CIVILIAN REVIEW BOARD - CASE #127

INVESTIGATOR: Diana Vergara

DATE OF INCIDENT: October 06, 2022 **DATE OF FILING:** October 18, 2022

COMPLAINANT: Complainant & Complainant #2

COMPLAINT SUMMARY:
The Complainant alleges BPD was physically inappropriate and made retaliatory threats that they followed through on.

OFFICER(S):
1. Melvin Ruiz, ID #157617
2. Kirk Maxwell, ID #157645

DISTRICT: Boston Police Gang Unit

ALLEGED VIOLATION OF RULE:
Rule 304 § 2 Use of Non-Lethal Force
Rule 102 § 4 Neglect of Duty
Rule 102 § 9 Respectful Treatment
Rule 102 § 20 Self Identification

RULE 304 Sec. 2 USE OF NON-LETHAL FORCE: The policy of the Boston Police Department is to use only that amount of force that is reasonably necessary to overcome resistance in making an arrest or subduing an attacker. The right to use non-lethal force is extended to Police Officers as an alternative in those situations where the potential for serious injury to an Officer or civilian exists, but where the application of lethal force would be extreme. The availability of a variety of non-lethal weapons is necessary to provide the Police Officer with a sufficient number of alternatives when presented with a physical confrontation. However, since such force will not likely result in serious injury and the close public scrutiny that accompanies the use of deadly force, this availability may also increase the possibility of overzealous and inappropriate use of force. Therefore, application of non-lethal force will generally be limited to defensive situations where (1) an Officer or other person is attacked, or (2) an Officer is met with physical resistance during an encounter. An Officer may also use non-lethal force if, in the process of making an arrest, the Officer is met with passive resistance, i.e., an individual who refuses to get out of an automobile, or a protester who is illegally occupying a particular place. Such force should be a reasonable amount required to move the subject based on the totality of the circumstances. An Officer who encounters resistance should be assisted by any other Officers present. Two or more Officers may affect an arrest, without the use of force which one Officer cannot complete without resorting to the use of force.

Sec. 4 NEGLECT OF DUTY: This includes any conduct or omission which is not in accordance with

established and ordinary duties or procedures as to such employees or which constitutes use of unreasonable judgment in the exercising of any discretion granted to an employee.

Sec. 9 RESPECTFUL TREATMENT: Employees shall, on all occasions, be civil and respectful, courteous and considerate toward their supervisors, their subordinates and all other members of the Department and the general public. No employee shall use epithets or terms that tend to denigrate any person(s) due to their race, color, creed, gender identity except when necessary in police reports or in testimony.

Sec. 20 SELF IDENTIFICATION: General Law, Chapter 41, Section 98D, requires every Officer to carry his identification card with photograph and exhibit this card upon a lawful request for purposes of identification. sheAny Officer, acting in his official capacity, shall give his name, rank and badge number, in a civil manner to any person who may inquire unless he is engaged in an undercover police operation and his physical safety or the police operation would be jeopardized by his making such identification. Civilian employees, while engaged in their Departmental duties, shall identify themselves in a civil manner to any person who may inquire as to their identity and status within the Department.

Fourth Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall be issued, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

OPAT staff recommends to the Civilian Review Board that this case be considered **Not Sustained** and **Sustained** for the following rule violations:

Officer Melvin Ruiz, ID #157617
Fourth Amendment: **Sustained**
Rule 102 § 4 Neglect of Duty - **Sustained**
Rule 102 § 9 Respectful Treatment -**Not Sustained**
Rule 102 § 20 Self Identification - **Not Sustained**
Rule 304 § 2 Use of Non-Lethal Force - **Not Sustained**

Officer Kirk Maxwell, ID #157645
Fourth Amendment: **Sustained**
Rule 102 § 4 Neglect of Duty - **Sustained**
Rule 102 § 9 Respectful Treatment -**Not Sustained**
Rule 102 § 20 Self Identification - **Not Sustained**
Rule 304 § 2 Use of Non-Lethal Force - **Not Sustained**

Based on the statements captured on the body-worn camera footage and made by the Complainant, Complainant #2, along with the BPD interviews, Investigator Vergara was

able to confirm that BPD arrested Complainant #2 due to having a suspended license and not cooperating with the officer's questioning.

