
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #9
October, 2016

OVERVIEW OF THE COMPLAINT

Complainant states he is targeted by the officers. Complainant states he works on cars at his home and garage. Complainant states that Officers are towing his cars that are used for business. Complainant states when Officers see the cars being driven they are pulled over for driving without a license. Complainant states he had a licensed driver in the car when he was stopped. Additionally, Complainant states that the cars are being towed for parking over 72 hours. Complainant believes the towing is due to filing complaints on these officers.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(3)—HARASSMENT
2. OPCR ORD. § 172.20(7)—RETALIATION

3. MPD P&P § 5-104 IMPARTIAL POLICING: The MPD is committed to unbiased policing and to reinforcing procedures that ensure that police service and law enforcement is provided in a fair and equitable manner to all.
4. MPD P&P § 7-702 TOWING PROCEDURE – GENERAL: All requests for towing or impounding shall be made through the precinct or command where the tow is being made. Requests shall indicate the location of the vehicle, the license or Vehicle Identification Number (VIN), and the type of tow required. Heavy duty towing shall be ordered if the vehicle to be towed has three or more axles, or a gross weight in excess of 10,000 pounds, or if an officer determines that heavy-duty equipment is necessary. A "White Tag Tow" means that an officer is waiting at the scene for the tow truck. A White Tag Tow is used when it is necessary to immediately remove a vehicle to safeguard the vehicle and its contents, (i.e. when the vehicle is needed for evidence or when the vehicle is creating a traffic hazard). When using a White Tag Tow, officers shall complete a Vehicle Impound Report "Tow Sheet" (MP 6925) and determine that the VIN and license numbers affixed to the vehicle correspond with the registration on file with the Department of Motor Vehicle Registration. A citation may also be issued depending on the reason for towing the vehicle.
Prior to removal by the towing service, the vehicle shall be searched according to the section on Vehicle Searches.
A "Red Tag Tow" means that an officer is not waiting for the tow truck. Officers using or requesting a "Red Tag Tow" shall complete a red tag tow report and attach it with the citation(s) issued to each towed vehicle's windshield.

COMPLAINT PROCESSING

A handwritten complaint was received by the Office of Police Conduct Review, and an intake investigation was conducted. After intake review, the Joint Supervisors sent the case to preliminary investigation. At the conclusion of the preliminary investigation, the Joint Supervisors decided to send the matter to administrative investigation, whereupon the matter was sent to the Review Panel, who failed to find merit to the allegations. After the Review

Panel's no-merit decision, the matter was sent to the Chief's office for final review and shortly after closed.

EVIDENCE

1. Complaint
2. Impound receipt
3. VisiNet 1
4. Complainant Interview
5. Email and letter from Officer 3 to the investigator
6. Officer 3 interview

SUMMARY OF EVIDENCE

Complaint: Complainant alleged that "officer[s] have targeted my home garages where I store and work on my cars." More specifically, Complainant asserted that officers pulled him over for license and insurance checks, though he has had a licensed driver with him. Nonetheless, Complainant states that his cars were towed due to parking issues. However, Complainant contended that he had proper insurance and license and that the purpose for the towings had to do with him filing "complaints on the officers".

Impound receipt: Complainant's receipt from having to pay tow fee.

VisiNet 1: The problem section is listed as "Suspicious Vehicle". A squad was sent to Complainant's address with the Disposition for the squad listed as "TOW-Towed".

Complainant Interview: Complainant, when discussing where the cars were towed, told the investigator that at the time of the incidents his license had been suspended and he was currently in a diversion program. He also stated that he had another complaint with the Office of Police Conduct Review regarding a similar incident and also the same officers – Officers 1 and 2.

Complainant alleged that Officer 1 had issues with his son; that his son had run from Officer 1 and Officer 1, "beat [his] son so until he was in a coma for two months and they should all be fired because we have a harassment case that's...on the same officer."

Complainant asserted that he does "auto-restoration," buying cars from auctions and then re-selling them. Also, Complainant stated that sometimes family members keep the vehicles.

