
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #9

May 2015

OVERVIEW

Complainant alleges that he was assaulted by a party inside of a bar without provocation leaving him with stiches in his forehead, "a scar on [his] face for the rest of [his] life." Complainant alleges that Officer 1 arrived after the assailant was detained by security and discussed the incident with the parties. Complainant allegedly tried to tell Officer 1 what happened and she yelled at him to shut up. Complainant alleges that he asked her "why she was treating [him] so rudely and that [he] was a victim and that [he] was attacked and [Officer 1] told [him] to shut up and that if [he] didn't sit down [he] was going to be arrested." Complainant alleges that a male officer handed Officer 1 a piece of paper, and she laughed, stating, "What is this, another citizen's arrest?" Complainant alleges that after talking to both parties, Officer 1 stated that this was "just a drunk fight" and that both parties should "call it a night." Complainant alleges that he persisted in explaining that he was attacked, and Officer 1 stated that "she will sleep just fine at night."

THE COMPLAINT

1. Professional Code of Conduct: Officer 1 stated it was "just a drunk fight," and would not listen to the Complainant's allegation that he was attacked.

THE OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(6) – Failure to Provide Adequate Protection
2. MPD P&P § 5-105(2) PROFESSIONAL CODE OF CONDUCT: On-duty officers shall, at all times, take appropriate action within their jurisdiction, to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all federal, state and local laws and ordinances.
3. OPCR Ord. § 172.20(2) Inappropriate Attitude
4. MPD P&P § 5-105(14) PROFESSIONAL CODE OF CONDUCT

COMPLAINT PROCESSING

A complaint was filed detailing the allegations. The complaint underwent intake investigation and was reviewed by the joint supervisors. The complaint was sent to the precinct for coaching. Completing and approved coaching documents were returned to OPCR.

EVIDENCE

1. The complaint
2. VisiNet report

SUMMARY OF EVIDENCE

The Complaint

A complaint was filed stating that the Complainant was at a bar. The Complainant alleges that he was standing on the dance floor when a woman approached him. Moments later a man walked up to the Complainant; it was the woman's husband. The Complainant alleges the man assaulted him. The Complainant was taken to the bathroom for first aid, and the man detained by security. The Complainant alleges he called the police and officers arrived. Complainant states that two female officers responded. Complainant alleges Officer 1 asked Complainant what happened. Complainant alleges he tried to tell her he was assaulted, but Officer 1 kept telling the Complainant to "shut up." Complainant alleges Officer 1 was rude. Complainant alleges Officer 1 was handed a piece of paper from another officer, and said "what is this, another citizen's arrest?" Complainant alleges that after talking to both parties, Officer 1 stated that this was "just a drunk fight" and that both parties should "call it a night." Complainant alleges that he persisted in explaining that he was attacked, and Officer 1 stated that "she will sleep just fine at night." The Complainant submitted images of his injuries from the assault with the complaint.

VisiNet

The VisiNet indicates that Officer 1 responded to an assault in progress call at a bar. The report indicates that the Complainant was assaulted by a male, and security had the male. The report indicates that the caller was drunk, and allegedly groped the unknown male's wife. The Complainant received a small gash on his forehead. The report indicates that the evidence does not indicate that it was not a mutual fight and that there was a victim.

COACHING

The complaint was sent to the precinct for coaching. The coaching documents indicate that the supervisor reviewed the complaint and VisiNet report, contacted the Complainant, contacted witnesses (bar staff, general manager, officers on the scene), and spoke with Officer 1. The documents detail the conversation with Officer 1. Officer 1 stated that the Complainant was upset, and she was trying to calm him down. Officer 1 stated that the Complainant did not respond and continued talking. The only other verbal command Officer 1 could give was to tell the Complainant to shut up. Additionally, Officer 1 stated she did investigate the incident. Officer 1 stated it appeared that the fight was mutual.

The supervisor reported that bar security staff stated that Complainant was uncooperative and drunk. Staff stated that the security cameras did not capture the incident. Another officer trained as a paramedic who tried to assist the Complainant stated that Complainant was very uncooperative with police and medics.

The supervisor did not find a policy violation. However, Officer 1 was coached on reporting. According to the coaching documents, the supervisor stated officers make split-second decisions. The supervisor concluded that there was likely not probable cause to arrest either the Complainant or the other party involved in the fight. This incident resulted in an immediate complaint, and it would have been better to have a CAPRS report.