Under the Plain View Doctrine, Investigator Vergara did not see any visible evidence nor did the Police Officer mention or observe any evidence to search the vehicle without a warrant. According to the Fourth Amendment, the Complaint's rights were violated by the illegal prolonging of the motor vehicle search. On Officer Ruiz's body-worn camera at the 7:04 mark, the Complainant asked Officer Ruiz to close the door. At the 07:07 mark, Officer Ruiz tells the Complainant that he is not going to close the door because he is not done with the investigation, to which the Complainant stated that they didn't want their vehicle to be searched. At the 08:49 mark, the Complainant stated, "If you ain't closing the door and I'm not locking my car up and leaving. Right! I definitely can't leave the car with the door open." At the 9:38 mark, the Complainant stated, "You got them out of the car, and I'm trying to leave, and the car is in a parking spot, and I technically can leave, right?" At the 12:27 mark, the Complainant exits the vehicle and walks out of view with the child. At the 13:03 mark, Police Officer(s) Ruiz, and Maxwell are observed searching the vehicle. At the 14:03 mark, the Complainant stated that they had told the Officer that he had no right to search their vehicle, to which the Officer responded, "It doesn't mean anything." During a traffic stop, it is allowed for Officers to make ordinary inquiries such as checking for the Driver's License. However, Officer Ruiz performed those inquiries in a way that unreasonably prolonged the stop and only extended the length of the stop without reasonable suspicion of a crime that justified it. The justification was completed once Complainant #2 was arrested leading to the traffic stop to be completed. Based on the body-worn camera, Officer Maxwell failed to make a proper judgment on how to handle a traffic stop by letting his peer officer search the vehicle. Officer Maxwell also stated, he "does not remember if Officer Ruiz asked for consent to search the vehicle." Officer Maxwell stated that Officer Ruiz was searching the vehicle when the Complainant came back. Officer Maxwell stated that the procedure for searching a vehicle at a traffic stop once Complainant #2 has been arrested is as follows; they immediately do a motor vehicle inventory of where the operator was seated. Officer Maxwell stated that they excluded the trunk and Complainant #2's out-of-reach areas. Officer Maxwell stated, "BPD is allowed to search the whole vehicle without the owner's consent, but this time it was just limited to the areas where Complainant #2 was sitting."

Based on the body-worn camera, the Complainant's behavior gave no rise to a reasonable

suspicion factor to an illegal activity and to make assumptions about safety concerns. During the interview with Officer Ruiz, he stated, “I did not allow the Complainant to close the door for everyone's safety because they might have weapons in the car.” Officer Ruiz stated that the Complainant did not make any suspicious movements but was verbally aggressive toward the officers and that it is not how people normally behave during a traffic stop. The Complainant opened the door as they were about to leave. Officer Ruiz stated, “This was another sign that someone was hiding something in the vehicle.” Officer Ruiz said that he stood next to the Complainant because they did not know what the Complainant or Complainant #2 had on them or what they had access to. Officer Ruiz stated that even though he felt threatened by the Complainant, he didn't search the vehicle with the Complainant in the car because they were sitting in the passenger seat with a child in their lap. Officer Ruiz stated that even though he felt threatened and was alone, he did not want to cause an issue with the Complainant and the child.” According to the officer's body-worn camera, Investigator Vergara observed the vehicle properly parked, and the Complainant in the vehicle with the child in their lap not attempting to leave the scene. Even though Officer Ruiz stated in the interview that he feared for his safety, Investigator Vergara did not see any suspicious behavior arising from the Complainant or Complainant #2. Investigator Vergara also observed that Officer Ruiz failed to make a proper judgment on how to handle the situation properly if he feared for his safety and the safety of others.

Based on the body-worn camera footage and police interviews, Investigator Vergara was able to confirm that Complainant #2 was not strip-searched by BPD during the arrest. Body-worn camera confirmed that officers pat-frisked Complainant #2 and did not touch Complainant #2 inappropriately. Investigator Vergara was unable to confirm whether Complainant #2 was strip-searched at the booking station. However, during the police interviews, both officers stated that a strip-search is not allowed at booking. Investigator Vergara also confirmed through a body-worn camera, the officer’s interview, and Complainant #2’s interview that none of the Police Officers threatened, and intimidated, the Complainant and Complainant #2. Based on the body-worn camera, Investigator Vergara did not see Officer Maxwell and Officer Ruiz smile, laugh, or make any derogatory comments to the Complainant or Complainant #2. Investigator Vergara was able to confirm that the Complainant only asked Police Officer Ruiz for his badge number which he provided.

