
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #9
March 2014

OVERVIEW

Complainant alleges that Officer 1 stopped him as he rode his bike against traffic on a one-way street. Complainant alleges that Officer 1 asked "what the f*ck [he] was doing." Complainant alleges that Officer 1 told him he could not ride against traffic on a one-way, and he responded, "I didn't know I couldn't." Complainant alleges that Officer 1 stated, "well since you wanna[sic] f*ck*ng get smart about it, give me you're[sic] f*ck*ng I.D." Complainant alleges he gave Officer 1 his ID and accused Officer 1 of racial profiling because Officer 1 did not stop a second person riding his bike during the stop. Complainant alleges Officer 1 stated, "I'll show you racial profiling" and got in his squad car. Complainant alleges he told Officer 1 that he was late for class, and Officer 1 gave him a thumbs up. Complainant alleges that after 15 minutes, Officer 1 exited his squad and "started verbal[sic] abusing [him] more."

THE COMPLAINT

1. Inappropriate Language: That Officer 1 swore at Complainant multiple times.
2. Harassment: That Officer 1 stopped Complainant but failed to stop others who were riding their bikes, who were white.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(2): Inappropriate language or attitude.
2. OPCR Ord. § 172.20(2): Harassment
3. 5-105(10) PROFESSIONAL CODE OF CONDUCT: Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
4. 5-105(3) PROFESSIONAL CODE OF CONDUCT: Officers shall use reasonable judgment in carrying out their duties and responsibilities.

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. Citation was obtained.
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 was riding his bike when he saw a squad car approaching at a high right of speed and cut in front of him and another biker, almost hitting Complainant. Complainant alleges that Officer 1 jumped out of his squad car and asked “what the f*ck [he] was doing.” Complainant alleges that he responded that he was going to school and Officer 1 responded that Complainant was riding the wrong way on the one-way street. Complainant alleges that he told Officer 1 that he did not know that he could not ride down the one way on his bike, and Officer 1 responded, “well since you wanna[sic] f*ck*ng get smart about it, give me you're[sic] f*ck*ng I.D.” Complainant alleges that he gave Officer 1 his I.D. and said, “so you’re racial profiling me, you didn’t stop that guy in front of me.” Complainant alleges that Officer 1 smiled, said “I’ll show you racial profiling,” and got in his squad car. Complainant alleges that he told Officer 1 that he had to get to class and he was going to be late. Complainant alleges that Officer 1 responded by smiling and giving him a thumbs up. Complainant alleges that after about fifteen minutes, Officer 1 got out of his squad car and “started verbal[sic] abusing [him] more, trying to provoke [him] into saying something or doing something that would give [Officer 1] justification to take [him] to jail.”

Complainant feels that even if he did violate a traffic law, Officer 1 did not have the authority to act in an unprofessional manner or verbally abuse him. Complainant stated that Officer 1 “did not say anything to other bikers that rode by on the other side of the street, whom were white.” Complainant feels he was “racial profiled, harassed and discriminated against.”

Visinet Report

The Visinet report indicates that Officer 1 was the officer involved in this complaint. Officer 1 reported an “onsite incident created.” The report lists the incident duration as eight minutes and twenty-eight seconds. The Visinet report does not indicate that a citation was issued or detail any of the conversation between Officer 1 and Complainant.

Citation

The citation lists Complainant as the recipient and Officer 1 as the issuer. The citation states that “wrong way” is part of the offense description.

COACHING/MEDIATION/INVESTIGATION

Coaching was sent to the precinct inspector who referred it to the appropriate supervisor to complete. The supervisor interviewed Officer 1. The supervisor attempted to contact Complainant but was unable to reach him. The supervisor reported that he left two voicemails and emailed Complainant over the course of three weeks and never received a response.

Interview of Officer 1

Officer 1 denied the incident happened as Complainant described. Officer 1 stated that Complainant was riding his bike the wrong way against traffic and almost hit his squad head on.

Supervisor’s Conclusion

The supervisor concluded that no policy violation occurred as there was no evidence to support a violation. The supervisor stated that he discussed with Officer 1 how to handle future problems in “focus zones.”