
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #9
August 2014

OVERVIEW

Complainant alleges that sometime in late January or early February, he was at a shelter when he encountered Officer 1. Complainant alleges that Officer 1 shouted out, "[Complainant is] a sex offender. He's a rapist. He do kids." Complainant alleges that he "had words" with Officer 1 and became upset. Complainant alleges that Officer 1 grabbed Complainant and removed him from the shelter. Complainant alleges he is constantly harassed by Officer 1 who is sometimes accompanied by Officer 2.

THE COMPLAINT

1. Inappropriate Language: That Officer 1 shouted inappropriate language about complainant.
2. Harassment: That Officer 1 removed him from the shelter and constantly harasses Complainant.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(2) Inappropriate Language
2. OPCR Ord. § 172.20(3) 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. 5-104 IMPARTIAL POLICING. All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority.

COMPLAINT PROCESSING

Complainant filed a written complaint with the OPCR. No reports were available and Complainant could not recall the date of the incident. After reviewing the Complaint and checking Officer 1's background, the joint supervisors determined that if true, the allegations would constitute an A-level offense.

EVIDENCE

1. Complainant filed a written complaint with the Office detailing allegations.
2. The Complaint included a supplement from the Bureau of Criminal Apprehension
3. Coaching documents were submitted to the precinct supervisor
4. Final approved coaching documents were returned to OPCR

SUMMARY OF EVIDENCE

Complaint

Complainant filed a detailed signed complaint via an advocate stating that a Officer 1 while working off duty at a shelter shouted out "[Complainant's] a sex offender. He is a rapist. He do kids." Complainant stated the two had words and he became upset. The officer then "grabbed Complainant and removed him from the facility with his coat into the windy elements." The

Complainant stated he is constantly harassed by Officer 1 and Officer 2 is sometimes with him. Complainant stated that he was not sure about the dates of contact with Officer 1 and 2.

BCA Supplement

The BCA supplement indicates that Complainant is not required to register as a predatory offender, noting that “Out of state offenders and offenders charged at the federal level have to be convicted of a registerable offense in order for registration to be required.”

COACHING

Returned Coaching Document

The coaching document contains both a handwritten and typed section. The handwritten section states that the supervisor conducting the coaching process spoke with Complainant and attempted to contact listed witnesses. It states that Officer 2 has never worked in the shelter and has never worked with Officer 1.

The handwritten section describing Officer 1’s response states that Officer 1 remembers the incident. Officer 1 stated that Complainant came into the shelter “highly intoxicated and belligerent.” Officer 1 stated that Complainant “started to scold Officer [1] for harassing him as Officer [1] has arrested him in the past.” Officer 1 “told [Complainant] to leave and [Complainant] did.” Officer 1 denied swearing at Complainant or calling him a sex offender.

The supervisor recommendation section states, “I find no merit in this complaint. [Complainant] is on the top 100 downtown offender list and has been arrested numerous times.”

The typed section was added by a lieutenant and submitted to the precinct inspector. It reviews the supervisor’s handwritten section but contains additional information. The lieutenant states that he spoke with the complainant via telephone who stated that he has not had any contact with Officer 1 since the alleged incident. The complainant told the lieutenant that “he wants no further action taken regarding his allegation.” The lieutenant stated that he attempted to contact the advocate but did not receive a return call. The lieutenant agreed with the supervisor’s assessment that no policy violation occurred.