Based on the disciplinary matrix, under Mitigating Penalty for a first violation of this rule, Investigator Vergara has recommended Officers Ruiz and Maxwell receive an **Oral Reprimand to five (5)-Days Suspension with training**.

The Civilian Review Board agreed unanimously (6-0) with Investigator Vergara's recommended **Sustained** dispositions. However, the board decided to adopt a different disciplinary action of a **Four (4) Days Suspension.**

INVESTIGATION SUMMARY

Discovery List

1. Police Report	2. Body Worn Cameras (4 videos)	3. Dispatch Records
4. Criminal Docket	5. CAD Sheet	6. Complainant #2's Interview
7. Complainant's Interview	8. Witness #1 's Interview	9. BPD Maxwell's Interview
10. BPD Ruiz's Interview		

Case Summary:

On October 18, 2022, the Office of Police Accountability and Transparency (OPAT) received a complaint filed by the Complainant regarding a Boston Police Department Officer. The Complainant stated that on Thursday, October 6, 2022, they and Complainant #2 were parked on a road in Jamaica Plain when a BPD Gang Unit Officer pulled up behind them. The Complainant said that the officer pulled Complainant #2 out of the car and arrested Complainant #2. The Complainant stated that during this interaction, the officer intimidated both of them and threatened Complainant #2. The Complainant stated that the Complainant didn't think there was a personal connection between the two of them because neither the Complainant nor Complainant #2 said that they knew this officer. The Complainant then stated that this officer strip-searched Complainant #2 and touched Complainant #2 inappropriately. The Complainant stated that on the evening of the alleged

incident, a BPD prisoner transport vehicle from E-13 pulled up searched, and then brought Complainant #2 to the E-5 police district. The Complainant stated that this officer threatened them during this incident, allegedly saying that he would make their lives miserable if they made this an issue and now the Complainant said he is following through on those threats. The Complainant stated that the BPD Gang Unit Officer called the Department of Children and Families and put in a mandated report of Neglect against the Complainant and Complainant #2 regarding their daughter.

The Complainant stated that none of the officers involved identified themselves, except for one of them, who stated that his badge number was 1024 and that he had his body-worn camera on for the interaction.

Document/Video/Other Investigation Technique Summary:

On October 24, 2022, Investigator Vergara spoke to the Complainant, who re-stated what was on the Intake Form.

On October 25, 2022, Investigator Vergara visited the scene to locate potential surveillance video footage. Investigator Vergara did not observe any visible surveillance cameras.

On November 1, 2022, Investigator Vergara received and reviewed the police report and did not observe any police misconduct. Investigator Vergara observed in the police report that BPD had pulled them over for operating a motor vehicle with a suspended license, marked lane violation, failure to wear a seat belt, and child under 8 years without a car seat.

On November 7, 2022, Investigator Vergara received and reviewed the CAD sheet. Investigator Vergara did not observe any information pertaining to police misconduct.

On January 19, 2023, Investigator Vergara received and reviewed four (4) body-worn camera videos pertaining to the incident. Investigator Vergara reviewed the body-worn camera titled “TS Child And South” by Officer Maxwell Kirk. Investigator Vergara observed the Complainant’s vehicle parked next to the curb. At the 4:58 mark, Officer Maxwell tells Complainant #2 that their license was suspended, to which Complainant #2 says, “I came from the market, and I am aware that what I did was wrong.” At the 05:29 mark, the Officer tells the Complainant and Complainant #2 that they were driving on the wrong side of the road, driving with a suspended license, and driving with a child in the

front seat. It was also observed that the Officer asked Complainant #2 where they lived, but Complainant #2 couldn't answer. At the 11:29 mark, the Complainant tells Complainant #2 that Officer Ruiz doesn't let them close the door of the car because there is an investigation. At the 14:27 mark, Officer Maxwell tells the Complainant that they are conducting a frisk, searching the area where Complainant #2 was sitting and the areas that Complainant #2 could reach. BPD told the Complainant that the Complainant was able to take possession of the car after they were done searching. At the 14:30 mark, the Complainant stated, "He's opening bags and going through s***." At the 14:34 mark, Officer Ruiz responded, " I just opened one bag." Throughout the body-worn camera, Investigator Vergara observed officers searching the back seats, the passenger side, and the driver's side. Investigator Vergara did not observe Officers searching other areas of the vehicle. At the 15:41 mark, the Complainant stated that they lied to the Officer regarding their address. At no point did Investigator Vergara hear any of the Officers ask Complainant #2, "Do you know me?"

