
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #5
March 2014

OVERVIEW

Complainant witnessed an accident between two vehicles. Complainant called for police service, and Officer 1 arrived. Complainant alleges Officer 1 asked one of the people involved in the accident, an older white man, if he was hurt. The Complainant alleges that the officer then began to "get into the younger black gentleman's face," "yelling at him for his license." Complainant alleges that the younger black man "was treated like a lesser human being and was belittled the entire time." Complainant alleges that the officer asked him if he saw the event, and the complainant stated that he "heard the black man's (going west on [I]) car T-bone the white man's car... from [his] point of view, the accident was not the fault of the younger black man." Complainant alleges the officer stated, "you can go now" and left without getting the Complainant's contact information.

THE COMPLAINT

1. Inappropriate Attitude: That Officer 1 got into one of the driver's face and was "yelling at him for his license"; that Officer 1 told Complainant, "you can go now," without taking his contact information.
2. Professional Code of Conduct: That the younger Black male driver was "treated like a lesser human being and was belittled the entire time."

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. They shall refrain from actions or words that bring discredit to the Department.

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 he witnessed a car accident; he rode his bicycle over to make sure the two people involved were okay. Complainant describes one of the people involved as “an older white gentleman” and the other as “a younger black gentleman.” Complainant alleges that both individuals were okay, and he called the police for them. Complainant alleges that when Officer 1 arrived, he asked the older white gentleman what car was his and asked if he was alright. This individual was alright. Complainant alleges that Officer 1 “immediately proceeded to get into the younger black gentleman’s face and yelling at him for his license.”

Complainant stated that he was “quite appalled at the way the officer treated this man, for no reason other than he is black. From what I saw, the accident wasn’t even the fault of the black man. I don’t know what the benefit of this unnecessary and inappropriate attitude, harassment or discrimination was, but I would hope that this is not common practice. The black man was treated like a lesser human being and was belittled the entire time.”

Complainant alleges that the individual he identified as the young black gentleman was finally arrested. Complainant alleges that Officer 1 blamed this man for the accident, stating “If you weren’t driving today, this accident wouldn’t have happened.” Complainant alleges that the arrestee was not read his rights. Complainant states that apparently this individual did not have a license.

Complainant alleges that he asked two other officers who were on the scene why they were not interrogating the other individual involved in the accident, and he said they told him, “we’ll deal with one driver at a time.”

Complainant alleges that Officer 1 approached him and asked him what happened. Complainant told him that he was stopped at a red light and heard the accident just as he was looking up. Complainant claims that from his point of view, the accident was not the fault of the Black driver.

Complainant alleges that Officer 1 did not say anything to him other than “you can go now.” Complainant claims that he witnessed another car accident two months prior and was questioned by the police, gave a statement, and was asked by that officer for his name and number, which was written down. Complainant alleges that in regards to this accident, he was not asked for his phone number or even his name.

Visinet Report

The Visinet report states that Officer 1 was present at the scene with two other officers. The report does not include comments that either driver was driving without a license and does not detail an arrest.

COACHING/MEDIATION/INVESTIGATION

Coaching was sent to the precinct inspector who referred it to the appropriate supervisor to complete. The supervisor interviewed Officer 1, but did not indicate that she took any other steps to investigate.

Interview with Officer 1

Officer 1 stated, "This witness stated he did not actually see the accident occur and I did tell him he could leave." No other response was described by the supervisor and it appears that Officer 1's attitude and conduct towards the individuals involved in the accident were not addressed.

Supervisor's Conclusion

The supervisor concluded, "No policy violation. The officer was matter of fact doing his job." No other explanation or conclusion was provided in the supervisor's recommendation.

Supervisor Notification to Complainant

The supervisor included an email sent to Complainant regarding an outcome of the process. The supervisor stated, "in your complaint you state the officer did not treat the parties involved in a like manner. You also stated that you could go now, and he did not ask for your information. According to what you did tell the officer you did not in fact witness the accident but you did hear it. Thus with this statement you admitted you did not in fact witness the actual accident between both vehicles. If you did not witness the accident the officer does not need to get any information from you. The officer was carrying out his duties as he normally does and the subsequent arrest as you say follows different procedures than what you elude to. The officer has been talked to and coached."