Complainant contended that officers had towed his vehicles on multiple occasions, claiming at times that the car had been parked in the same spot for 72 hours – in violation of ordinance. However, Complainant asserted that he would rotate cars in and out of the same spot or area, thus not violating the ordinance. He also claimed to find any markings or citations on the vehicles and that—all this notwithstanding—the officers would still tow his vehicles.

In one case, Complainant alleged that he never got his vehicle back due to issues with the title and also his lack of insurance and driver's license.

Complainant also asserted that he had been given multiple no insurance tickets by the officers when he had been sitting, "in the [vehicle] with the key in the ignition." Complainant also remarked that officers accused him of driving when he was merely in front of his house. Complainant claimed that he was constantly being watched by officers, who would come at random times and tow his vehicles for violation of the 72-hour ordinance though he was rotating those vehicles from the garage to the street.

Complainant asserted that he owned a company and also that he had been jailed two times prior. Complainant also stated that he rented multiple personal garages—not commercial—to do work on cars and also to store them.

Complainant asserted that, prior to the incident, he had been contacted by a representative of the City of Minneapolis regarding working on his vehicle; Complainant insisted he was not working on the cars there. On one occasion, Complainant alleges that a city inspector came to his garage and told him that he could not work on his vehicle. However, Complainant asserts that he was working on a personal vehicle inside of the garage, not on the street. Nonetheless, Complainant contended that the inspector gave him a ticket and took pictures of his garage. He also asserted that the inspector contacted his mom—the owner of the garage—to tell her that there were, “a lot of dealings or, um, ah, mechanical work being done, ah, outside.”

Regarding the vehicle listed in his complaint, Complainant asserted that he had been doing “small work” on it the day it was towed and that he had not violated the 72-hour ordinance when it was towed. Complainant also claimed that he did not see any markings—such as parking citations—on the vehicle indicating that it would be towed. However, when Complainant went to retrieve the vehicle from the impound lot, he claimed that it now had citations on it. Complainant also stated that he tended to park the car in a cul-de-sac but would move it every day. Complainant also alleged that other people park their cars on the street in violation of the ordinance but do not get their cars towed.

Complainant also claimed that all the towed vehicles were registered under the name of his business. Upon being inquired about a report for a stolen car, Complainant asserted that the car had been previously towed by Officer 1 and was damaged subsequent to the seizure. However, Complainant asserted that sometime after the car was stolen and a report made. In total, Complainant alleged that he has lost approximately ten cars from them being towed.

When asked about the address on the registry for the one of the vehicles being of a different location from where the cars were towed, Complainant asserted that the car was his son’s and the address was that of his ex-wife’s – where he had garages as well.

Complainant also asserted that officers have not properly filed stolen report claims, instead labeling them as “attempt to locate”. Complainant claimed that the “attempt to locate” designation has cost him lots of money and impeded his ability to buy commercial property.

Also, when asked by the investigator about alleged VIN switching, Complainant stated that the vehicle referenced, though checked for VIN switching, was returned to Complainant, who claims it was later stolen.

Additionally, Complainant alleged that Officer 1 would “laugh in [his] face,” telling him while towing his vehicles that, “Well, go you again...ha-ha-ha.”

Email and letter from Officer 3 to the investigator: In the email, Officer 3 alleged that Complainant was running a “theft/vin switch/Burglary/Narcotic/Weapons ring”. More specifically, Officer 3 asserted that Complainant was under investigation for running a sham company under which cars would be legally bought; a surrogate stolen; the VINs on the vehicles switched; and the switched vehicle would be dismantled to be sold at a salvage yard, while the VIN-swapped vehicle would be either sold or fraudulently reported as stolen so as to acquired insurance on the vehicle. At the time of the email, Officer 3 asserted that one car was being

inspected in another city relating to the stolen-swap-car fraud and that Complainant had been arrested previously for the same offense.

Officer 3 provided other information relating to the investigation, such as suspected or known accomplices/members of the criminal ring and a list of vehicles owned by acquaintances and their criminal history.