On January 19, 2023, Investigator Vergara reviewed the body-worn camera titled "Traffic Stop" by Officer Ruiz. Investigator Vergara observed the Complainant's vehicle parked next to the curb. At the 00:35 mark, the Complainant told the Officer, "There was a red light, and we live here." At the 02:59 mark, the BPD Officer asked the Complainant if they lived around the area, to which the Complainant stated, "Down the Street." At the 05:55 mark, the Complainant stated to Officer Ruiz that it was not as dangerous as they were portraying it. The Complainant also stated, "There was a red light, and no cars were coming." At the 06:06 mark, Officer Ruiz tells the Complainant, "On a red light, the child is in the front seat, you are driving towards cars that are coming towards you and there was a double yellow line." At the 06:18 mark, the Complainant stated, "But they were not, and it's a red light. The child is on the spectrum and has to be out of the seat." At the 7:04 mark, the Complainant asked Officer Ruiz to close the door. At the 07:07 mark, the Officer told the Complainant that he was not going to close the door because he was not done with the investigation, to which the Complainant stated that they didn't want their vehicle to be searched. At the 14:02 mark, Officer Ruiz provided his badge number. At the 13:04 mark, Officer Ruiz is observed searching the vehicle. At the 14:03 mark, the Complainant stated that they had told the Officer that he had no right to search their vehicle, to which the Officer responded, "It doesn't mean anything." Investigator Vergara did not see any evidence supporting the plain view doctrine, nor did the Police Officer mention the plain view doctrine. At the 14:16 mark, the Complainant asked Officer Ruiz for his badge number which Officer Ruiz provided. At the 14:58 mark, the Complainant stated, "He's opening bags and going through s***." At the 14:34 mark, Officer Ruiz responded, " I just

opened one bag." At 16:04, the Complainant stated that they had lied when they gave Complainant #2's address. At no point did Investigator Vergara hear any of the Officers ask Complainant #2, "Do you know me?"

On January 19, 2023, Investigator Vergara reviewed the body-worn camera titled "Transport to District E5" by Officer #3. Investigator Vergara did not observe any police misconduct. At the 27:30 mark, Complainant #2 was observed exiting the police wagon, assisted by Officer #3 and Officer #4. At the 27:50 mark, it was observed that the two officers escorted Complainant #2 to Officer Maxwell, who was opening the building door. At no point did Investigator Vergara observe Officer Maxwell smile, laugh, or make any derogatory comments.

On January 19, 2023, Investigator Vergara reviewed the body-worn camera titled "Transport E5" by Officer #4. Investigator Vergara did not observe any police misconduct. At the 21:19 mark, Complainant #2 was observed exiting the police wagon, assisted by Officer #3 and Officer #4. At the 21:32 mark, it was observed that the two officers escorted Complainant #2 to Officer Maxwell, who was opening the building door. At no point did Investigator Vergara observe Officer Maxwell smile, laugh, or make any derogatory comments.

On January 20, 2023, the Boston Police Department informed Investigator Vergara that there was no 911 call available since it was a traffic stop.

On February 8, 2023, according to the Boston Police Department, video at the booking station was not available.

On May 10, 2023, Investigator Vergara went to the Boston Municipal Court in West Roxbury to obtain the case disposition for Complainant #2. It was established that the case was dismissed.

Complainant #2's Interview:
On July 7, 2023, Investigator Vergara interviewed Complainant #2. Complainant #2 stated that they did not run a red light when they were turning left onto Child Street. Complainant #2 stated that they were at a red light with a vehicle in front of them. Complainant #2 stated that once the light turned green, they went around the vehicle in front of them because it was creating traffic. Complainant #2 stated that when they turned into Child

