



Internal Affairs Case Number

CC2020-0060

EMPLOYEE:

Det. Nicholas Wulff

COMPLAINANT:

Rebecca Shaw

INTERNAL AFFAIRS INVESTIGATOR:

Officer Brandon Holtz

SCOPE OF INVESTIGATION:

On 09/04/2020 Lt. Hestir received an email from Rebecca Shaw with a link to a video. Shaw wrote that she observed the video on Facebook that showed two citizen's interactions with the Columbia Police during a traffic stop. It would later be determined that the stop was conducted by Det. Nicholas Wulff and MUPD Det. John Hayes. Shaw, who was not present during the incident, took issue with several things she saw in the video, asking Lt. Hestir several questions about the interaction. There are no clear allegations of misconduct in her email. Chief Jones subsequently requested a review of this incident. After the inquiry (IQ2020-0002) was concluded, it was requested that allegations regarding search and seizure and discourteousness be brought against Det. Wulff, based off of Shaw's complaint.

INVOLVED OFFICERS EXPERIENCE AND TRAINING:

Det. Nicholas Wulff has been employed as an officer with the Columbia Police Department since 12/14/2015. Det. Wulff is currently assigned as a Detective with the Violent Crimes Task Force.

APPLICABLE POLICY AND LAW:

- 1.) 322.3 Searches**
- 2.) 340.3.1 (20) Discourteous/disrespectful treatment of citizen/employee.**

INTERVIEWS:

-Det. Wulff

VIDEO/AUDIO/EVIDENCE:

- Officer Body Worn Camera footage
- Dash Camera Footage
- CAD #2020213292
- Facebook video
- BWC screenshots

INVESTIGATION:

On 09/04/2020 Lt. Hestir received an email from Rebecca Shaw with a link to a video. Shaw's email reads:

Mayor, Councilpersons, Chief Jones and Sgt. Hestir,

I became aware of this video (link below) just a few moments ago. These citizens were pulled over for an apparent turn signal violation and when asked if the vehicle could be searched, they were told no (as is the right of the driver). The officer used the excuse of 'seeing marijuana shake' in the car to ask the man to step out so he could search the vehicle. The passenger began recording the interaction. The officer states for the man to step out of the car or he'll pull him out of the car, escalating the situation unnecessarily. He is then cuffed.

The passenger is asked to step out. While you cannot see her directly because she is holding the phone recording, you can see the shadows of the two officers that follow her out of the vehicle while one tells her there are two options. She asks 'what are the options' and you can see an officers' arm grab her wrist as the camera now shakes and goes off.

- 1. Why did it take 3 officers (more?) for a signal violation?*
- 2. Why did these officers needlessly escalate the situation?*
- 3. Why did the officer indicate marijuana presence in order to search the car?*
- 4. Why was this woman forcibly handled before her question was answered?*

My understanding is that nothing was found in the car. The car looks pretty clean on the video as it pans past the drivers' side floor board. (Cleaner than my car currently)

I'm sending this because I want you to be aware of this. I was angry seeing this. These are the interactions with citizens that cause mistrust in your officers. It seems this situation was escalated and could have turned into something much more volatile. Detractors would say "Why didn't he get out of the vehicle?" Well, if you were a Black man in society today, would you get out of your car before the recording started? I sure wouldn't.

I would sincerely like a response from Sgt Hestir to know whether or not proper protocol was

followed and if this is how officers are trained to handle this situation. I think this is an opportunity for public discussion. We as citizens need to understand why this played out like this. We need to know what is expected of officers and how this SHOULD have been handled.

<https://www.facebook.com/garnett.fisher/posts/10224899768271127>

*Respectfully,
Rebecca Shaw*

FACEBOOK VIDEO:

The video that Shaw is referring to is a cell phone video that was recorded by Tenacious Jones, who was a passenger in a traffic stop (details of the traffic stop are in the next section). The duration of the video is one minute and forty-three seconds.

The video begins with the driver, later identified as Kamal Annoor, talking to an officer, who is not observed. This officer is later identified as Det. Wulff. Annoor is asking why he is stepping out of the vehicle, and Det. Wulff tells him to step out of the car. Annoor asks again, "Why am I stepping out of the vehicle?" Det. Wulff replies, "I will talk to you in a minute. Step out of the car or I'm going to pull you out of the car."

