
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #1
July 2017

OVERVIEW OF THE COMPLAINT

Complainant alleges that she was pulled over by an officer for speeding. According to Complainant, the officer was rude when approaching the vehicle, immediately asking her about her speed. Complainant contends told the officer that she was only going five miles above the speed limit, to which the officer told her that she was 13 miles over. Complainant states that, after the officer asked for her ID, she informed him that she had a "conceal and carry permit and...two weapons in" her purse. She also claims that she informed the officer that she was going to grab the ID from her purse; however, the officer interjected and told Complainant that he would instruct her how and when to remove items from her purse. After retrieving Complainant's ID and carry and conceal license, Complainant contends that he asked for proof of insurance, to which Complainant asked the officer if it was OK for her to open the glove compartment as no insurance for the vehicle was on her as it was her boyfriend's car. Complainant states that the officer granted her request.

Upon opening the glove compartment, Complainant contends that another gun belonging to her boyfriend became apparent upon her opening the glove compartment. Complainant next states that the officer told her to give her the weapon butt first, which she did. After receipt of the glove-department gun, licenses and insurance, the officer, Complainant alleges, proceeded to ask for the weapons located in her purse. According to Complainant, after doing a weapons check, the officer told her that all the weapons and her permit cleared; he also instructed Complainant that he would place the weapons in the trunk of the vehicle. Afterward, Complainant states that the officer gave her a citation which stated she was going 11, as opposed to 13 miles, over the speed limit. The officer, according to Complainant, told her that he had made a typing error and proceeded to change the miles over to 13. Further, Complainant states that the officer lectured her about, "leaving firearms in the glove compartment and about things hanging from my rear view mirror."

At the end of the lecture, Complainant contends that she attempted to shake the officer's hand in order to let him know that they, "both made this [sic] encounter safe." However, according to Complainant, the officer refused to shake hands with Complainant. Complainant believes that the refusal to shake hands occurred due to her "race and...nationality."

Finally, Complainant alleges that when she got home she realized one of her firearms was missing and promptly called the non-emergency line to get in touch with the officer. Upon reaching the officer, Complainant contends that the officer told her he did have possession of the firearm and asked for Complainant's location so as to drop it off - he also apologized for retaining it. After dropping off the firearm, Complainant contends that the officer forgot to bring in one of the magazines for the weapons. After the latest miscue, Complainant asserts that she asked the officer for his business card, to which he replied that he has none.

ALLEGED VIOLATIONS

1. 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

COMPLAINT PROCESSING

Upon receipt of the complaint, an intake investigation was conducted and the matter was subsequently brought before the Joint Supervisors for intake review. Upon review of the complaint, the Joint Supervisors sent the matter to coaching namely for the officers failure to initially give Complainant her weapon and for clearing the chamber of one of the weapons in his squad car. Upon receipt of the coaching document, the Joint Supervisors approved the matter and closed it subsequently.

EVIDENCE

1. Complaint
2. VisiNet Report
3. Video

SUMMARY OF EVIDENCE

Complaint: See Overview of the Complaint.

VisiNet Report: The Problem is listed as “Traffic Law Enforcement” and the following is noted by the officer:

[S]ubject had 3 firearms in the vehicle that were loaded she said two on them were not hers only one was in a holster in her purse. one was in glove box loose that she claimed that she did not know about. The weapons were brought back to the squad during the stop. Checks were ran on the guns[;] came back clear. They were unloaded to make safe. [G]uns were put in purse and purse was placed in rear cargo area of her car. [F]orgot one of the guns in the squad notified dispatch of the issue. [W]hen driver called weapon[,] was dropped off to her.

Body Worn Camera Video: The officer walks up to the vehicle and tells Complainant hello. In reply, Complainant nervously tells the officer that she has a permit to carry and also two guns in her purse—one holstered belonging to her and another un-holstered, without a magazine, belonging to a passenger’s husband. Complainant keeps her hands on the steering wheel. After telling the officer about the guns, the officer tells Complainant to “not worry” and to also “go slow and [they] will get through this.”

Complainant next informs the officer that she has a “.38,” will not “shoot” the officer and that she wants to “make sure that” they are both “safe.” When asked for her license, Complainant nervously reaches down her left side and instructs the officer that she is merely reaching for her wallet which has her ID inside. After handing him her driver’s license and permit to carry, the officer asks Complainant if she knows how fast she was driving, to which Complainant responds 35. The officer, however, tells her that she was going 43 on a 30.

Next, the officer asks Complainant for car insurance. Complainant tells the officer that it is in the glove box. Upon a passenger opening the glove box and all parties discovering that a third gun is in it, Complainant proclaims that she did not know the gun was there and stresses that it belongs to her boyfriend.

After this, the officer reaches into the vehicle and grabs Complainant’s purse. He also asks Complainant to give him the other gun in the glove box butt first, to which Complainant complies. After handing him the gun, the officer goes back to his car, clears the chambers of the guns and calls in their serial numbers to dispatch. After all the guns cleared, the officer opens up his trunk and then Complainant’s, depositing the purse after he does so.

Upon returning to the driver’s side of Complainant’s vehicle, the officer gives Complainant back her gun permit and license. He also advises her that the guns are in the trunk and warns her

about keeping loose guns in the vehicle as they could be easily stolen. The officer also cites Complainant for going 43 on a 30, though he erroneously wrote 40 on her speeding ticket, which he corrected with a pen.

After the issuance of the citation, Complainant tells the officer that she would like to shake hands as they both made it out safe from the encounter, but the officer refuses, telling her that he doesn't shake hands.

[There is dashcam video of the incident but the entirety of the interaction between Complainant and the officer are captured on the body-worn-camera footage.]

COACHING

According to the officer's supervisor, the supervisor spoke with Complainant and reviewed the videos, reports and other relevant evidence pertaining to the incident prior to speaking with the officer. After reviewing such, the supervisor contends that he did not find that the officer had violated policy nor was the officer coached regarding the incident. The supervisor claims that the officer told him that he had placed all of the firearms in the purse, but failed to return one of them as he had to re-check its serial number and was otherwise "distract[ed]."

The supervisor also recounted that the officer "proceeded directly" to Complainant's residence upon being notified of her address by dispatch and returned the weapon. The officer also told him that he had notified dispatch about his possession of the weapon in hopes that Complainant would call back.

As for clearing the chamber, the supervisor contends that the officer told him that he believed his vehicle would be the safe place to do so as doing so in outside was dangerous considering that he was near a "park and trail way."