Street, their daughter immediately took the seat belt off and moved to the front where the Complainant was seated. Complainant #2 stated that they did not observe BPD at this point. Complainant #2 further stated that when they parallel parked the vehicle and turned off the vehicle, that's when BPD arrived. Complainant #2 stated that the police vehicle had to be stationed near the light and just watched them turn and then decided to get to them. Complainant #2 stated that after BPD ran their name, BPD Maxwell asked them to get out of the vehicle. Complainant #2 stated that they were pat-frisked next to their vehicle. Complainant #2 stated that they believed it was because of the suspended license or because they were not providing the license. Complainant #2 stated that Officer Maxwell walked them to the police cruiser, which was six (6) feet away from their vehicle, and pat-frisked them for the second time. Complainant #2 stated that their neighbor Witness #1 was walking by and witnessed some of the interaction. Complainant #2 will provide Investigator Vergara with the neighbor's information. Complainant #2 stated that Officer Maxwell was asking them where they lived and that they had put their daughter in danger. Complainant #2 stated this whole situation made them feel as if they were a drug dealer. Complainant #2 stated that Officer Maxwell asked them, "Do you know me?" Complainant #2 stated that they didn't and was confused as to why the Officer was asking. Complainant #2 stated that the police wagon was called, and they were pat-frisked a third time.

Further, Complainant #2 told Investigator Vergara that they took them to the station where they had to wait 15 minutes inside the wagon and once they were getting out of the police wagon, the first officer they saw was Officer Maxwell waiting for them with a smile on his face. Complainant #2 stated that they asked Officer Maxwell why he was there and another Officer told them that it was because it was his case. Complainant #2 stated that when they were getting fingerprinted, Officer Maxwell asked them again, "Are you sure you know me? What school did you go to?" Complainant #2 stated that they were brought into a cell with three Officers, including Officer Maxwell. Complainant #2 stated that Officer Maxwell started a pat-frisk and removed their clothes as they were laughing. Mr. Maxwell stated that the other two Officers were not laughing. Complainant #2 stated that they didn't know why he was laughing, but it seemed as if Officer Maxwell was infatuated with them.

Complainant #2 stated that they did not disagree with the Officers throughout the traffic stop. Complainant #2 stated that they have been pulled over several times but have never been pat-frisked or arrested for having their license suspended. Complainant #2 stated that nothing was found in the vehicle, and they didn't know if BPD was searching the vehicle

they were driving. Complainant #2 stated that Officer Maxwell "f*****" them up mentally, and they feel like the officer owns them." Complainant #2 stated that Officers did not threaten him. Complainant #2 also stated that Officer Maxwell did not have any interaction with the Complainant but Officer Ruiz did.

Witness #1 's Interview:
On July 31, 2023, Investigator Vergara spoke to the Complainant's neighbor, Witness #1, who stated that on their way from picking up their child, they observed a Boston Police Officer holding Complainant #2's arm to the back, but they didn't know if Complainant #2 was handcuffed. Witness #1 stated that they asked Complainant #2 if they needed them to call someone, and Complainant #2 stated that the Complainant was on their way. Witness #1 stated that they later spoke to Complainant #2, who stated that they were mistreated. Witness #1 stated that Complainant #2 seemed traumatized. Witness #1 stated that Complainant #2's daughter is autistic, and on the day of the incident, Complainant #2's daughter was crying, and they rushed to get her home. Witness #1 stated that Complainant #2 is the only African American in the neighborhood. Witness #1 stated that they did not observe any police misconduct.

Officer Kirk Maxwell's Interview:
On August 30, 2023, Investigator Vergara interviewed Officer Kirk Maxwell. Officer Maxwell stated that he was driving an unmarked vehicle with Officer Melvin Ruiz. He stated that he was patrolling South Street, Jamaica Plain. Officer Maxwell stated that he observed a motor vehicle traveling on the wrong side of the road. Officer Maxwell stated that about 100 to 200 feet, the vehicle passed the unmarked vehicle and made a left turn onto Child Street. Officer Maxwell stated that he activated the emergency lights and followed the vehicle to conduct a motor vehicle stop. Officer Maxwell stated that the vehicle immediately pulled over and stopped on the curb. Officer Maxwell stated that he exited the vehicle and approached Complainant #2, and Officer Ruiz approached the Complainant's side of the vehicle. Officer Maxwell said he spoke to the operator and asked for their license and registration. Officer Maxwell stated that Complainant #2 didn't have their license and registration. Officer Maxwell stated that Complainant #2 provided their name and Social Security Number (SSN). Officer Maxwell stated that Officer Ruiz was still on the other side of the vehicle. Officer Maxwell stated that he went back to the unmarked vehicle to confirm Complainant #2's identity by entering the SSN that was provided by Complainant #2. Officer Maxwell stated that he found out that their driver's license was suspended/ revoked. Officer Maxwell went back to the vehicle and advised Complainant #2 that the license was suspended. He reminded them of the infractions that occurred as a result of it. Officer Maxwell asked for Complainant #2's address, which they

