD Procedure § 12.554 Investigatory Stops (Revised 01/19/2017)
CPD Procedure § 15.100 Citizen Complaints and Reports of Favorable Police Conduct
(Revised 4/25/2019)
CPD's Investigations Manual 12.0.0 Search and Seizure

Analysis:

Mr. Morris stated on December 2, 2020, he stopped for gas at the United Dairy Farmer (UDF) on Montana Avenue and passed out business cards to several persons to support his home television installation business. After leaving UDF, he was stopped by the police. He complied with the police. Mr. Morris further alleged, of his interaction with the police, “[t]hey pulling me straight out the car, cuffing me and frisking me. I heard one officer say, ‘he got weed on the floor’. I don’t smoke, I don’t drink. I’m a valid driver. I don’t know what’s going on. They handcuffing [*sic*] me say I’m detained. He said well, I ran a stop sign and I was driving erratically.”

Allegation 1: Improper Stop

CPD Procedure §12.554 acknowledges three levels to police – citizen engagement: consensual encounters, the “Terry type” encounter and finally, arrest. The requirement of the “Terry type” stop is that the officer has reasonable suspicion to believe the citizen is committing a crime or has committed a crime. Based on this reasonable suspicion the officer may forcibly stop and detain the citizen for a brief investigatory period.

Officer Chiappone’s BWC showed that after he approached Mr. Morris’ stopped vehicle, Mr. Morris asked the officer should he exit the vehicle, to which Officer Chiappone replied yes. Mr. Morris exited and was handcuffed by Officer Chiappone who advised he was not under arrest, but stopped for driving erratically, running stop signs, and was being detained. Mr. Morris was cited for three traffic violations (Driving on a suspended license (ORC §4510.16), Failure to wear a seat belt (ORC §4513.263 B (1)) and Failure to stop (CMC §506.35 A)).

In interviews with CCA, Officers Chiappone and Condon asserted that they received information from plain clothes officers (whom they could not recall) that they witnessed Mr. Morris engaged in a hand-to-hand transaction in the parking lot of a UDF on Glenmore and Montana. Based on this information they followed Mr. Morris and witnessed him committing numerous traffic violations. Based on these violations they initiated a traffic stop.

The officers’ observation of Mr. Morris’s breach of traffic laws gave them reasonable grounds to stop Mr. Morris. Therefore, Officers Chiappone and Condon were within CPD’s policy, procedure, and training.

Allegation 2: Improper Search

Mr. Morris also alleged that Officers Condon, Chiappone, Meucci and Dunahay searched his vehicle without good cause. He maintained that the substance seen on the floor of his vehicle was dirt and leaves from his boots.

A review of Officer Condon's BWC showed that he was outside of Mr. Morris's vehicle when he looked through the open passenger window and announced to Officer Chiappone that he saw "shake" on the floor of Mr. Morris' vehicle. In his interview with CCA, Officer Condon identified the amount of marijuana seen in Mr. Morris' vehicle as, "shake" or crumbs. He further stated his knowledge of the substance was based on his previous experience and training as a police officer. Officers Meucci and Dunahay joined Officer Condon in the search of Mr. Morris' vehicle. The BWC footage showed Officer Condon collected the marijuana and Mr. Morris was issued a written warning for the marijuana.

Under the Fourth Amendment, courts have laid the framework for what constitutes a legal search. Generally, any warrantless search must be preceded by probable cause; reasonable grounds that an offense is being or has been committed. While decriminalized, the possession of marijuana remains illegal in Ohio and is an offense under State law; possession of less than one hundred grams qualifies as a minor misdemeanor (Ohio Revised Code §2925.11 (3) (b)). The presence of what the officer believed to be marijuana in the vehicle, provided probable cause to search the vehicle based on the plain view and automobile exceptions to the Fourth Amendment's warrant requirement.

Therefore, Officers Condon, Chiappone, Meucci and Dunahay were within CPD's policy, procedure, and training in their search of Mr. Morris' vehicle.

