
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #7

February 2015

OVERVIEW

Complainant called police to report threats by a group with a gun. Several squads responded to the incident, and while searching for suspects, Complainant alleges that the Officers mistook Complainant and two of his friends as possible suspects. Complainant alleges that he was thrown to the ground by officers and pinned by two officers, causing injury. Complainant was arrested for obstruction and possession of a replica gun.

THE COMPLAINT

1. Excessive Force: Complainant alleges that he was thrown to the ground by officers and pinned by two officers, causing injury.

THE OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(1) Excessive Force.
2. MPD P&P § 5-301.01: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training

COMPLAINT PROCESSING

The Complainant filed a complaint detailing the allegation. The complaint was reviewed by the joint supervisors, and sent for a preliminary investigation. The case was dismissed pending further evidence.

EVIDENCE

1. A complaint was filed.
2. A VisiNet report was obtained
3. CAPRS report was obtained

SUMMARY OF EVIDENCE

Complaint

A complaint was filed alleging that a group pointed guns at the Complainant and his group. Complainant alleged that his group was followed back by a suspect. Complainant alleges that when officers arrived, the suspect had left. Complainant alleges the officers jumped out of the squad cars with guns drawn, and told him to get against the fence. The Complainant alleges

officers slammed him on the ground. Complainant alleges officers pushed his face and shoulder into the ground. Complainant alleges officers told him to stop resisting, while dragging him across the ground.

VisiNet

The VisiNet report indicates that employees of a business called 911 to report an incident outside the business. The suspect of the incident implied that he had a gun. Several squads responded to the person with the gun call. The report further indicates that a suspect was heading northbound from the location. The report indicates the Complainant, another male, and a female were spotted walking northbound. The report indicates that a gun was found.

CAPRS

The CAPRS report indicates that officers were responding to a person with a gun call. Officers encountered the Complainant's group. The report states that the Complainant did not respond to verbal commands and was taken to the ground by officers. The report indicates the Complainant was "belligerent," and officers had to pin the Complainant on the ground to handcuff him. The Complainant was searched by officers while still on the ground. The Complainant suffered from a bloody ear and road rash because of the take down. Officers located a replica firearm in the area near the Complainant. The Complainant was arrested for obstructing the legal process and possession of a replica of a gun. The two witnesses with the Complainant were released.

INVESTIGATION

The matter was assigned a civilian investigator. During the preliminary investigation, the investigator interviewed the Complainant. The Complainant stated that he was out with his brother and a female friend of his brother. Complainant states that the group got in an altercation with two males, and a female. According to the Complainant he was trying to leave the incident, but had to come back to help his brother. Complainant stated as his group was walking home they were stopped by officers.

The Complainant stated that when the officers encountered him, they had their guns out. Complainant stated one officer told him to go to the fence. According to the Complainant he was unclear where the officer wanted him to go, and why the officer wanted him up against the fence. Complainant stated he walked towards the side of the fence he believed was safest, and as he was walking an officer grabbed him by the arm and threw him to the ground. Complainant stated additional officers assisted in taking him to the ground. Complainant stated that the officers told him to "stop moving," and the Complainant told officers they were moving him. Complainant stated officers dragged him on the ground, told Complainant he was resisting arrest, cuffed him, and then searched him.

According to the Complainant, the replica gun that was found near him is a knife that looks like a gun. The Complainant stated a supervisor came and took pictures of his injuries. Complainant stated he was taken to the hospital prior to being transported to jail.

The matter was dismissed pending further information. The investigator was unable to schedule interviews with the two witnesses. Without the additional information, the Office was unable to substantiate the allegations.