denied. Officer Maxwell asked Complainant #2 to turn off and exit the vehicle and was placed in handcuffs. Officer Maxwell stated that the reason why he asked Complainant #2 to exit was because they didn't want to provide their address. Officer Maxwell stated that once Complainant #2 was placed in handcuffs, he pat-frisked them for possible contraband or weapons and walked them to where the unmarked cruiser was. Officer Maxwell stated that his cruiser didn't have a prisoner cage in the rear, so he signaled Officer Ruiz to call for transport. Officer Maxwell stated that he was six (6) to eight (8) feet away from Officer Ruiz. Officer Maxwell stated that Officer Ruiz was able to hear him. Officer Maxwell stated that Complainant #2 was engaging in small conversations such as, " I think you are doing your job." Officer Maxwell added that Complainant #2 was concerned about being out in the open, and Officer Maxwell explained that there was a transport coming. Officer Maxwell also offered to turn them around, which Complainant #2 didn't want to do. Officer Maxwell stated that he does not recall asking Complainant #2 if they knew him and what school they went to. Maxwell also stated that he does not have any personal connection with Complainant #2. Officer Maxwell stated that he does not remember hearing Officer Ruiz telling the Complainant that he was going to make their lives miserable if they made this an issue.

Further, Officer Maxwell stated that he does not remember if the Complainant asked any officers for a police report. Officer Maxwell stated that BPD can not provide police reports at the scene and that the individual needs to get them at the police station. Officer Maxwell stated that Officer Ruiz provided his ID to the Complainant. Officer Maxwell stated that the Complainant exited the vehicle with the child and walked to an unknown location. Officer Maxwell stated that in the meantime, Officer Ruiz was conducting a frisk on the vehicle where Complainant #2 was sitting. Officer Maxwell stated that he does not remember if Officer Ruiz asked for consent to search the vehicle. Officer Maxwell stated that Officer Ruiz was searching the vehicle when the Complainant came back, and the Complainant was being derogative towards them while recording with their phone. Officer Maxwell stated that the procedure for searching a vehicle at a traffic stop once Complainant #2 has been arrested is that they immediately do a motor vehicle inventory of where the operator was seated. Officer Maxwell stated that they excluded the trunk and Complainant #2's out-of-reach areas. Officer Maxwell stated that BPD is allowed to search the whole vehicle without the owner's consent but this time, it was just limited to the areas where Complainant #2 was sitting. Officer Maxwell stated that he hadn't seen anything in the vehicle before or after the traffic stop. Officer Maxwell stated that he pat-frisked Complainant #2 from the waist down to their pants, and then transport had to pat-frisk Complainant #2 for safety. The transport officer took Complainant #2 to the booking station, where Complainant #2 was fully searched. Officer Maxwell stated that for safety, everything on Complainant #2 was removed, and only was wearing underwear. Officer Maxwell stated that Complainant #2 was not "strip-searched." Officer Maxwell stated that they don't have the power to conduct a strip search without the consent of the Duty

Supervisor. Officer Maxwell stated that present at the booking station were Officer Ruiz, an unknown booking Officer, and himself. Officer Maxwell stated that since it was his arrest, he needed to wait for Complainant #2 at the station and finish the whole process, but at no point was he laughing. Officer Maxwell stated that his demeanor was calm and cordial throughout the whole process. Officer Maxwell stated that they didn't read Complainant #2 their Miranda rights at the scene because no questions were asked, but they did read their rights at the booking station. Officer Maxwell stated that Officer Ruiz provided his ID to the Complainant.

