
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #8
July 2014

OVERVIEW

Complainant was in an accident with an individual who did not have a driver's license. The individual was not the owner of the car he was driving. The individual was allegedly giving a ride to the owner of the car who was impaired due to her medications. Complainant alleges that after he told Officer 1 this, Officer 1 filled out an accident report and told Complainant to "move along." Complainant alleges that Officer 1 allowed the impaired individual to drive the other vehicle from the scene. Complainant alleges that the accident report did not contain the name of the other driver. Complainant believes that the address information may be incorrect for the other driver as well.

THE COMPLAINT

1. Failure to Provide Adequate Protection: That Officer 1 allowed an impaired driver to drive.
2. Failure to Provide Adequate Protection: That Officer 1 did not record complete information on the accident sheet.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(6) Failure to Provide Adequate Protection
2. OPCR Ord. § 172.20(8) Violation of the P&P Manual
3. 7-501 TRAFFIC ACCIDENT INVESTIGATION PROCEDURES: At any accident scene, officers shall check for evidence that the driver may be under the influence of alcohol or drugs.
4. 7-509 ACCIDENT PACKETS – PROPERTY DAMAGE: Accident packets may be issued at property damage accidents if . . . all drivers involved have a valid driver's license.

COMPLAINT PROCESSING

Complainant filed a written complaint with the OPCR. Reports were obtained. After checking the Officer's disciplinary history, the joint supervisors determined that the remaining allegations, if true, would constitute an A-level violation. Accordingly, the case was sent for coaching.

EVIDENCE

1. Complainant filed a written complaint with the Office detailing allegations.
2. Visinet logs were obtained.
3. Coaching documents were submitted to the precinct supervisor
4. Final approved coaching documents were returned to OPCR

SUMMARY OF EVIDENCE

Complaint

Complainant described that accident and parties involved. Complainant alleged that Officer 1 responded to the accident call, listened to Complainant's account of the accident, took information, and provided paperwork. Complainant alleged that he told Officer 1 that the person allowed to drive the other vehicle away was impaired, and Officer 1 told Complainant that he

was “all set” and to “move along.” Complainant explained that he was upset that an individual who might be impaired was allowed to drive away from the accident site. Complainant also stated that information on the accident packet was incorrect.

Visinet Reports

The Visinet report indicates that Officer 1 was flagged down on a property damage accident. Officer 1 checked Complainant’s ID. Officer 1 indicates that a packet was provided. No CAPRS report was filed.

COACHING

Coaching documents were sent to the precinct supervisor to resolve. The supervisor reviewed the documents and Visinet report and discussed the complaint with Officer 1. Officer 1 stated that he completed accident sheets for both vehicles and knew that one of the drivers did not have a license. Officer 1 stated that he allowed the passenger in that vehicle to drive after checking to see if she was impaired.

The supervisor then contacted the Complainant to discuss the incident. The supervisor first noted that Complainant’s “main concern was that the female passenger was impaired and was allowed to drive.” The supervisor also noted that Complainant clarified that insurance information obtained at the accident was correct and the accident claim was satisfied. The supervisor “reviewed with [Complainant] [his] expectation of Officer [1] and [Complainant] was satisfied with [his] response.”

The supervisor again met with Officer 1 at a later date to inform him that he had violated MPD policy 7-509 which stipulates that packets cannot be utilized when a driver does not have a valid driver’s license at an accident scene. The supervisor stated that “Officer [1] agreed and stated he would not make the same error again.” The supervisor concluded that no violation of MPD policy 7-501 occurred because Officer 1 felt the passenger that was allowed to leave with the car was not impaired.