

# Was cuffing on the basis of the warrant warranted?

The Bethlehem Gadfly Police February 16, 2020

 *Latest in a series of posts about the Bethlehem Police* 

**DiLuzio and Meixell to Greene 11 20 19**

**Englesson to Greene 11 29 19**

**Englesson to Donchez 12 20 19**

Are you with me? Speak up if not, my good followers. The primary sources are always close by for reference. Good conversation on a serious matter is what we are after.

What do we know, and what do we not know as we attempt to evaluate this situation of dueling complaints about a serious matter regarding racial profiling by a police officer or what we might call abuse of power by a district judge?

We talked about the search. Let's focus on the warrant now.

## **The warrant:**

- Were the name and date of birth of the driver, presumably from the driver's license, the same as the name and date of birth on the warrant for a deported felon? That's not clear. The verb that the Chief uses is "linked." The driver's name was "linked" to the warrant, he says. What does "linked" mean? Does that mean it was an exact match or a close match or a weak match or a possible match? It's not clear. In any event, no mention is made of whether the date of birth is linked or matched with the warrant. The officer's statement seems to indicate an exact match with the name: "his name also came back with a warrant as a deported felon." Again, no mention of the date of birth.
- To the contrary, the driver indicates (through the Judge recounting his conversation with the driver) that the name on the warrant was a "similar name" which occasioned a "conversation" between the officer and the driver "regarding this issue."

- We need to see the driver's license and the warrant side by side for clarification.
- In addition, the warrant indicated that the subject of the warrant had an identifying tattoo. The officer investigated. Under clothing. Did he need permission/consent to do that? In any event, the driver had no tattoo.
- It would appear there is a situation here where there is doubt — the lack of a tattoo being strong doubt — that the driver was the subject of the warrant. But it is affirmed that department policy requires absolute confirmation, which probably means fingerprinting at headquarters. Is that true — given the circumstances, would it be department policy to bring the driver in? If it is, would it also be policy to put him in cuffs? Does that mean he was arrested? Was there indication that the man would run? Was he being treated guilty till proven innocent? Could he have been asked to come to headquarters of his own volition to clear matters up? (A naive question from the Gadfly?)
- But maybe he was put in cuffs because of the marijuana violation. Gadfly doesn't know. Needs to be clarified.
- Another question here, though, brings us back to the importance of ascertaining when the search of the car occurred. The driver's account (again, coming through the Judge) is that he's unsure when the search occurred. If the search happened after the doubt about the applicability of the warrant, then we have a really troubling occurrence. What triggered the search, and when did it happen?
- Uncertainty about the link or match between name and the date of birth on the felon warrant and driver's license, no identifying tattoo on the driver per the warrant — seems fair to say that the applicability of the warrant to the driver was problematic, and thus one wonders if cuffs, which would be an assumption of guilt or a demeaning lack of trust in the driver's integrity, were necessary.

*to be continued . . .*