

From the desk of:

Medaria Arradondo

Chief of Police

Minneapolis Police Department

350 South 5<sup>th</sup> Street, Room 130

Minneapolis, MN 55415



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**TO:** Officer David Rodriguez Badge #6085

**CC:** MPD Internal Affairs

**DATE:** January 4<sup>th</sup>, 2021

**RE:** IAU/Investigation Case #20-05357

**CHIEF'S DECISION:**

- Discharge
- Suspension                      Duration:
- Written Reprimand
- Permanent Demotion
- Temporary Demotion Duration: \_\_\_\_\_

#### SUMMARY OF BASIS FOR DECISION

This memo summarizes my approach and reasoning for my decision as Chief of the Minneapolis Police Department that Officer David Rodriguez receive a Written Reprimand. This memo accompanies the enclosed MPD Worksheet.

**Policies Violated:**

**MPD 9-201 (III)(B) (2) (a) Searching and Seizure**

**Facts Supporting Decision (see also Investigation Summary):**

This case was referred to the Office of Police Conduct Review by the Joint Supervisors after a cellphone video of the stop was posted on YouTube. The YouTube channel's host posted the IA phone number and asked viewers to call and file complaints. The Internal Affairs Unit received several calls regarding the video.

The video posted on YouTube documents part of an incident in which 2 officers initiated a Suspicious Vehicle stop on a parked vehicle. Officer's reports stated that as they drove past the parked vehicle, they observed that the two front seat occupants appeared to be unconscious. Officers stopped and made contact with the occupants, and eventually had them step out of the vehicle. Both occupants were searched and placed in separate squads while their vehicle was searched. Suspected marijuana and 2 open bottles of liquor were found in the car. The occupants were advised on several misdemeanor offenses and released at the scene with the vehicle. Officers seized and later disposed of the suspected marijuana and liquor.

Upon the completion of this investigation I reviewed the investigative case file materials and made my decision.

**Facts of this Case:**

Did Officer Rodriguez violate the department's Search and Seizure Policy regarding documenting the seizure of contraband?

- Officer Lynch and Officer Rodriguez were searching and dealing with the car's occupants, they directed responding officers to search the front seat area of the vehicle.
- During the search of the vehicle, officers found and seized suspected marijuana from under the driver's seat and two open liquor bottles in the hatchback area.
- This seized contraband was placed in squad 221's trunk by Officer Rodriguez.
- Officer Rodriguez stated in his interview that he disposed of the contraband in the trash cans in the precinct parking lot.
- Neither officers' BWCs were activated while disposing of the items, and it was past the retention date for the precinct's cameras when I learned that the items were disposed of at that location.
- Officer Lynch added remarks to Visinet that a search had occurred and the justification for it.
- The Visinet remarks did not specify which officers conducted the search, but the Visinet files did show all of the squads that assisted on the call, and all of their BWC's were activated and recording during the search.

As Chief of Police I am responsible for providing clear expectations on what is acceptable behavior in our workplaces as well as what will not be tolerated. Based on my review of the facts of this investigation

and Officer Rodriguez's admission that he in fact disposed of the recovered contraband and did not document its seizure and disposal I am issuing a written reprimand to Officer Rodriguez.