
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #7

November 2014

OVERVIEW

Complainant alleges that Officers 1 and 2 encountered the Complainant's daughter after she was caught shoplifting. They contacted the Complainant to request that the Complainant pick up the child. The Complainant informed the officers that the daughter was a runaway. Officers 1 and 2 released the daughter before the Complainant arrived.

THE COMPLAINT

1. Failure to Provide Adequate Police Protection: Officers 1 and 2 released Complainant's runaway daughter after she was caught shoplifting.
2. Violation of MPD P&P Manual: Officers 1 and 2 released Complainant's daughter before Complainant arrived.

THE OPCR AND MPD POLICIES

1. § 172.20(6) - Failure to Provide Adequate Police Protection.
2. § 172.20(8) - Violation of the MPD P&P Manual.
3. § 8-201 MISSING / RUNAWAY JUVENILES: When an officer encounters a listed missing/runaway juvenile and the juvenile cannot be released to a parent/legal guardian, officers shall transport the juvenile to JSC. Officers shall ensure that MECC Channel 7 is notified to remove the juvenile from NCIC.
4. § 5-105 PROFESSIONAL CODE OF CONDUCT: On-duty officers shall, at all times, take appropriate action within their jurisdiction, to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all federal, state and local laws and ordinances.
5. § 5-105 PROFESSIONAL CODE OF CONDUCT: Officers shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

COMPLAINT PROCESSING

Complainant filed an online complaint detailing the allegations. The complaint underwent intake investigation and was reviewed by the joint supervisors. The joint supervisors determined that the complaint should be sent for coaching. Coaching documents were sent to the precinct. Completed coaching documents were returned to OPCR.

EVIDENCE

1. An online complaint was filed.
2. A VisiNet report was obtained.
3. A CAPRS report was obtained.
4. Coaching documents were sent to the precinct.
5. Completed coaching documents were returned to OPCR.

SUMMARY OF EVIDENCE

Complaint

An online complaint was filed. According to the Complainant, she was contacted by an officer regarding a shoplifting incident involving Complainant's runaway daughter. Complainant stated she told the officer she was going to pick up her daughter. Complainant stated she later received a call from store security telling her not to pick up her daughter. Complainant stated store security said her daughter had been cited and released by the officers.

VisiNet

The VisiNet report indicates that Officer 1 and Officer 2 responded to a shoplifting incident at Macy's. The suspect was a juvenile female.

CAPRS

The CAPRS report states that Officer 1 and Officer 2 reported to a shoplifting incident involving a juvenile female at Macy's. The juvenile female was detained by store security until Officer 1 and Officer 2 arrived. According to the CAPRS report, Officer 1 contacted Complainant who stated she was coming to pick up the juvenile. Officer 1 and Officer 2 cited and released the juvenile to wait for Complainant.

COACHING

Coaching documents were sent to the precinct to be completed by Officer 1 and Officer 2's supervisor. According to the coaching documents, the supervisor reviewed the CAPRS report, spoke with the officers, spoke with the Complainant, and spoke with MECC channel 7. The supervisor indicated no policy violation occurred.

The supervisor included supplemental document explaining his investigation in more detail. According to the supervisor, he spoke with Officer 1 and Officer 2. Both officers stated they recalled the incident. The officers agreed if they would have had confirmation that juvenile was a runaway the charge would have been included on the citation, and officers would have waited to ensure the juvenile was released to the Complainant.

The supervisor stated he then tried to determine if the juvenile was listed as a runaway by contacting MECC channel 7. The supervisor was informed the juvenile had been removed from the system and it was not possible to pull up an old runaway entry.

The supervisor contacted the Complainant and advised her he had completed his investigation. The supervisor indicated he told Complainant that because of privacy laws he could not provide details regarding the investigation. The Complainant stated she had no additional information and the supervisor determined that the evidence was insufficient to find a policy violation.