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## POLICE CONDUCT OVERSIGHT COMMISSION

### Case Summary Data #6

November 5, 2013

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#### **OVERVIEW**

Complainant alleged that she called for police services after being assaulted by her boyfriend. Complainant alleged that it took officers an hour to arrive after three calls to 911. Complainant alleged that when Officer 1 arrived, he asked what she called for and made a dismissive comment.

#### **ALLEGATIONS**

1. Failure to Provide Adequate and Timely Protection: Complainant alleged that it took officers 1 hour to arrive.
2. Inappropriate Attitude: Complainant alleged that Officer 1 made a dismissive comment after she described her problem.

#### **OPCR AND MPD POLICIES**

- OPCR Ord. § 172.20(6) - Failure to Provide Adequate and Timely Protection
- OPCR Ord. § 172.20(2) – Inappropriate Attitude
- MPD Policy and Procedure Manual § 5-105(2) Professional Code of Conduct: On-duty officers shall, at all times, take appropriate action within their jurisdiction, to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all federal, state and local laws and ordinances.
- MPD Policy and Procedure Manual § 5-105(3) Professional Code of Conduct: Officers shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

#### **COMPLAINT PROCESSING**

OPCR joint supervisors reviewed the available evidence and determined that there was not enough evidence to proceed with the complaint. Accordingly, they dismissed the complaint as no basis for a lack of evidence.

#### **EVIDENCE**

In the course of investigating this complaint, the following steps were taken:

1. Attempts by OPCR staff to reach Complainant for clarification of the written statement were unsuccessful;
2. Dispatch records were obtained;

3. Police reports were obtained;
4. No squad recordings of the incident could be obtained;
5. No street camera recordings of the incident could be obtained; and
6. Complainant provided the first name of a witness, but no contact information. Investigators could not contact the witness.

## **SUMMARY OF EVIDENCE**

### Complainant's Statement

Complainant alleged that she called for police service three times after being assaulted by her ex-boyfriend. Complainant alleged that she was verbally and physically assaulted while making the calls. Complainant alleged that one hour later, Officer 1 arrived and asked, "what's the problem here." Complainant alleged that she stated that "all [she] wanted was [her] stuff out and to leave in one piece." Complainant alleged that the officer replied, "is this what you called for??"[sic] We have bigger fish to fry, like a shooting."

Complainant alleged that she replied, "a f\*cking shooting oh wow wats[sic] new sh\*t happens atleast[sic] 3 times a day over here, while im[sic] sittng[sic] here getting beaten and chocked[sic] u are all out assisting a d\*mn shooting, so not only do I got[sic] to fight but all the law enforcent[sic] is tied up with a pttly[sic] old shootng[sic] that woll[sic] continue later."

Complainant did not describe what transpired after this but did state that she did not receive medical attention.

Complainant also describes in detail an incident where her "roommate" harassed her about a "detailed cleaning list" and pet care after which a lengthy argument ensued. It was unclear whether this was related to the Complainant's allegations, but the Complainant did not follow up with staff to clarify.

### Dispatch Records

Dispatch records indicate that Complainant called for police service on the date of the incident to report that her ex-boyfriend assaulted her the previous night and yelled at her that day. The call was not assigned for immediate response.

Complainant called again for service 14 minutes later, and after she was told that no officer was immediately available to make a report, she asked for an ambulance and stated that her ex-boyfriend was assaulting her. Two squads and an ambulance were dispatched to the location.

Officer 1 arrived approximately six minutes later (26 minutes after the initial 911 call). Officer 1 ran the ex-boyfriend's information. Officer 1 reported through dispatch that when he attempted to talk to Complainant, she stated, "f\*ck off" and to "mind [his/her] own f\*cking business." Officer 1 noted that Complainant had no visible injuries, canceled the ambulance, and was told that a ride was coming to pick Complainant up. Officer 1 departed 10 minutes after arrival.

### Police Reports

Complainant filed a police report one day after her interaction with Officer 1. She reported that she was assaulted the night before her interaction with Officer 1 but did not call for police service until the following day after the ex-boyfriend threw her clothes on her lawn. The report does not mention a second assault. The police report notes that the Complainant did not have visible injuries. An MPD domestic assault form was completed.

### **OUTCOME**

Joint supervisors reviewed the complainant's written statement and all available reports and determined there was not enough credible evidence to proceed with a complaint. Dispatch records indicated that officers arrived within six minutes of being dispatched, both reports noted that the Complainant had no visible injuries, and there is no additional evidence to corroborate Complainant's allegation of a dismissive statement.