

POLICE CONDUCT OVERSIGHT COMMISSION  
Case Summary Data #9  
September 2017

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## OVERVIEW OF THE COMPLAINT

Complainant asserts that he was pulled over as the registered owner of the vehicle had a warrant for his arrest. Further, he claims that the passenger was arrested as he had a warrant for driving after suspension. After his friend was arrested, Complainant contends that he was pulled out of the car as he only had a learner's permit. After this, Complainant contends that both the car and himself were searched. Lastly, Complainant claims that he was cited for not having a valid driver's license.

## ALLEGED VIOLATIONS

1. MPD P&P § 5-107 (1) – PROCEDURAL CODE OF CONDUCT: No officer shall arrest any person or search any premises except with a warrant or where such arrest or search is authorized without warrant under the laws of the United States.
2. MPD P&P § 9-200 (III)(A)(7)(b): Stopping or Searching People – Documentation: Absent exigent circumstances, officers are responsible for knowing certain facts, to include: the name of the person encountered, as well as the reasonable suspicion, probable cause or other circumstances which served as the basis for the officer's 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 the appropriate precinct for coaching. After the officer's supervisor completed the coaching investigation, the coaching documentation was received by the Joint Supervisors, who then approved it.

## EVIDENCE

1. Complaint
2. VisiNet Report
3. CAPRS Report
4. Video

## SUMMARY OF EVIDENCE

Complaint: Complainant contends that he has a valid driver's license and the officer made him step out of the vehicle for having a learner's permit. The complainant alleges that there was no reason to be searched and that there was no reason to tow the car since the complainant had a valid driver's license.

VisiNet Report: The report indicates that the driver of the vehicle had a driver's license that was valid, operator's license. The passenger in the vehicle had a revoked driver's license.

CAPRS Report: The report states that the first officer ran a vehicle license plate number and found that the registered owner had a warrant. The driver was found to have only a learner's permit, out of Indiana. The passenger was identified to have a warrant out of Ramsey County. The passenger was then removed from the vehicle, placed in handcuffs, searched, and placed in the squad car. The driver was cited and released for driving with an instructional permit without someone with a valid license. Also, because the vehicle was illegally parked and there was no valid driver, the vehicle was towed.

Video: The videos show the officers arresting the passenger for a warrant. The officers ask the complainant if he has a valid driver's license, in which the complaint says it's a valid driver's license. It is then shown that the officer has the complainant step out of the vehicle, pats him down, and searches the vehicle.

### **SENT TO COACHING**

According to the supervisor, the first officer, who issued the citation for invalid driver's license, showed the supervisor a print out of the complainants driving record where at one point it states "Driver license permit classification: Learner permit." No policy violations were found, however, coaching took place.

According to the supervisor, the second officer, who conducted a search of the driver post-citation absent the existence of an exception to the warrant requirement, contends that he could not tell if the complainant had anything in his waist band or under his jacket, which led the second officer to feel uncomfortable while the complainant stood behind him while he assisted the first officer in searching the vehicle. The second officer violated MPD P&P § 9-200 (III)(A)(7)(b) and was subsequently coached.