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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #10  
January 2014

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**OVERVIEW**

Officer 1 responded to an accident involving the Complainant and another woman. The other woman had no driver's license or insurance. The complainant alleges that Officer 1 stated that he did not want to go to St. Joe's "to pick up car seats to take her into custody" as the other driver had children with her. The Complainant alleges that Officer 1 allowed the other woman to drive away. The Complainant alleges that Officer 1 told the Complainant that she "got the sh\*tty end of the deal."

**THE COMPLAINT**

**Inappropriate Language or Attitude:** That Officer 1 told Complainant "you go the sh\*tty end of the deal."

**Failure to Provide Adequate Police Protection:** That Officer 1 did not want to go pick up car seats for the other driver's children and instead let the other driver drive away, with no license or insurance.

**OPCR AND MPD POLICIES**

1. OPCR Ord. § 172.20(2) Inappropriate Language or Attitude
2. OPCR Ord. § 172.20(6) Failure to Provide Adequate Protection
3. 5-105(10) PROFESSIONAL CODE OF CONDUCT: Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public
4. 5-105(2) PROFESSIONAL CODE OF CONDUCT: On-duty officers shall, at all times, take appropriate action within their jurisdiction, to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all federal, state and local laws and ordinances.

**COMPLAINT PROCESSING**

OPCR joint supervisors believed that the allegations, if proven true, would constitute an A-level violation. The case was sent to coaching for resolution.

**EVIDENCE**

In the course of investigating this complaint, the following steps were taken.

1. Complainant submitted a detailed written complaint.
2. Visitnet records were obtained.
3. The CAPRS police report was obtained.
4. No squad recordings were available.
5. Coaching documents were prepared and sent to the precinct inspector.

## **SUMMARY OF EVIDENCE**

### The Complaint

Complainant alleges that she was rear-ended by another car. Complainant alleges that the driver of the other car had no insurance or driver's license. Complainant alleges that Officer 1 told Complainant that he did not want to go to St. Joes to pick up car seats to take the other driver into custody, because she had children with her. Complainant alleges that Officer 1 let the other driver drive off. Complainant alleges that Officer 1 told her, "You got the s\*itty end of the deal" because the other driver lives in transitional housing and is from out-of-state.

### Visinet Records

A party not involved in the accident witnessed the accident and called the police. Officer 1 commented that the other driver had an expired driver's license.

### CAPRS Report

The report indicates that Complainant was rear-ended by the other driver. All parties refused EMS and stated they were not injured. The other driver was driving on a suspended Minnesota driver's license, had expired tabs, and admitted to having no insurance. Both the Complainant and the other driver were given blue cards. The other driver was issued a citation for these infractions and a state accident report was completed.

## **COACHING/MEDIATION/INVESTIGATION**

Coaching was sent to the precinct inspector who referred it to the appropriate supervisor to complete. The supervisor interviewed Officer 1 and reviewed the CAPRS report.

### Interview with Officer 1

The officer stated that the suspect was not allowed to drive away; a male associate of the suspect with a valid driver's license drove the vehicle away. While the officer mentioned this in his interview, it was not in the Visinet records or CAPRS report.

### Supervisor's Conclusion

The supervisor found that all of the actions of the officer were appropriate; "[Officer 1] followed all MPD policy/procedure including citing AP-1-driver." Supervisor recommended "non-sustained with 'no coaching.'"