
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #3

May 2015

OVERVIEW

It is alleged that Officer 1 was stopped by a police department outside of Minneapolis. He was stopped while driving a vehicle registered to a work assignment. Officer 1 was issued a citation for speeding. Officer 2 of the outside police department alleged that Officer 1 was issued a citation for speeding. Officer 2 of the alleged that Officer 1 was rude and made derogatory and threatening comments to him after he issued him the citation. It is alleged that Officer 1 was driving the vehicle in violation of the agreement he signed with the work assignment in regards to the appropriate usage of said vehicle.

THE COMPLAINT

1. Code of Ethics: All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. Employees shall abide by the City's Ethics in Government Policy, Chapter 15.
2. Violation of the Policy and Procedure Manual: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(8) – Violation of the P&P Manual
2. MPD P&P Manual 5-105(2) Professional Code of Conduct: All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. Employees shall abide by the City's Ethics in Government Policy, Chapter 15.
3. MPD P&P Manual § 5-105(15): Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department.

COMPLAINT PROCESSING

An online complaint was filed. The complaint underwent intake investigation and was reviewed by the joint supervisors. The case was sent for a preliminary investigation. The case was then reviewed by the joint supervisors and went for an administrative investigation. The case was sent to the review panel. The Complaint was then sent to the Chief.

EVIDENCE

1. The Complaint
2. Squad video recording

SUMMARY OF EVIDENCE

Complaint

The Officer 2 filed an online complaint. Officer 2 alleges that he pulled Officer 1 over for speeding. Officer 2 alleged he approached the vehicle and asked for Officer 1's license and insurance. Officer 2 alleged that Officer 1 opened his wallet and attempted to show his police ID. Officer 2 alleges that Officer 1 stated he did not have an insurance card but the policy was through the public school to which the vehicle belonged. Officer 1 was verbally abrasive during the traffic stop, and began arguing about the grounds for the stop. Officer 2 alleges Officer 1 told him to "never to come down to Minneapolis."

INVESTIGATION

The case was assigned to an investigator. Officer 2 was interviewed. Officer 2 stated he witnessed a vehicle speeding. He pulled the vehicle over. Officer 2 stated he approached the vehicle, and asked for Officer 1 for his license and insurance. Officer 2 states as Officer 1 opened his wallet he briefly saw the police ID. Officer 2 states Officer 1 held the wallet open for a few seconds, and thought Officer 1 was trying to show him he was an MPD officer. Officer 1 did not have insurance. Officer 2 stated he was told the vehicle belonged to the public school, and was insured through the public school's policy.

Officer 2 stated Officer 1 was upset he was pulled over, and Officer 1 seemed upset. Officer 2 returned to the squad car and ran Officer 1's information. Officer 2 stated he approached the vehicle with a citation; Officer 1 was even more upset. Officer 2 states Officer 1 began yelling about the speed, making rude comments, and told Officer 2 he would see him in court. Officer 2 stated that Officer 1 also told him "don't come down to Minneapolis." Officer 2 stated his ride-along was standing near the front passenger door and overheard the encounter.

The investigator interviewed witness 1. Witness 1 stated he was on a ride-along with Officer 2. Witness 1 stated he got out of the car and was standing near the right fender to observe the traffic stop. Witness stated at the beginning of the traffic stop, he could not hear what Officer 1 said. Witness stated he did not hear the driver identify himself as a police officer. Witness 1 stated Officer 2 decided to give Officer 1 a citation. Witness stated Officer 1 began yelling at Officer 2. Witness states he heard Officer 1 identify himself as an MPD officer. Witness stated Officer 1 made a told Officer 2 "Don't come down [to Minneapolis]." Witness stated Officer 1 sounded threatening during the interaction.

A video was obtained from the outside police department. The video depicts a car being pulled over by Officer 1. Officer 2 can be seen getting out of the car, and approaching the squad. The microphone malfunctioned, so no audio was recorded. The investigator obtained mileage information for Officer 1's vehicle. The data indicates Officer 1's vehicle made longer trips during several different weeks.

Officer 1 was interviewed. Officer 1 admitted to driving the vehicle registered to the school. Officer 1 admitted to driving the vehicle contrary to the use contract. The use contract requires that vehicles be used for work functions outside of business hours, to transport Officer 1 from home to work, and not be used to transport family members. Officer 1 admitted to using the

vehicle in this instance, as well as several other long-distance trips and side trips on the way home. Officer 1 stated he was returning from his cabin with his wife. Officer 1 states he did not show his police ID to get preferential treatment. According to Officer 1, his driver's license is located next to his police ID; the police ID would be visible when removing his driver's license from his wallet. Officer 1 stated he may have said something about seeing Officer 2 in court. Officer 1 stated he intended to fight the ticket.

After conclusion of the investigation, the file was reviewed by the Police Conduct Review Panel. The Panel recommended merit on allegations regarding inappropriate attitude and use of the vehicle in violation of the vehicle agreement, and no merit on the allegation regarding the showing of the police ID for preferential treatment. The case file was sent to the Chief. The allegation regarding the use of the vehicle was considered a D-level violation, and the inappropriate attitude a B-level violation. Officer 1 was suspended for 120 hours without pay. No grievance was during the grievance period.