Jones says something that sounds like, "You're going live," and Annoor responds with something to the effect of, "Go live." Annoor is observed stepping out of the vehicle. Det. Wulff is heard telling Annoor to turn around and put his hands behind his back. Jones then holds the phone out towards where Det. Wulff and Annoor are, and handcuffs can be heard being applied. Det. Wulff states, "I'm detaining you because I can see marijuana shake in the vehicle." Jones states, "He said marijuana."

Det. Wulff asks Annoor if he has a medical marijuana card. It is difficult to hear Annoor's response, but it sounds like he says, "There's no marijuana in the car." Det. Wulff repeats his question, and Annoor repeats his response. Det. Wulff walks Annoor out of view of the camera, towards the rear of the vehicle. Jones states, "Fuck," and sounds as if she is laughing. At the 01:16 mark, another officer, later identified as Det. Hayes, is heard off camera telling Jones, "Go ahead and step out for me." When she steps out, Det. Hayes states, "Go ahead and leave your purse." Jones states twice that she is not leaving her stuff, and as she is observed walking, states, "I ain't leaving shit."

Det. Wulff is heard off camera stating, "Okay, there's two options here, okay?" Jones asks, "What's the options?" Det. Wulff grabs Jones (observed via the shadows on the ground that are being recorded) and tells her, "You're going to go in handcuffs too." The camera begins shaking and moving, and as Jones asks, "For what?" the video stops playing.

TRAFFIC STOP:

This traffic stop was conducted by Det. Wulff on 09/02/2020 at approximately 1523 hours, and is documented under CAD #2020213292. The stop location is listed as Heriford and Paris, but it ended up being in a parking lot of Columbia Insurance group, off of Clark Lane. Det. Wulff was operating as a two-officer unit with Missouri University PD Det. John Hayes (both officers are members of the Violent Crimes Task Force), and they were under the unit designation 3V7. Sgt. Clint Sinclair was also on scene during the majority of the stop.

Present in the vehicle, a 2011 Dodge Challenger bearing MO registration JB0Y4K, were the driver, Kamal Annoor, and the front seat passenger, Tenacious Jones. During this stop officers detained both occupants and searched the vehicle. Annoor and Jones were released without charges. There was no case number drawn from this incident. In the notes section of the call the following information was entered by officers: *“vehicle stopped for 40/30, not driving on his side of the road, stop sign violation. observed marijuana shake in vehicle, both passengers detained. Released with warning”*.

DET. WULFF BWC:

Det. Wulff’s body worn camera video begins with him exiting the driver’s seat of his patrol vehicle and approaching the driver’s side of the Dodge Challenger. When he makes contact with Annoor, Officer Wulff indicates that he had been traveling 40 mph on Heriford, which is a 30 mph zone, he didn’t make a complete stop, and was driving in the middle of the road. Annoor responds to Det. Wulff, but is speaking very quietly and I am unable to make out what he is saying. Det. Wulff responds that he is a two-man car (referring to Det. Hayes). Det. Wulff collects Annoor’s ID and insurance. He asks Jones for her ID. I am unable to hear her response, but she refuses to provide her ID to Det. Wulff.

After collecting the documents, Det. Wulff asks, “You want to step out and talk to me real quick, man?” Annoor throws his hands up in a gesture indicative of exasperation, and leans back in his seat. He asks, “Why do I got to step out, sir? Why do I got to step out? Why are we doing this, officer?” Det. Wulff responds, “Step out and talk to me.” Annoor begins looking around and asks “why” several times. Det. Wulff states, “Step out of the car.”

Annoor continues sitting in his car, and appears to be talking to his passenger, stating something to the effect of, “Before I step out.” Jones is observed holding her phone up, presumably recording. Annoor then asks Det. Wulff why he is stepping out of the vehicle. Det. Wulff repeats for him to step out of the car. Annoor again asks why. Det. Wulff says, “I will talk to you in a minute. Step out of the car or I’m going to pull you out of the car.”

Annoor opens the driver’s side door and does not exit for several seconds. When he does step out, Det. Wulff instructs him to turn around and put his hands behind his back. Det. Wulff tells Annoor that he is frisking him, and the video appears to show this. Det. Wulff then takes out his handcuffs as Annoor asks, “What is going on?” Det. Wulff tells Annoor, “I’m detaining you because I can see marijuana shake in the vehicle.” He then places Annoor into handcuffs. Annoor states, “Oh my god. Now I’m in handcuffs.” Det. Wulff tells Annoor that he is just detained.