Officer 3 Interview: According to Officer 3, Complainant first came to his attention when he, “began an extensive auto-theft investigation which...mushroomed out to include burglaries, narcotics and...weapons cases.” Eventually, Officer 3 asserted that the investigation was a theft-fraud conspiracy, headed by numerous family members and associates with ties in and out of state. According to Officer 3, a number of Complainant’s family members—including his son—are engaged in his criminal enterprise. Officer 3 alleged that he has “submitted” over twenty cases against Complainant and his family. Officer 3 also asserted that many of the vehicles repaired or worked on by Complainant and other family members were reported stolen but were really part of an “insurance scam” in which VINs were switched or car’s dismantled and sold for junk.

Some time ago, Officer 3 stated that the son had been jailed on a probable cause warrant, and his vehicle had turned out to be a stolen vehicle, ironically belonging to an officer from a different department.

Most recently, Officer 3 asserted that the son had been stymied by the presence of a homeowner during a burglary; in the chaos of the incident—one in which shots were fired—Officer 3 claimed that the son left his getaway vehicle at the scene. After seizing the vehicle, Officer 3 claimed that the vehicle VIN was swapped and the original checked out to a stolen vehicle.

On another day, Complainant alleged that officers conducted a traffic stop of the son. Upon verifying a handicapped-parking sticker, Complainant contended that officers uncovered that the sticker was listed to a different vehicle than indicated by the VIN number; the registry for the parking sticker checked out to a stolen vehicle from another county. Officer 3 contended that the remnants from the stolen vehicle were later uncovered at a salvage yard.

Recently, Officer 3 claimed that Complainant was stopped due to traffic violations. Upon seizing the vehicle, Officer 3 asserted that he sent it to forensics as the VIN on the door and dashboard did not match. According to Officer 3, the door-VIN checked out to a stolen vehicle in another city. Upon questioning Complainant about the VIN, Complainant allegedly told Officer 3 that the door was a replacement from a salvage yard. Officer 3 asserted that at the time of the interview Complainant had been charged for theft of the vehicle.

When asked if the vehicle at the center of the OPCR allegation was reported as stolen, Officer 3 stated that he believed it was, as he likes to file these reports in order to gather more evidence of Complainant’s fraudulent activities. However, Officer 3 was not entirely certain if it was reported as stolen.

Also, Officer 3 alleged that Complainant and his conspirators have operations in Minneapolis and other surrounding jurisdictions. In many cases, Officer 3 asserted Complainant and his associates would take vehicles to “shady” salvage yards to crush vehicles so that the vehicle could not be traced but also sell the car to the yard owner as scrap.

In relation to the OPCR-complaint vehicle, Officer 3 asserted that he had towed the vehicle because it was registered to an unlisted company (Complainant's alleged sham company), had a flat tire, and had been tagged/cited. After watching the vehicle for several days, Officer 3 claimed that it was finally towed.

Further, Officer 3 stated that the checks for many cars took a long time as the city has only one vehicle-forensics specialist. However, Officer 3 asserted that after inspecting all the vehicles, the forensics specialist uncovered that 27 out of 30 vehicles had their VINs swapped. Also, Officer 3 asserted that once the vehicle comes up as stolen, there is no need to give it back to the owner. Also, Officer 3 stated that he preferred to tow the vehicles for parking or other violations than to get a warrant as warrant approval is "time consuming".

Further, Officer 3 contends that he has no "personal vendetta" against the family and is, actually, well acquainted with them due to the numerous police investigations. Further, Officer 3 asserted that the greater attention paid to Complainant was due to prior criminality. As an example of such a history, Officer 3 alleged that he did a CAPRS inquiry—looked for reports on Complainant—while investigating him and came up with over one-hundred and fifty results.

In relation to Officers 1 and 2, Officer 3 asserted that they were both knowledgeable with one of the areas Complainant operated in and also had partaken in some of the investigations. He also claimed that Officers 1 and 2 had clued him in on several vehicles suspected of being stolen.

Lastly, Officer 3 postulated that Complainant would possibly, unless checked, move his operations to outlying areas – referring to it as a "possible infestation". Nonetheless, Officer 3 reiterated that he has no "personal stake" in the game and was merely doing his job by investigating Complainant.

REVIEW PANEL

The Review Panel found no merit to the allegations, stating that the officers had a legal right to tow the vehicles, and also that their actions in general were not the result of discriminatory or impartial practices.