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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #2  
January 2014

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**OVERVIEW**

Complainant alleges that Officer 1 entered her home without her permission and made "highly aggressive comments." Complainant alleges she told him that she did not want him in the home, and Officer 1 responded that he could "come in if he wanted" and made antagonizing remarks, telling her to "go downstairs, tough-girl."

**THE COMPLAINT**

1. Inappropriate Language or Attitude: That Officer 1 acted insensitively towards the situation, made comments to antagonize Complainant.

**OPCR AND MPD POLICIES**

1. OPCR Ord. § 172.20(2): Inappropriate Language or Attitude
2. 5-105(15) PROFESSIONAL CODE OF CONDUCT: Employees shall be decorous in their language and conduct.

**COMPLAINT PROCESSING**

OPCR joint supervisors believed that the allegations, if proven true, would constitute an A-level violation. The case was sent to coaching for resolution.

**EVIDENCE**

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

1. Complainant submitted a detailed written complaint.
2. Visinet records were obtained.
3. No police reports were available.
4. No squad recordings were available.
5. Coaching documents were prepared and sent to the precinct inspector.

**SUMMARY OF EVIDENCE**

The Complaint

Complainant alleges that following a physical altercation between her sister and her mother, her sister called the police. Complainant alleges that she and her boyfriend were consoling her mother when Officer 1 let himself into Complainant's home despite her protests and objections. Complainant asserts that Officer 1 caused Complainant and her mother "significant emotional distress" with Officer 1's "highly aggressive comments." Complainant asserts that Officer 1 was insensitive to the situation, as Complainant's sister had allegedly falsified the police call. Complainant's mother then left the house, and Complainant claims that Officer 1 would not let her walk her mother out of the house.

Complainant alleges that Officer 1 then re-entered Complainant's home, again despite her protests. Complainant alleges that she explained to Officer 1 that her sister was not a resident of the house, that she in fact was the resident of the house and that she did not want Officer 1 "violating [her] right to reasonable privacy." Complainant alleges that Officer 1 said that he

“could come in if he wanted” and told her to “go downstairs, tough-girl.” Complainant alleges that she felt antagonized. Complainant alleges that she tried to explain the situation to Officer 1, who appeared to have no interest.

Complainant alleges that she asked for Officer 1’s badge number. Complainant claims that Officer 1 gave his badge number in a way that made it impossible for her to hear, so she asked for Officer 1’s card.

Complainant alleges that she told Officer 1 that he was very good at escalating a situation, to which he smirked and responded, “thank you.”

Complainant references a prior lawsuit (not involving Complainant) in her Complaint. Complainant asserts that Officer 1’s behavior in that case and Officer 1’s behavior in handling her case indicate that Officer 1 “uses his position to abuse . . . and puts himself above the law and the rights of the people he is hired to protect and serve.”

Complainant’s mother and boyfriend were listed as witnesses in the Complaint, but no contact information was provided.

### Visinet Report

Complainant’s sister called 911 reporting that her mother shoved her into a wall. Records indicated that Complainant’s mother had attempted to resist arrest about ten months prior to this incident. The report indicates that the call center informed Officer 1 that there were Tasers in the house. The Visinet report indicates that Officer 1 found that no assault occurred, as the Complainant’s sister and mother were “in a verbal and both shoved each other.” Officer 1 found no injuries. Complainant’s sister wanted her mom sent, and her mom agreed to leave. The status of the incident was changed to a Domestic.

The Visinet report indicates that Officer 1 spent twenty-three minutes responding to the call.

## **COACHING**

Coaching was sent to the precinct inspector who referred it to the appropriate supervisor to complete. The supervisor interviewed Officer 1 and Officer 2, who was also on the call and was a witness. The supervisor interviewed Complainant’s sister, the caller in this incident. Complainant provided no contact information, and the supervisor “attempted a reverse directory search for a phone number” for Complainant but was unable to locate her to discuss the incident.

### Interview of Officer 1 and 2

The supervisor interviewed Officer 1 and Officer 2 together.

Officer 1 stated that Complainant’s sister (the caller) was standing in the house when Officer 1 arrived, had a set of keys, and invited Officer 1 to go in the house to deal with her mother. Officer 1 stated that once inside the house, Officer 1 and Officer 2 were confronted by Complainant and her boyfriend. Officer 1 stated that Complainant was angry, yelling at them, and attempting to interfere with their investigation. Officer 1 stated that he did tell Complainant to go downstairs but did not recall saying “tough girl.” Officer 2 stated that she was on the verge of arresting the Complainant for obstruction.

Officer 1 stated that he did not allow Complainant to go outside with her mother for fear that it would elevate the situation between the Complainant and her sister.

Officer 1 and Officer 2 both stated that Complainant was screaming at them.

### Interview with Complainant's Sister/Caller

Complainant's sister stated that she was on the front steps of the house and could hear the Complainant yelling at the officers. She volunteered that the officers were "very professional."

### Supervisor's Conclusion

The supervisor concluded that based on his interviews with Officer 1, Officer 2, and Complainant's sister, as well as the call and coaching documents that Officer 1 had reason to be in the residence as Officer 1 was investigating a domestic assault and was invited in by a resident standing in the house. The supervisor also concluded that Office 1 had reason to tell the Complainant "go downstairs, tough girl," even if those were the words used, as the Complainant was a "hostile person" on the verge of being arrested.

The supervisor considers Complainant's reference to Officer 1's previous lawsuit to be "absurd" and stated that "you cannot base present events on something that happened in the past." Therefore, the supervisor did not address them during coaching. The supervisor characterized a large portion of the Complainant's written complaint as the "baseless ramblings of a person who seems to not be fond of law enforcement in general."

No policy violations were found and coaching was not conducted.