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# POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #2

January 2015

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## OVERVIEW

Complainant alleges that he was visiting a friend at the incident location when he encountered Officer 1. Complainant alleges that Officer 1 threw him against a wall and asked him what he was doing there. Complainant alleges he explained that he was with a friend, and Officer 1 replied that he "need[s] to stay f\*ck off the property." Complainant alleges that he told Officer 1 that he had family in the area. Complainant alleges that Officer 1 stated that he wasn't welcome and could not return. Complainant alleges that he told Officer 1 where he worked, Officer 1 asked for proof, and Complainant provided it. Complainant alleges that Officer 1 "got mad" and "proceeded to throw [his] belongings on the ground out of [his] work bag."

## THE COMPLAINT

1. Harassment: Complainant encountered Officer 1 while visiting a friend. Officer 1 threw Complainant against a wall and asked him what he was doing there.
2. Inappropriate Language: Officer 1 stated that the Complainant "need[s] to stay f\*ck off the property."

## THE OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(3) Harassment.
2. OPCR Ord. § 172.20(2) Inappropriate Language.
3. MPD P&P § 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.
4. MPD P&P §5-105 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.

## COMPLAINT PROCESSING

A Complaint was filed detailing the allegations. The complaint underwent intake investigation and was reviewed by the joint supervisors. The complaint then was sent for a preliminary investigation. The complaint was dismissed for failure to cooperate.

## EVIDENCE

1. Complaint
2. VisiNet

## **SUMMARY OF EVIDENCE**

### **Complaint**

A written complaint was filed detailing the Complainant's allegations. The Complainant alleged in the complaint that he told Officer 1 he was waiting for his friend, and Officer 1 approached him, threw him against the wall, and asked the Complainant why he was on the property. The Complainant alleges he told Officer 1 that he was visiting a friend. The Complainant alleges Officer 1 told him he "needed to stay the f\*ck off the property." The Complainant alleged he told Officer 1 he did not have any warrants, and was employed. The Complainant alleges when he told Officer 1 where he worked, Officer 1 said he was lying. The Complainant alleges Officer 1 did not detain any of the other people in the hallway.

### **VisiNet**

The VisiNet indicates that Officer 1 was on a walk through building call. According to the VisiNet, the Complainant is a chronic problem and was trespassed from the building.

## **INVESTIGATION**

The complaint underwent a preliminary investigation by a sworn investigator. The investigator attempted to contact the Complainant multiple times for a statement, but the Complainant did not respond. The case was dismissed for failure to cooperate.