Det. Wulff asks Annoor if he has a medical marijuana card, and Annoor replies something to the effect of, "That's not marijuana in the car, sir." Det. Wulff asks again if he has a medical marijuana card and Annoor repeats that there is not marijuana in the car. Det. Wulff escorts Annoor back to his patrol vehicle, and has him sit in the backseat.

Det. Wulff then walks back to the driver's side of the car as Det. Hayes speaks with Jones in the front seat. After Jones exits the vehicle, Det. Wulff walks up to where she is standing with Det. Hayes. He tells her, "Okay, there's two options here, okay?" Jones asks, "What's the options?" As she asks this, she appears to take a step back from Det. Wulff. Det. Wulff says, "Okay," and takes hold of Jones' left wrist. He guides her hand behind her back and states, "You're going to go into handcuffs too." Jones asks something to the effect of, "For what?" Det. Wulff responds, "Because you're moving around on me when I'm trying to talk to you to let you know what's going on, okay?" Det. Hayes guides Jones' right arm behind her back and Det. Wulff places her in handcuffs. After he does so, Det. Hayes is observed taking possession of the two phones Jones had been holding. Det. Wulff escorts Jones to Sgt. Sinclair's patrol vehicle, and has her sit in the backseat.

At around the 05:20 mark, Det. Wulff begins searching the Challenger. At the 05:31 mark Det. Wulff tells Det. Hayes, "He's got shake back here, it's just crumbs." Attached to this investigation is a screenshot (labeled **BWC Screenshot 1**) from Det. Wulff's camera, showing the floorboard of the vehicle between the driver's side door and the driver's seat. The screenshot shows what appears to be marijuana on the floorboard. Det. Wulff then says, "They were reaching around the whole time, I think that's why he was driving in the middle of the road."

At around the 07:40 mark Det. Wulff returns to his patrol vehicle. Annoor says something that I am unable to hear, and Det. Wulff exits the front seat and opens the back door to speak with Annoor. Annoor asks, "Did I do anything wrong?" Det. Wulff tells him that there is marijuana shake behind the driver's seat, and says that it's not a huge deal. Annoor states, "Understood, sir. Sir, if there's marijuana shake in that car, sir, I don't smoke marijuana." Det. Wulff asks if he shares the car with anyone, and Annoor indicates that he has brothers that he visits. Det. Wulff asks if they smoke weed. Annoor states, "Of course," and indicates that everyone smokes weed.

Det. Wulff states, "Look man, if it's just shake, I ain't busting your balls over it. But you have to understand kind of where I'm coming from." Det. Wulff tells him that he can see it plain view, and says, "I'm not saying that you smoke, I'm not saying that whatever is in there is yours. I'm just saying I see it in the car, right? So that means that I get to search the car." Annoor indicates several times that he understands. Det. Wulff states that he doesn't want there to be any misconceptions. Det. Wulff and Annoor briefly discuss the moving violation, and Det. Wulff indicates he is going to let them go after checking for driving status and warrants.

After Joint Communications provides license information to Sgt. Sinclair, Det. Wulff has Annoor exit the vehicle and takes him out of handcuffs. He asks Annoor to stand in front of his vehicle. He indicates he is going to take Jones out of handcuffs and speak with them both. He asks Annoor

if Jones is his girlfriend, and he replies, "Yeah, that's my lady."

Det. Wulff takes Jones out of handcuffs, and he tells Jones to stand up next to the car and says he is going to talk to her and her boyfriend. Jones states, "That's not my boyfriend. I want to know why ya'll just put me in handcuffs." She indicates she wants everyone's badge number and then walks back to her vehicle, where she retrieves her purse and begins yelling at a subject who is not seen on camera. Det. Wulff states to the other officers on scene, "Hey watch him, he's got a gun. That's Eric Lee."

Det. Wulff walks over to Annoor and states, "I'm not gonna talk to her cause she's acting a fool. I've talked with you enough, right? I pulled you over from." Jones interrupts by yelling, and asks, "Why did ya'll just search this car? What was the probable cause?" She is observed holding up her phone as if she is recording and walks towards Det. Wulff. Sgt. Sinclair asks, "Ms. Jones, can I speak with you back here?" Jones yells, "No, the fuck you can't."

Annoor indicates to Jones that he wants to leave, and Jones loudly asks twice what the probable cause was. She then yells, "What was the fucking probable cause?" The officers provide Jones with their business cards. Annoor tells Jones that the officer said he saw some weed shake. Jones asks, "Where the fuck the weed shake at? I need to see it. We all need to see the shit since I didn't see no fucking shake." Jones then walks back over to her vehicle and Annoor does as well. Det. Wulff terminates his body worn camera video at the 13:22 mark.

