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# POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #8

March 2014

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## OVERVIEW

Complainant states Officers used excessive force against her 14 year old son. Complainant states officers maced the juvenile, tackled him to the ground, put their knees on the juveniles back and neck, and pulled his hair. Complainant states at the time of the incident the juvenile had a cast on his arm. Complainant states she was not contacted by the officers, but officers told the paramedics they did, resulting in the child being released to the hospital. Complainant alleges that her child was arrested, and she only was informed once she said she would file a complaint.

## THE COMPLAINT

Use of Force: Complainant states Officers maced the juvenile, tackled him to the ground, put their knees on the juveniles back and neck, and pulled his hair.

## THE OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(1) – Excessive Force
2. MPD P&P § 5-301- USE OF FORCE: 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

A complaint was filed. The complaint underwent intake investigation, and was reviewed by the joint supervisors. The complaint was dismissed for no basis.

## EVIDENCE

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

## SUMMARY OF EVIDENCE

### Complaint

The Complainant alleges her son was maced and tackled by officers. The Complainant alleges officers pinned him to the ground with their knees. The Complainant stated at the time of the incident her son had a cast on his left arm. The Complainant alleges she was not contacted by

the officers, but officers told the paramedics they did, resulting in the child being released to the hospital.

### **VisiNet Report**

The VisiNet report indicates that officers were assigned to work a high school event. Officers observed a small fight. The report indicates that an individual was maced. An ambulance was called to the location.

### **CAPRS Report**

The CAPRS report indicates that officers were working at a high school event. Extra officers were working the event due to an earlier SHOTS call related to a high school rivalry. A School Resource Officer (SRO) was clearing the school after the event, he encountered a juvenile. The juvenile was asked to leave, but did not do so. The juvenile became belligerent towards the SRO, and other officers came to assist. The Complainant's juvenile son was present during the incident. The Complainant's son was asked to leave by three different officers. He refused and kept questioning what was happening to the other juvenile. An officer approached the Complainant's son and threatened to mace him if he did not leave. The Complainant's son did not leave, and covered his face with his shirt to prepare for the chemical irritant. The mace did not appear to have an immediate effect, so another officer maced the juvenile. The CAPRS report notes the size of the juvenile, at over 6' tall and 250 pounds. Noting that the juvenile appeared to be trying to get up, an officer pinned him to the ground. Officers handcuffed the juvenile. It was discovered that the juvenile had a cast on his left arm. Officers used a hobble strap looped through the handcuff to secure the left arm. The juvenile was released to EMS for mandatory treatment and transport.

### **DISMISSAL**

The case was dismissed for no basis. The review of the complaint indicated that there were no issues with the use of force. The use of force was well documented by officers. Additionally, since EMS transported the juvenile to the hospital the officers were not required to notify the parent under MPD policy.