
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #5

September 2014

OVERVIEW

Complainant alleges that he has been repeatedly harassed by Officer 1. Complainant alleges that he has been stopped by Officer 1 approximately 15 times in the past year. Complainant was a passenger in his niece's vehicle when it was stopped. Complainant alleges that Officer 1 accused him of having stolen vehicles, talked about his sex offender registry status, and searched the vehicles. Complainant alleges that Officer 1 looked in the back seat after detaining the passengers for 30 minutes and noticed that Complainant and his niece were not wearing seatbelts. Complainant alleges that Officer 1 told Complainant's niece to put in her seatbelt. Complainant alleges that Officer 1 stated, "now I got you on a charge, you aren't wearing a seat belt. Hang tight I am going to go get you a ticket."

THE COMPLAINT

1. Harassment: That Officer 1 constantly stops Complainant.
2. Impartial Policing: That Officer 1 told Complainant's niece to put in her seatbelt, but told ticketed Complainant.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(3) Harassment
2. MPD P&P 5-104 IMPARTIAL POLICING: All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizure of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority.

COMPLAINT PROCESSING

Complainant filed an online complaint. After intake investigation, the joint supervisors dismissed the case because there was no basis to conclude that a violation of the Policy and Procedure Manual § 5-104 Impartial Policing or any other section occurred.

EVIDENCE

1. Complainant filed an online complaint.
2. VisiNet report was obtained.
3. CAPRS reports were obtained.
4. MNCIS report was obtained.

SUMMARY OF EVIDENCE

Complaint

Complainant stated that Officer 1 was harassing him. Officer 1 has stopped Complainant “approximately 15 times in the past year.” During a recent stop, Complainant was a passenger in his niece’s tow truck. Complainant alleges that Officer 1 give him a reason for the stop. Complainant stated Officer 1 accused Complainant of having stolen vehicles, knew Complainant by name, mentioned Complainant’s sex offender registration status, and searched the vehicles. Complainant alleges that 30 minutes after stopping the vehicle, Officer 1 looked in the backseat and noticed the Complainant and his niece were not wearing seatbelts. Complainant stated that his niece was told to put on her seatbelt, but Officer 1 told Complainant that “now I got you on a charge, you are not wearing a seatbelt. Hang tight, I am going to give you a ticket.” Complainant states he was wearing a seatbelt when he was pulled over but took it off to get his wallet.

VisiNet

A VisiNet report indicates that the tow truck was stopped for having no plates. The report does not indicate that a search of the vehicles occurred. The report indicates that the Officer ran each occupant’s information through the system.

CAPRS 1

A CAPRS report for the incident was submitted by Officer 1. Officer 1 and another officer observed a tow truck towing another vehicle. Officer 1 stated that there were no plates on the tow truck. Officer 1 stated that he observed that Complainant was not wearing a seatbelt when the tow truck was stopped. Complainant was cited for no seatbelt. The CAPRS report indicates that the field report was produced because of the Complainant’s history of auto theft using tow trucks and does mention Complainant’s registration status.

CAPRS 2

A 2013 CAPRS record indicates that Officer 1 stopped Complainant for driving after revocation. Officer 1 indicated that he saw the Complainant driving a black tow truck. Officer 1 stated that he was aware from prior contacts with Complainant that he had a revoked license. Officer 1 stopped Complainant. A license check indicated that Complainant did not have a valid license. In lieu of arrest, Officer 1 tagged Complainant for driving after revocation and allowed another occupant to drive the vehicle away from the scene.

Officer 1 also noted that the tow truck was towing an older vehicle that appeared disabled and inoperable. Officer 1 noted that Complainant is known to tow away stolen vehicles and sell them for salvage value. Officer 1 determined that the vehicle Complainant was towing was clear on a junk title.

CAPRS 3

A 2013 CAPRS record indicates that Complainant was suspected of using a tow truck to steal an older model vehicle off the street and selling it for salvage value. The report also indicates that Complainant was under investigation for selling stolen vehicles for salvage value in other jurisdictions.

MNCIS

A MNCIS report contains multiple convictions for motor vehicle theft and tampering with a motor vehicle convictions. There were no records related to the seatbelt ticket.

DISMISSAL

The joint supervisors determined that Officer 1 had reasonable suspicion to stop the tow truck due to its lack of plates. There was no evidence to determine whether the ticket for failing to wear a seatbelt was harassment. No other records were located indicating that Officer 1 repeatedly stopped Complainant. Because of this, the joint supervisors dismissed the complaint.