DET. HAYES BWC:

Det. Hayes' body worn camera video begins with him in the front passenger seat of the patrol vehicle. He exits the vehicle and approaches the Dodge Challenger on the passenger side while Det. Wulff approaches on the driver's side. The passenger side window is rolled up, and Jones is observed in the front passenger seat. Due to the distance, and the surrounding noise of the interstate, Det. Wulff's interaction with Annoor cannot be heard.

At around the 03:41 mark, after Annoor has been placed in handcuffs, Det. Hayes opens the passenger side door and asks Jones to step out. As she steps out Det. Hayes tells her to leave her purse and Jones states she is not leaving it. She puts the purse on her shoulder, steps out, walks back towards the patrol vehicle. Det. Hayes says, "Step back here, step back here." Jones turns around to face Det. Hayes, and starts walking backwards away from him. Det. Hayes states, "Go ahead and step back over here." Jones stops, and holds up a phone in each hand as Det. Wulff walks over. He tells her there are two options, and Jones asks what the options are. As she does so, she steps away from Det. Wulff. Det. Wulff is observed taking hold of Jones' left wrist, and Det. Hayes takes hold of Jones' right wrist. Her hands are guided behind her back and Det. Wulff places her into handcuffs.

After Jones is placed in handcuffs, Det. Hayes places her two phones on the trunk of the Challenger. He then starts looking in the passenger side of the vehicle. At the 04:42 mark Det. Hayes states, "Shake all over the floor." Attached to this investigation is a screenshot of Det.

Hayes' body worn camera (labeled **BWC Screenshot 2**) that shows the passenger side floorboard of the vehicle, taken at 04:44. Det. Hayes spends a few minutes searching the vehicle, completing his search at around the 11:18 mark.

At around the 12:05 mark, a subject is observed to the east at the far end of the parking lot waving and walking towards the traffic stop. Officer Hayes asks Annoor, "You know this guy?" Annoor indicates he does not know who it is. As the subject gets closer Annoor yells out to him, "I'm good, bro. I'm good, bro." Around this time Jones has walked back to the vehicle and yells to the subject, "No, the fuck we not good. No, the fuck we not." Det. Hayes calls out to the subject and indicates to him to stay back.

When Jones is demanding to see the weed shake, Det. Hayes provides her with his business card and states, "Why don't you go look on your floorboard? It's everywhere." A few moments later he terminates his body worn camera at the 13:28 mark.

SGT. SINCLAIR BWC:

Sgt. Sinclair's body worn camera begins with him arriving on the traffic stop. He stands back near the rear of Det. Wulff's patrol vehicle and observes Det. Wulff and Det. Hayes up at the Challenger. Sgt. Sinclair later retrieves the purse from Jones after she is placed into handcuffs, and stands by while the officers search the vehicle. Sgt. Sinclair provides the pedigree information of Annoor and Jones to Joint Communications while the officers are searching the vehicle.

Sgt. Sinclair stands by while Det. Wulff attempts to talk to Annoor and Jones is interrupting. At around the 12:09 mark, Annoor motions with his arm towards the car and indicates to Jones he's ready to leave. Jones is observed slapping his arm back down to his side.

Sgt. Sinclair returns to his vehicle around the 12:50 mark, and later terminates his body worn camera video at 14:21.

DET. WULFF INTERVIEW:

I spoke with Det. Wulff during a recorded interview in my office on 09/16/2020 at approximately 1149 hours. At the onset of the interview Det. Wulff acknowledged that it was being recorded. I began by asking Det. Wulff to describe his assignment on the day of the traffic stop. Det. Wulff stated that he and Det. John Hayes were riding two-man as a marked patrol unit for the Violent Crimes Task Force.

I then asked Det. Wulff to take me through the traffic stop. Det. Wulff stated they had been traveling eastbound on Parker, where the speed limit is 30 MPH, and indicated he observed the vehicle traveling approximately 40 MPH in front of them. He indicated that as the vehicle turned onto Heriford, the vehicle failed to maintain its lane and crossed into the middle of the street. Det. Wulff stated the vehicle then failed to stop at the stop sign at Burlington and

Heriford. Det. Wulff indicated that he had observed three moving violations that he believed were creating a hazard, so the vehicle was stopped off Clark Lane and they pulled into the lot of Columbia Insurance Group.