Allegation 3: Improper Procedure

During his interaction with the police, Mr. Morris demanded to speak with a supervisor. Sergeant Luke Putnick was called to the scene. BWC footage showed Mr. Morris and Sergeant Putnick in conversation after which Mr. Morris drove away. In interviews with CCA, Sergeant Putnick stated that the reason given for the stop of Mr. Morris was the observation of an alleged hand to hand transaction in the parking lot of the UDF. This was told to Mr. Morris. Mr. Morris drove away from the scene after the Sergeant's explanation. In his interview, Mr. Morris told CCA that he felt how he was treated was "uncalled for." Mr. Morris was not happy with this explanation. *"I said, well it's a lie. ...an undercover said he witnessed something that he did not see and because of that I got harassed. I got pulled out of my car. I got stripped search outside. I was humiliated. And all because of what somebody say they thought they saw."* He later called District 5 to register a complaint through Sergeant Putnick.

According to Mr. Morris, "He [Sgt. Putnick] finally calls back and we were on the phone for literally forty-five minutes and he's trying to talk me out of making a complaint. ... and he's like 'why don't you come down and have a sit down with the officers?' I said no. He wanted me to resolve the issue over the phone which I wasn't comfortable doing". Mr. Morris told CCA, "I don't know if he [Sgt. Putnick] even took a complaint."

CPD Procedure § 15.100 states that officers will not discourage any person from making a complaint and dictates the procedure for taking a citizen complaint. The complaint must be documented on the required form and an investigator assigned.

In reviewing this aspect of Mr. Morris' complaint, in the absence of evidence supporting his claim, i.e. a recording of his conversation with Sgt. Putnick, weight must be placed on the reliability and accuracy of Mr. Morris' other statements. In his description of how he was treated by Condon and Chiappone, Mr. Morris averred that he was pulled from his car and stripped searched. BWC footage showed that the treatment claimed by Mr. Morris did not occur. Mr. Morris asked the officer if he should exit his vehicle; the officer answered in the affirmative. Mr. Morris was

handcuffed and the officer adjusted Mr. Morris' pants so as not to expose his body. The officer subsequently frisked Mr. Morris and only searched those areas where bulges were detected (a bunch of keys in one area and a large amount of cash in another).

Mr. Morris' interaction with Sgt. Putnick on the scene seemed agreeable based on the tone of the conversation, the body language, and demeanor of both men. Before Mr. Morris left the scene, Sgt. Putnick provided his phone number to Mr. Morris and encouraged him to call if he had further questions.

During his interview with CCA Sergeant Putnick, stated that he upon receiving the call from Mr. Morris he "looked into" the complaint; he reviewed BWC footage and spoke to officers involved. He documented Mr. Morris's complaint and referred it to CPD's Internal Investigations Section (IIS) through the Citizen Complaint Resolution Process (CCRP)¹.

There is no proof to substantiate the allegation that Sergeant Putnick failed to document Mr. Morris' complaint. On the contrary, CPD records showed that Sergeant Luke Putnick completed a Form 648. IIS investigated the complaint, and a report (Case Number 2020-272) was completed.

Findings:

Officer Joshua Condon
Officer Thomas Chiappone

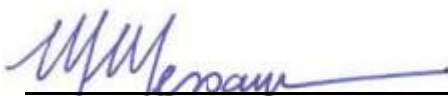
Improper Stop – The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**

Officer Joshua Condon
Officer Thomas Chiappone
Officer Trent Meucci
Officer Cole Dunahay

Improper Search – The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**

Sergeant Luke Putnick

Improper Procedure – There are no facts to support the incident complained of actually occurred. **UNFOUNDED**


Makiedah Messam, Investigator


Gabriel Davis, Director

¹ Allegations of discourtesy/unprofessional attitude, lack of service and improper procedure will be managed through CCRP. (SPD Procedure §15.100)

July 15, 2022
Date

Previous Contacts and Commendations:

