
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #8

February 2015

OVERVIEW

Complainant is a juvenile female who is alleging an inappropriate search by a male officer. Complainant was arrested as a passenger in a stolen vehicle. Complainant alleges that a male officer took off her jacket, pulled her bra from the bottom of her shirt, put his hands up her shirt on her bare skin, and checked her bra. Complainant alleges she was surrounded by 5-7 male police officers at the time. Complainant alleges a female officer checked her pants after the male officer finished.

THE COMPLAINT

1. Search and Seizure Procedures: Complainant alleges that a male officer pulled her bra from the bottom of her shirt, put his hands on her bare skin, and checked her bra when conducting a search.

THE OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(8) Violation of P&P Manual.
2. MPD P&P § 9-200: When practical, persons should be searched by an officer of the same gender if such an officer is on the scene or can arrive within a reasonable period of time. If the gender of the person to be searched is in question, officers shall ask the person to identify their gender before proceeding with the search.

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 complaint went through an administrative investigation, review panel, and was sent to the Chief. The focus officer was exonerated.

EVIDENCE

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

SUMMARY OF EVIDENCE

Complaint

A complaint was filed detailing the allegation. The Complainant alleged that she was involved in a vehicle pursuit. Complainant alleged when she was returned to the vehicle, an officer grabbed

her arm and removed her jacket. The Complainant alleged male officer pulled out her bra from the bottom of her shirt, and proceeded to put his hands up her shirt. The Complainant alleged that there were no female police officers present at the time of the search.

VisiNet

A VisiNet report indicates that officers responded to a motor vehicle chase, and the Complainant was a passenger in the vehicle. The VisiNet indicates that the Complainant and the driver ran on foot. The Complaint was taken into custody. The Complainant was identified and transported to JSC.

CAPRS

The CAPRS report obtained indicates that the Complainant was a passenger in a stolen vehicle involved in a pursuit. The report states that the Complainant and the driver exited the vehicle and ran on foot. The report details the foot pursuit of stopped the driver. The report stated the Complainant was caught and brought back to the scene. No details were provided about any subsequent search of the Complainant.

INVESTIGATION

The matter underwent a preliminary investigator by a sworn investigator. The Complainant was interviewed by the investigator. Prior to the interview, the Complainant was shown photographs of the officers. Complainant identified 2 of the numerous officers that were on the call. She identified Officer 1 as the male officer who searched her.

The Complainant's statement indicates that she was a passenger in a vehicle involved in a motor vehicle chase, and fled from the vehicle. The Complainant states she was stopped a few blocks away by an unidentified officer. The officer did a precursory pat-down of the Complainant and transported her back to the location of the vehicle. Once she was returned to the vehicle location, Complainant stated that she was instructed to take off her jacket and sweater. Complainant stated Officer 1 put his hands up her shirt, pulled her bra out, and felt around. Complainant stated Officer 1 did not touch her breasts. Complainant stated roughly 3-5 minutes later a female officer arrived and searched the lower half of her body.

The complaint proceeded to administrative investigation. The investigator conducted an interview of Officer 1. Officer 1 stated that he was on duty and responded to the vehicle pursuit. Officer 1 stated the only contact he had with the Complainant was when he opened the car door and asked her a few questions. Officer 1 denied searching the Complainant, stated he did not know who searched the Complainant, and stated he could not recall if a female officer searched the Complainant.

The case was sent to the review panel. After reviewing the file, the review panel unanimously found no merit to the allegation.

The complaint was sent to the Chief. Based on the comparison of the Complainant's description of the officer and the squad video it was not certain that Officer 1 was the individual who conducted the search. Complainant had stated that the officer did not wear glasses. Although the Complainant identified Officer 1, the video from the incident indicated that Officer 1 did wear glasses. Ultimately, the identity of the officer who conducted the search could not be determined. Officer 1 was exonerated.