Officer Melvin Ruiz's Interview:
On December 20, 2023, Investigator Vergara interviewed Officer Melvin Ruiz. Officer Ruiz stated that he was in the cruiser with Officer Maxwell. Officer Ruiz stated that they noticed a lot of traffic on the outbound side of the road and noticed a vehicle go around the traffic, crossing the whole yellow lines while turning left onto the wrong side of Child Street. Officer Ruiz stated that he does not recall if the vehicle went on a red or green light. Officer Ruiz stated that since they observed a traffic violation and drove a good distance on the opposite side of the road toward oncoming traffic, they decided to pull the car over. Officer Ruiz stated that they spoke to the car's occupants but did not remember the conversation. Officer Ruiz stated that they also observed a child in the front seat where the Complainant was sitting, which he thought was very dangerous. Officer Ruiz stated that he did not remember seeing the child in the front when the car crossed the yellow line. Officer Ruiz stated that he doesn't remember if the car stopped next to the curb or was double parked. Officer Ruiz stated that Complainant #2's driving license was suspended. Officer Ruiz said that Officer Maxwell decided to take Complainant #2 out of the vehicle and was placed under arrest because they were not being truthful from the beginning by giving them a different address. Officer Ruiz stated that he was on the other side with the Complainant and did not remember what they were talking about. Officer Ruiz stated that he called for transport to take Complainant #2 to District E-5 because the unmarked vehicle that they were driving was not equipped with a cage in the back. Officer Ruiz stated that Complainant #2 was searched, and nothing was found on them. He further stated that the Complainant was not searched. Officer Ruiz stated it was concerning to them that the Complainant was in the car and did not want to speak to them. Officer Ruiz stated that it was a sign to them that there might be weapons in the car. Officer Ruiz stated that he stood by the driver's side to make sure they were not grabbing anything that was in there. Officer Ruiz stated that he did not see anything in plain view. Officer Ruiz stated that if the Complainant were to abandon the car, their procedure was to do an inventory on the car and tow it for safety. Officer Ruiz continued by stating that on the inventory, they search the car and gather valuable items before the car is taken to the tow lot so the occupants of the car can pick them up later. Officer Ruiz stated that he did not allow the Complainant to close the door for everyone's safety because they might have weapons in the car. Officer Ruiz stated that the Complainant did not make any suspicious movements but was verbally

aggressive toward the officers and "that it is not how people normally behave on a traffic stop." Officer Ruiz stated that the emergency lights were on, and as soon as they approached the vehicle, the Complainant opened the door as they were about to leave. Officer Ruiz stated that this was another sign that someone was "hiding something in the vehicle." Officer Ruiz stated that he stood next to the Complainant because they didn't know what the Complainant or Complainant #2 had on them or what they had access to. Officer Ruiz stated that he also didn't let the Complainant leave with the car because they were going to do a Search Incident to Arrest for the area where Complainant #2 was arrested. Officer Ruiz stated that they frisked the area for weapons or contraband. He stated that on a frisk, they open items to see what's inside since they can not see it from plain view. Officer Ruiz stated that he didn't need consent to search the car, and he didn't need consent to search the whole car if they were going to tow it.

Officer Ruiz stated that since they were giving the Complainant leniency, they decided not to tow it. Officer Ruiz stated that he searched the vehicle once the Complainant walked away because the Complainant was upset and it was not going to happen while they were there but it needed to happen to make sure there were no weapons near or under the seat where Complainant #2 was sitting. Officer Ruiz stated that if the Complainant had come back to the car and gotten a hold of the weapons, it would have been bad. Officer Ruiz stated that even though he felt threatened by the Complainant, he didn't search the vehicle with the Complainant in the car because they were sitting in the passenger seat with a child in their lap. Officer Ruiz also added that even though he felt threatened, he was alone and did not want to cause an issue with the Complaint and the child. Officer Ruiz stated that he was calm and concerned for the child in the front seat. Officer Ruiz stated that the Complainant didn't seem to be concerned about the child being in the front seat. Officer Ruiz stated that the police reports have to be written by the officers at the station before being given to the person because they need to create an incident number. Officer Ruiz stated that there was a police report for this incident. Officer Ruiz stated that he and Officer Maxwell don't have any connection with Complainant #2 and the Complainant. Officer Ruiz stated that he did not make any threatening remarks or intimidate the complainant and Complainant #2. Officer Ruiz stated that he could not comment on Officer Maxwell's interaction with Complainant #2 since he was occupied with the Complainant. Officer Ruiz stated that he and Officer Maxwell did not laugh or make any comments towards the Complainant or Complainant #2. Officer Ruiz stated that they can pat-frisk a person as many times as they need to for safety. Officer Ruiz stated that they did not strip search Complainant #2 and that strip-search never happens at the booking. Officer Ruiz stated that there was nothing that he could have done differently during the incident.