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POLICE CONDUCT OVERSIGHT COMMISSION  
Case Summary Data #10  
May, 2016

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## OVERVIEW OF THE COMPLAINT

Complainant states that an officer pulled over her boyfriend for making a wide turn, and proceeded to ask the boyfriend/ driver of the vehicle to step out and do a sobriety test. During the testing, Complainant claims she stuck her head out to witness the event. According to Complainant, upon learning that the Complainant had her head out of the window, the officer pulled out a gun from his holster and "yelled, 'Ma'am is there any reason you are looking at me?'" Complainant contends that the officer told Complainant's boyfriend that "he [officer] did not know what her [Complainant's] intent is, [sic] we're living in dangerous times." After giving two tickets to her boyfriend, Complainant contends that the officer told her, "Ma'am do you know how dangerous it is to put your head outside of a vehicle that has been stopped by the police. Do you understand me?" Throughout the incident, Complainant contends that she and her boyfriend were compliant. Lastly, Complainant asserts that the officer used "unreasonable aggression and dominance."

## ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(8) – Violation of the P&P Manual
2. MPD P&P § 5-105 (A) (4) – Professional Code of Conduct: Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.
3. MPD P&P § 5-105 (A) (5) – Professional Code of Conduct: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department.

## COMPLAINT PROCESSING

Following receipt of the complaint via the online system, the matter was put before the joint supervisors for review, who determined that the case be dismissed for “no basis.”

## EVIDENCE

1. Complaint
2. VisiNet
3. Squad Video

## SUMMARY OF EVIDENCE

Complaint: In the complaint, Complainant states that she and her boyfriend were pulled over after he boyfriend had made a wide left turn. After being pulled over, Complainant states that an officer approached the vehicle from the driver's side and proceeded to ask her boyfriend a number of questions, including if he had anything to drink that night. According to Complainant, her boyfriend stated that he and Complainant had each had one drink after their evening dinner. Following this statement, Complainant contends that the officer asked her boyfriend to get out of the car in order to conduct a sobriety test.

While testing the boyfriend, Complainant contends that she stuck her head out of the vehicle—while seat belted—to witness the testing which was happening at the rear of the vehicle. Shortly after sticking her head out, Complainant states that the officer noticed, pulled out his gun and

asked her, “Ma’am, is there are reason you are looking at me?” According to Complainant, she immediately put her head back into the car following the question. The Complainant also asserts that the officer told her boyfriend that “I don’t know what her intent is, these are dangerous times.”

After allowing her boyfriend to get back into the vehicle and issuing him several citations, Complainant contends that the officer stuck his head into the vehicle on the driver’s side and told her, “Ma’am, do you know how dangerous it is to put your head outside of a vehicle that’s been stopped by the police? Do you understand me?” Complainant agreed and soon her and her boyfriend left the scene.

Lastly, Complainant states that she believes that there should be no reason for an officer to pull out a gun on someone unless they are “in a life-threatening situation.”

*VisiNet:* In the report, the officer is shown to have been at the scene of the alleged incident for the purposes of “Traffic Law Enforcement.” It is noted that the officer ran a check of both the vehicle and the boyfriend’s driver license. The driver’s license, it was uncovered, was registered out of state.

*Squad Video:* In the video, the car Complainant was riding in can be seen turning right into the far left lane from an intersection. Shortly after, the officer pulls over the vehicle and approaches the driver side. Next, the officer utters a greeting to the driver, identifies himself, and asks for the boyfriend’s driver’s license. After receiving the license, the officer asks the boyfriend if he knows the reason for the stop, to which he replies “brake lights.” The officer replies that the wide-right turn was the reason for the pull over and also notes that the driver’s license is from another state.

Soon after, the driver, due to the officer’s questioning, admits to having lived in Minnesota for a few months and also to having a beer earlier in the evening. After a brief return to the squad car, the officer asks the boyfriend to step out in order to conduct a sobriety test. Upon stepping out of the vehicle, the officer directed the boyfriend to the passenger side of the squad—out of view of the squad video recorder.

While out the view, the officer can be heard instructing the boyfriend to spread his legs apart and follow his thumb. At this point, Complainant can be seen sticking her head out of the vehicle, apparently sitting sideways in her seat. Eventually, the officer notices Complainant peering out from the window and tells her, “Ma’am is there a reason why you are looking at me?” The officer can also be heard telling the boyfriend that, “Don’t know what the intentions are there; these are dangerous times in society and I have to use all precautions.” The boyfriend can be heard replying “I understand.”

After allowing the boyfriend to return to the vehicle, the officer approached the driver’s side of the vehicle and issued the boyfriend two tickets—one for a wide turn and also for not having a valid license. Immediately after issuing the citations, the officer leans down and utters to Complainant the following:

“Ma’am, these are dangerous times for you to be leaning out of your vehicle when your vehicle’s been stopped. I don’t know what your intentions are, and I don’t appreciate you doing that. Do you understand me? OK. Drive carefully”

Soon after, the video ends.

## **DISMISSAL**

After reviewing the video, complaint and report, the joint supervisors determined to that the matter be dismissed for “no basis” as the officer’s actions, in terms of being solitary and ensuring that he was protected, was not a violation of policy.