Det. Wulff stated that he explained the reason for the stop and both subjects became verbally confrontational. Det. Wulff stated that he could see marijuana shake between the driver's side door and the driver's side seat. He stated that he asked Annoor several times to step out of the car, and he was not doing so. Det. Wulff said that he told Annoor that he is either going to step out, or he (Det. Wulff) is going to pull him out of the car. Det. Wulff stated that due to Annoor's verbal confrontation and failure to obey his orders right away, he frisked and detained Annoor.

Det. Wulff stated that he then had the female passenger exit the vehicle, who then started walking away from Det. Hayes. He indicated that she had been told to leave her purse in the car, and kept it with her, which meant she wasn't complying with their orders. Det. Wulff stated that she was then put in handcuffs and they searched the vehicle. Det. Wulff stated that he decided not to pursue any criminal charges for the marijuana shake or traffic violations.

I asked Det. Wulff if he requested a second unit, or if Sgt. Sinclair had showed up on his own accord. Det. Wulff indicated that he just showed up. I asked Det. Wulff what his purpose was for having Annoor exit the vehicle. Det. Wulff stated, "Because I had probable cause to search the vehicle." I asked Det. Wulff if it was standard practice to have the driver exit the vehicle when he plans to search a vehicle. Det. Wulff stated, "Yes."

I referenced Det. Wulff's statement in which he told Annoor to step out or he would pull him out. I asked Det. Wulff if he had cause to pull Annoor out of the vehicle if he did not step out. Det. Wulff stated, "I did." I asked Det. Wulff what his purpose was in handcuffing Annoor. Det. Wulff indicated that he had to ask Annoor several times to step out, Annoor was verbally confrontational, and he had possession charges on Annoor.

I then referenced Det. Wulff telling Jones she had two options, and when she asked what they were, he put her in handcuffs. I asked him to explain his reason for putting Jones in handcuffs. Det. Wulff stated, "She was also verbally confrontational with me from the start of the traffic stop. Soon as she's told to exit the vehicle she walks away from my partner, approximately ten feet or so. She was told to leave her belongings in the vehicle, she did not. So she's failing to comply with our orders." Det. Wulff stated that at that point he told her she had two options, and indicated that she could either escalate the situation and go in handcuffs and sit in a car, or she can sit down on the pavement. Det. Wulff then said, "At which point she raised her arms towards me, so I put her in handcuffs."

I asked Det. Wulff about the subject approaching the traffic stop, and how he mentioned he had a gun, and referred to him as, "Eric Lee." Det. Wulff indicated that he recognized the subject, and knew through prior contacts that he was known to possess a gun.

After ensuring that Det. Wulff had nothing further to add, I ended the interview at 1156 hours.

ANALYSIS/SUMMARY:

1.) 322.3 Searches

- On 09/02/2020 Det. Wulff conducted a traffic stop with Kamal Annoor's vehicle. The probable cause for the stop was three separate violations: speeding, a lane violation, and a stop sign violation.
- In Shaw's email she wrote, "These citizens were pulled over for an apparent turn signal violation and when asked if the vehicle could be searched, they were told no (as is the right of the driver)." Det. Wulff did not ask to search the vehicle, and was not denied permission to search the vehicle. This is observed in both the video posted to Facebook and his body worn camera video.
- While speaking with the driver, Kamal Annoor, Det. Wulff observed marijuana in plain view next to the driver's seat.
- Det. Wulff twice asks Annoor if he has a medical marijuana card, and Annoor refuses to answer the question.
- Det. Wulff searched the vehicle based off of his plain view observation of marijuana.
- A screenshot from Det. Wulff's body worn camera shows what appears to be marijuana next to the driver's seat.

2.) 340.3.1 (20) Discourteous/disrespectful treatment of citizen/employee

- Det. Wulff asked Annoor several times to exit the vehicle, as he intended to search it based off his plain view observation of marijuana.
- Annoor repeatedly questioned this and refused to step out of the vehicle.
- Det. Wulff eventually told Annoor to step out of the vehicle or he would be pulled out.
- Despite Jones' yelling and swearing at him, Det. Wulff refrained from raising his voice or using inappropriate language with her.

SUPERVISION/POLICY/TRAINING

SUPERVISION

There were no issues involving supervision observed.

POLICY

There are no policy recommendations.

TRAINING

There are no training recommendations.

END OF REPORT

INTERNAL AFFAIRS - CONFIDENTIAL