Joshua Condon

Previous Contacts with CCA

Officer Condon had 8 previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
18117	Pointing of A Firearm	Exonerated
18117	Improper Stop (Person)	Exonerated
18117	Improper Stop (Person)	Exonerated
18117	Improper Procedure (MVR/DVR)	Not Sustained
18117	Improper Search (Person)	Exonerated
18117	Improper Procedure (BWC)	Not Sustained
18205	Discrimination	Unfounded
18205	Procedure Violation	Unfounded
18205	Harassment	Unfounded
20116	Improper Stop (Vehicle)	Pending
20116	Discrimination (Racial)	Pending
20116	Improper Search	Pending
20148	Improper Search	Exonerated
20148	Improper Entry	Exonerated
20148	Improper Procedure	Exonerated
20156	Other—CPD Code	Pending
20156	Improper Stop (Vehicle)	Pending
20156	Improper Search	Pending
20156	Improper Seizure	Pending
20156	Improper Search (Vehicle)	Pending
20156	Improper Stop	Pending
20156	Pointing of a Firearm	Pending
20195	Discrimination	Unfounded
20195	Harassment	Unfounded
20195	Improper Search	Exonerated
20223	Improper Search	Pending
20206	Improper Procedure	Pending
20206	Improper Search	Pending
20206	Harassment	Pending

Previous Contact/s with IIS

CCA is unaware of any additional previous contact by Officer Condon with IIS.

Commendations

Officer Condon received 3 commendations in the past three years.

Date	Source of Commendation Received
9/6/2018	COM-CPD
10/1/2018	COM-Civilian
1/16/2019	COM-CPD

Thomas Chiappone

Previous Contacts with CCA

Officer Chiappone had 3 previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
20195	Improper Search	Exonerated
20195	Harassment	Unfounded
20195	Discrimination	Unfounded
20206	Harassment	Pending
20206	Improper Procedure	Pending
20206	Improper Search	Pending
20223	Excessive Force	Pending
20223	Improper Search	Pending

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Officer Chiappone with IIS.

Commendations

Officer Chiappone received one commendation in the past three years.

Date	Source of Commendation Received
8/17/2019	COM-Civilian

Trent Meucci

Previous Contacts with CCA

Officer Meucci had 1 previous contact with CCA in the past three years.

Case Number	Allegation	Finding
20233	Discourtesy	Pending
20233	Improper Stop	Pending
20233	Improper Search	Pending

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Officer Meucci with IIS.

Commendations

Officer Meucci received 5 commendations in the past three years.

Date	Source of Commendation Received
03/13/2018	Civilian
01/05/2020	COM-CPD
03/12/2020	COM-CPD
03/15/2020	CPD Award for Exemplary Cond.
03/15/2021	CPD Award for Safe Driving

Cole Dunahay

Previous Contacts with CCA

Officer Dunahay had 2 previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
20116	Improper Procedure	Pending
20233	Improper Stop	Pending
20233	Improper Search	Pending
20233	Discourtesy	Pending

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Officer Dunahay with IIS.

Commendations

Officer Dunahay received 3 commendations in the past three years.

Date	Source of Commendation Received
12/17/2018	COM-Civilian
01/13/2019	COM-Civilian
01/05/2020	COM-CPD

Sergeant Luke Putnick

Previous Contacts with CCA

Sergeant Putnick had 5 previous contacts with CCA in the past three years.

Case Number	Allegation	Finding
19254	Improper Search	Exonerated
19254	Harassment	Unfounded
19260	Discrimination	Unfounded
19260	Improper Search	Exonerated
19260	Discourtesy	Unfounded
19260	Improper Stop	Exonerated
20116	Discourtesy	Pending
20218	Improper Search	Pending
20218	Improper Stop	Pending
20139	Harassment	Referred

Case Number	Allegation	Finding
20139	Discourtesy	Referred

Previous Contacts with IIS

CCA is unaware of any additional previous contact by Sergeant Putnick with IIS.

Commendations

Sergeant Putnick 2 commendations in the past three years.

Date	Source of Commendation Received
12/26/2019	SDA - CPD Award for Safe Driving
12/26/2019	ESA - CPD Award for Exemplary Cond.