CMPD Report on Mr. Ron Brinson

Mr. Brinson was originally stopped by a Charlotte-Mecklenburg Police officer for running a stop sign on Colony Road on May 15, 2008. The officer who stopped Mr. Brinson found that he did not have a valid driver's license. Mr. Brinson was issued citations for the stop sign violation and not having a valid license. Mr. Brinson called CMPD and alleged that the officer who issued the citation was under the influence of alcohol. The claim was investigated by the officer's sergeant as soon as it was reported and the sergeant found no evidence that the officer had been drinking.

Two weeks later on May 27, 2008, the same officer was again working traffic on Colony Road. While the officer was on a traffic stop with another citizen, Mr. Brinson drove by, honked his horn, waved, and shouted something at the officer. Once the officer completed the traffic stop, he logged into DMV's data base and found that Mr. Brinson still did not have a valid driver's license. The officer then took out a warrant on Mr. Brinson for "no operator's license". That warrant was served on Mr. Brinson when he went to court in September 2008 on the two original charges. When he was arrested, Mr. Brinson claimed the warrant was fraudulent and was based upon the initial stop on May 15 which would essentially be a second charge on the same offense. CMPD has explained to Mr. Brinson that the warrant was valid and was based on the fact that Mr. Brinson was seen continuing to drive without a valid license two weeks after being cited for that offense. It should be noted that Mr. Brinson made an effort to get the officer's attention as he was driving down Colony Road; the officer was on a traffic stop and likely would not have observed Mr. Brinson if he had not called attention to himself. Mr. Brinson says he does not recall seeing the officer on May 27, 2008.

Prior to the warrant being served on Mr. Brinson, he was stopped for speeding and driving with license revoked in Carteret County on July 2, 2008. Mr. Brinson claims that he was taken to jail and placed in a holding cell because of the warrant on file in Charlotte. The Carteret County Sheriff's Office says that Mr. Brinson was taken to post a $500 bond and was released. They say he was never booked into the jail. Mr. Brinson denies to CMPD that he was charged with driving with license revoked in Carteret County.

After the arrest in September 2008, Mr. Brinson called Internal Affairs and spoke with Sgt. Jacquelyn Hulsey to repeat his allegation that the officer was intoxicated at the traffic stop. He claimed to have more information but refused to share it. Mr. Brinson never provided any further information and Internal Affairs did not feel he had made a formal allegation. Given that the officer's supervisor had investigated the allegation on the day of the traffic stop and found no indication that the officer was intoxicated, no further investigation was conducted.

CMPD heard nothing more from Mr. Brinson for three years. On October 24, 2011, he contacted Internal Affairs to complain about two officers directing traffic on Park Road at Forest Hills Presbyterian Church. The officers had a line of traffic stopped to allow drivers to exit the church parking lot. Mr. Brinson felt that he was held in traffic too long and began honking his

horn and yelling at the officers. When he began doing so, one of the officers stepped to the driver's side of the car and asked to see Mr. Brinson's driver's license; the other officer stepped to the front of the vehicle, taking what Mr. Brinson described as "an O.K. Corral stance". Mr. Brinson alleges he felt "harassed, intimidated and threatened" and said that his seven-year-old son was agitated by the encounter. This complaint is being investigated; the only issue appears to be whether the officer had reasonable suspicion to ask to see Mr. Brinson's license.

The October 24 complaint was taken by Sgt. Vickie Suarez with whom Mr. Brinson was confrontational. Mr. Brinson said that talking to a female sergeant reminded him of his complaint to Internal Affairs three years ago and he inquired as to what happened with the investigation. Since Mr. Brinson had never provided the documentation that he claimed existed, no investigation was done in 2008. Internal Affairs is now looking at the 2008 issuing of the warrant to determine if there were any actions by the officer that would be a violation of CMPD's rule of conduct regarding Abuse of Position. The warrant was in order because Mr. Brinson did not have a valid driver's license on the date it was issued. It appears that the complaint has no merit.

Internal Affairs has looked at Mr. Brinson's driving history and DMV records indicate that he did not have a valid driver's license from 2003-2010. There are also a number of charges for failure to appear in several locations including Mecklenburg and Wake counties. Mr. Brinson contends he had a valid driver's license when he was stopped in Mecklenburg and Carteret counties in 2008, despite what the DMV records show. Mr. Brinson claims his DMV records were incorrect and that he paid an attorney to get them corrected. That is an issue between Mr. Brinson and DMV.

It should be noted that Mr. Brinson did not contact Internal Affairs for three years regarding his complaint against the officer. He brought it up only when he called to complain about the officers directing traffic in October 2011. Mr. Brinson had e-mailed City Attorney Mac McCarley in May 2011 to request that the arrest resulting from the warrant be expunged from his record and that the City pay for the attorney to handle the expungement. The City Attorney advised him to contact Internal Affairs at that time but Mr. Brinson did not do so.

Staff will also ensure that Mr. Brinson receives a copy of this report.