

**Date:** July 1, 2022  
**To:** Gabriel Davis, CCA Director  
**From:** Ikechukwu Ekeke, Investigator  
**Subject:** **CCA Case No. 21019**  
**Review of Improper Stop Allegation by Ms. Camille Pasley**

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CCA completed a review of CCA Complaint No. 21019 by Camille Pasley, F/B/20, that alleged an Improper Stop by Officer Ashley Mallory, F/B/30, #P0349.

On February 14, 2021, Officer Mallory was on routine patrol near 3429 Beekman St. in a cruiser outfitted with an automated license plate reader (ALPR). Officer Mallory's ALPR alerted of a warrant attached to the license plate of Ms. Pasley's vehicle. Subsequently, Officer Mallory stopped Ms. Pasley. Officer Mallory asked Ms. Pasley about the name attached to the warrant, how long she had the vehicle, and her license. After Ms. Pasley denied any association with the person, Officer Mallory informed Ms. Pasley that she would be free to go if everything was fine after checking her license. After querying the license and manually entering the license plate to confirm the name on the warrant, Officer Mallory returned to Ms. Pasley and asked about the subject of the alert. However, Ms. Pasley reaffirmed that she did not have any association with the person attached to the warrant, Mr. Keith Worley. Officer Mallory advised Ms. Pasley to call the Bureau of Motor Vehicles (BMV) after Ms. Pasley asked additional questions about how this situation occurred and how she would be able to resolve it. Officer Mallory returned Ms. Pasley's license and released her from the scene.

CPD Procedure §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. CPD Procedure §12.031 further requires that the operator confirm the plate by visually checking the actual plate against the captured image. Per Officer Mallory's statement, BWC, and contact card, she conducted the traffic stop based on the automatic alert that a warrant was attached to the license plate. The Hamilton County Clerk of Courts record database confirmed that the subject's name that resulted in an automatic alert and manual search by Officer Mallory did have a warrant from a traffic citation on a license plate. According to Officer Mallory's statement to CCA, the license plate of the vehicle she stopped was the license plate she verified manually by re-entering the license plate into the system, which was attached to the warrant connected to the initial ALPR alert. Officer Mallory's statement was corroborated by her BWC, which captured her reciting the license plate while typing on the computer after querying Ms. Pasley's license.

CPD Procedure §12.554 further requires that once an officer's reasonable suspicion for their "Terry" type stop is "determined to be unfounded," the officer must release the citizen. According to *State v. Emmons*, 2016-Ohio-5384, a traffic stop remains reasonable for as long as an officer needs to investigate matters related to the justification for the stop. Further, *State v. Nash*, 2014-

Ohio-129, stated that the reasonability standard for traffic stops applies to stops not based on a traffic violation so long as the vehicle is validly stopped. Officer Mallory did not prolong the traffic stop beyond the time necessary to complete her investigation concerning the warrant. Once she realized that Ms. Pasley was not associated with the subject of the warrant, Officer Mallory allowed Ms. Pasley to leave without issue. The entire stop lasted around four minutes.

CPD Procedure § 12.250 Cancellation of Citations, Traffic Warrant, and Criminal Warrants requires that when an officer discovers that a felony, misdemeanor, traffic, or capias warrant was issued in error to adults, not the violator of the offense, they will notify a supervisor immediately. Officer Mallory indicated that she did not at any time suspect that the warrant may have been mistakenly attached to Ms. Pasley's license plate. Therefore, she was not required to submit such a report to her supervisor.

According to *Arizona v. Evans*, 514 U.S. 1. (1995), a clerical mistake does not impact the reasonableness of an officer's reliance upon the warrant to justify the traffic stop. Additionally, *Arizona v. Evans*, states that whether the police may reasonably rely on the information provided by a system depends on the reasonability of relying on the accuracy of the recordkeeping system itself. Officer Mallory was first notified of the warrant by an automated license plate reader alert based on a partial hit. Furthermore, per her BWC, Officer Mallory reaffirmed the results of the automated license plate reader by manually re-entering the license plate as she was looking at it to confirm the name on the warrant. Both searches resulted in the same arrest warrant.

Absent an error committed by Officer Mallory, her reasonable reliance on the warrant and the reasonable length of the stop combine to provide sufficient proof for CCA to find that Officer Mallory conducted this traffic stop in compliance with CPD's policy and the controlling law.

### **Findings**

Officer Ashley Mallory

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

  
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Ikechukwu Ekeke, Investigator

  
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Gabriel Davis, Director

July 15, 2022  
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Date