
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #7

September 2014

OVERVIEW

Complainant alleges that Officer 1 responded to a call regarding a stolen car. Complainant's brother was accused of sexually assaulting a woman and she left in the car. Complainant went to the woman's house to retrieve it, and Officer 1 made a number of inappropriate comments after Complainant refused to leave the area, threatened to arrest him for trespassing, put him in the squad car, and drive him several blocks before releasing him.

THE COMPLAINT

1. Harassment: Officer 1 threatened to arrest Complainant for trespassing, put him in the squad car, and drive him several blocks before releasing him.
2. Inappropriate Language/Attitude: Officer 1 made a number of inappropriate comments.
3. Impartial Policing: Officer grabbed Complainant by the arm and put him against the squad car, and searched the Complainant.

OPCR and MPD POLICIES

1. OPCR Ord. § 172.20(3) Harassment
2. OPCR Ord. § 172.20(2) Inappropriate Language/Attitude
3. MPD P&P 5-104 IMPARTIAL POLICING: All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizure 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 detailing the allegations. Reports were obtained. The case was referred to the precinct for coaching by the joint supervisors.

EVIDENCE

1. Complainant filed a written complaint with the Office detailing the allegations.
2. The VisiNet report was obtained.
3. The CAPRS report was obtained.
4. Coaching documents were submitted to precinct supervisor.
5. Final approved coaching documents were returned to OPCR.

SUMMARY OF EVIDENCE

Complaint

Complainant stated that he called 911 to report for a stolen car. Complainant stated Officer 1 arrived and began talking to Complainant from his squad car. Complainant stated Officer 1 asked "what the hell do you want?" Complainant stated that he informed Officer why he called, and Officer said Complainant "should get the f*ck out of there," and that Officer 1 "heard another story about my brother." Complainant states that Officer 1 told him he should get out of here if Complainant didn't want to get arrested. Complainant states Officer 1 continued to use inappropriate language and had an inappropriate attitude. Complainant states Officer 1 left, then came back telling Complainant to leave. Complainant alleges that when he refused, Officer 1 grabbed Complainant by the arm, forced him against the hood of the squad car, and then searched him. Officer 1 then put Complainant in the squad car and then drove him several blocks before releasing him.

VisiNet

A VisiNet log was obtained indicating that two calls were received regarding the incident. The first call placed by Complainant stating that his brother's car was taken by a female friend who is now refusing to give up the car. A second call was received from a female stating she has just returned from HCMC after a sexual assault. The female states the Complainant and his brother were threatening to call the police on her. The VisiNet report indicates the brother is the suspect in the female's sexual assault.

CAPRS

A CAPRS report was obtained relating to the incident with the Complainant's brother. The CAPRS states the victim was an acquaintance of the brother. The brother forced victim to have sex against her will. After the incident, victim had the opportunity to escape in the brother's car. Victim ultimately ended up at HCMC with the car. The car was later towed and impound as evidence.

COACHING

Coaching Documents

On the coaching document, the supervisor indicated that he spoke with witnesses, reviewed the CAPRS report, and reviewed the VisiNet report. The supervisor indicated that no policy violation occurred and coached Officer 1.

To supplement the coaching document, the supervisor submitted a detailed memorandum.

Officer 1 stated that he did respond to the call and spoke to Complainant about the car. Officer 1 determined that the car was not in that location. Officer 1 stated he was concerned about the victim at the location. Victim reported that Complainant and his brother were pounding on her door, threatening and harassing her. Officer 1 did ask Complainant to leave the area because he was concerned about the victim's well-being.

Officer 1 stated he returned to the area a short time later and observed the Complainant walking back towards the victim's home. Officer 1 stated he did stop the Complainant and would arrest him for trespassing. Officer 1 admits he may have used harsh and forceful language because he wanted the Complainant to leave the area. Supervisor stated that he discussed with Officer 1 the inappropriate use of harsh language.

It is also noted in the memorandum that the supervisor attempted to contact the Complainant three different times to obtain additional information. Complainant never responded to messages left by the supervisor. Supervisor indicated that based on reviewing the coaching documentation, the Complainant appeared untruthful when speaking to officers previously about the car. Supervisor recommended that the complaint of harassment should be cleared unfounded.