
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #10

April 2015

OVERVIEW

Complainant 1 states that Officer 1 and Officer 2 came to her residence to arrest her for an alleged assault against her landlord. Complainant 1 states she asked what she was being arrested for, and ultimately opened the door for Officer 1. Complainant 1 states that Officer 1 used excessive force while trying to handcuff Complainant 1. Complainant 1 states Officer 2 came in to assist Officer 1 in handcuffing her, and Officer 2 used excessive force. Complainant 1 states that Officer 2 kicked her in the stomach and legs. Complainant 1 states Officer 2 ripped out her extensions as Officer 2 was dragging her outside. Complainant also states that Officer 2 was "cursing her out," and calling Complainant 1 a "piece of s***." Complainant 2 states that when he was taken out of the residence by Officer 1 and on his knees to be cuffed he was assaulted by officers. Complainant 1 states she had bruises from the incident, suffered a miscarriage, and that Officer 2 took her paycheck. Complainant 1 also states that she was discharged from the hospital and brought to jail even though she was still bleeding from her miscarriage and in pain. Complainant 2 was also transported to the hospital for injuries.

THE COMPLAINT

1. 5-301 Use of Force: Complainant 1 states Officer 1 and Officer 2 used excessive force when trying to arrest her and her fiancé.

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. It was reviewed by the joint supervisors and assigned for preliminary investigation. Complainant 1 and Complainant 2 cancelled their interviews with the investigator. The investigator contacted Complainant 1 and Complainant 2 multiple times to reschedule. Complainant 1 and Complainant 2 failed to respond to the investigator. The case was dismissed for failure to cooperate.

EVIDENCE

1. The complaint.
2. A VisiNet report was obtained.
3. CAPRS reports were obtained.

SUMMARY OF EVIDENCE

Complaint

A complaint was filed by alleging that Officer 1 and Officer 2 came to Complainant 1's apartment. Complainant 1 states that she opened the door to talk to officers. Complainant 1 alleges that Officer 1 used excessive force while trying to handcuff her. Complainant 1 alleges Officer 2 used excessive force on her trying to take her out. Complainant alleges Officer 2 kicked her in the legs, tore out her hair extensions, and dragged her to the squad car. Complainant 1 alleges Officer 2 was cursing at her. Complainant 2 alleges because of the force, she had a miscarriage. Complainant 1 alleges Officer 2 took her paycheck, Complainant 1 alleges officers used excessive force on her fiancé (Complainant 2).

VisiNet

The VisiNet report states that Officer 1 and Officer 2 responded to a domestic abuse report only. According to the notes, the landlord alleged that her tenant, Complainant 1, sent her threatening text messages. Complainant 1 and Complainant 2 were transported via ambulance. The report indicates that a supervisor force report was completed.

CAPRS 1

The CAPRS report indicates that officers responded to a neighbor trouble call. When officers arrived they spoke with the landlord. The landlord stated Complainant 1 was volatile. The landlord stated Complainant 1 threatened to bash her head in. Officers went downstairs to speak to Complainant 1. When officers tried to speak with Complainant 1, she began swearing at officers and did not open the door. Officer 2 went with the landlord to get a key to the apartment. Meanwhile, Complainant opened the door for Officer 1. Officer 1 entered the apartment to arrest Complainant 1. Complainant 1 was not cooperating. Officer 1 states that he grabbed Complainant by the arm, and pulled her into the common area. Officer 2 returned, and was able to assist Officer 1 with handcuffing Complainant 1.

While officers were trying to handcuff Complainant 1, Complainant 2 came out of a room and began yelling at officers. Officer 1 states that Complainant 2 said he was going to "F***in' kill" them. Officer 1 observed a black object in Complainant 2's hand. Complainant 2 ran back into the room. Officers tried to get Complainant 1 up the stairs, but she kept resisting. Officer 2 kned Complainant 1 in the buttocks 3 to 4 times to gain control. Meanwhile, Complainant 2 came out of the room and began yelling a four more times. Officer 1 maced Complainant 2 at one point.

Officers were able to get Complainant 1 up the stairs. Officer 1 went downstairs for Complainant 2. When Complainant 2 came out of the room again, Officer 1 grabbed him. Complainant 1 was arrested for assault Complainant 2 was arrested for obstruction. Complainant 1 and Complainant 2 were transported to the hospital prior to being booked at the jail.

CAPRS 2

A second CAPRS report was obtained. This CAPRS report includes force reports. Force report 1 states that Officer 1 used a joint lock on Complainant 1's arms and hands. Force report 2 indicates that Officer 1 used mace on Complainant 2. Force report 3 indicates that Officer 2 used a joint lock to the torso, knees to the torso, and her body weight to pin Complainant 1.

The supervisor reviewed the force. According to the supervisor, he arrived at the residence and heard yelling. Once he was in the backyard he observed Complainant 1 and Complainant 2 in handcuffs. The supervisor notes that Complainant 1 kept yelling that she needed an ambulance.

An ambulance was called. Complainant 1 told the supervisor that she was two months pregnant and kicked by officers. The supervisor spoke with Complainant 2. Complainant 2 stated he was not injured, and wanted to dispute the reasons for his arrest. The supervisor photographed Complainant 1 and Complainant 2. The supervisor noticed a small cut on the head of Complainant 2. Both Complainants were transported to the hospital.

INVESTIGATION

The investigator obtained images taken of Complainant 1 and Complainant 2 taken after their arrest and depict their condition. Photographs were obtained of the residence, and depict the stairwell where officers struggled to get Complainant 1 up. The investigator also obtained copies of the 911 calls by the victim.

The investigator contacted Complainant 1 and Complainant 2 for an interview. An interview was scheduled for Complainant 1 and Complainant 2. However, shortly before the interviews, Complainant called and stated she wished to speak with her attorney prior to the interview. The interviews were rescheduled for a few days later. Neither Complainant 1 nor Complainant 2 showed up. The investigator sent certified letters to Complainant 1 and Complainant 2, requesting that they respond by a certain date. Complainant 1 and Complainant 2 never contacted the investigator.

The investigator recommended that the case cannot move forward without Complainant 1 or Complainant 2's statements, or medical records.