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# POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #1

June 2015

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## OVERVIEW

Complainant states officers pulled up behind a group sitting in a parked car. Officers began to run the license plate number of the parked car. Complainant states officers were harassing the young men. Complainant states this is the second time today the officers were harassing people in the area. Additionally, Complainant states that after he made his complaint officers came back around by his house three more times, and waved at him while he was outside playing football with his children.

## THE COMPLAINT

1. Impartial Policing: Complainant alleges officers harassing residents in the area, and that officers drove by complainant's house and waved following complaint filing.

## THE OPCR AND MDP POLICIES

1. OPCR Ord. § 172.20(3)- Harassment
2. MPD P&P Manual § 5-104- Impartial Policing: All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for a pedestrian or vehicle stop, investigative detention, arrest, non-consensual search or property seizure.

## COMPLAINT PROCESSING

An online complaint was filed. The complaint underwent intake investigation and was reviewed by the joint supervisors. The case was assigned to mediation. Mediation was scheduled and the complainant was informed of the date and time. Complainant did not attend the scheduled mediation, did not attempt to reschedule, and did not contact the Office. The case was closed for failure to cooperate.

## EVIDENCE

1. Initial Complaint
2. VisiNet Report
3. CAPRS Report
4. Squad Camera Recording

## **SUMMARY OF EVIDENCE**

### **The Complaint**

Complainant alleges officers pulled up behind a group sitting in a parked car. Complainant alleges officers ran the license plate number of the parked car. Complainant states officers were harassing the young men. Complainant alleges this is the second time today the officers were harassing people in the area. Additionally, Complainant alleges that after he made his complaint officers came back around by his house three more times, and waved at him while he was outside playing football with his children.

### **Intake Investigation**

Complainant stated that he made a call to 311 to report the alleged harassment. This complaint was transmitted to the OPCR mailbox. Complainant was contacted and came to the office to sign his complaint and discuss the situation with OPCR investigators.

### **VisiNet Report**

The VisiNet report shows the alleged squad was in the area, at the date and time specified in the complaint. Activity noted in the VisiNet report at that time included record checks of multiple individuals. Investigators found no indication from dispatch and communication logs that anything regarding the 311 complaint was transmitted to officers. The record did not demonstrate multiple passes by the Complainant's home.

### **CAPRS Report**

A CAPRS report was obtained from the alleged squad close to the time and date noted in the complaint. According to the report, officers pulled a vehicle over following the driver's failure to signal multiple turns and backing down a roadway on the wrong side of the street. Two individuals were inside the vehicle. One individual was the driver, another individual was the owner of the vehicle. The officers discovered that the driver's license was suspended, and the owner admitted to having no insurance on the vehicle. Officers informed the individuals that the car would be towed due to the lack of insurance and cited both the driver and the owner. The passenger in the vehicle, and a third individual, a passerby, began filming the interaction. Both the passenger and the passerby yelled and swore at officers during the encounter.

Officers waited for the tow truck to arrive, and when it did, the individuals who had been in the vehicle became agitated, along with community members present at the scene. One of the officers attempted to give a copy of the citation to the driver, but the third individual slapped it out of the officer's hand. That individual was then handcuffed, further increasing the hostility of the surrounding crowd. The report stated that, in order to get out of an increasingly confrontational situation, officers drove the handcuffed individual away from the scene, and released her, with a citation for obstructing a peace officer, near the address alleged in the complaint, at the alleged time. Officers left the scene following the release of this individual. Officers' involvement in the incident took approximately 30 minutes. Complainant was not noted in the report.

### **Squad Camera Recording**

A recording of the incident corroborates the CAPRS report. Little to no deviation was found, and the squad recording lasted from the initial stop until the third individual was released.

### **Mediation**

Following the intake investigation, the Joint Supervisors assigned the case to mediation. Complainant was contacted and agreed to mediate. A date and time acceptable to Complainant was established. The officers in question were notified of the mandatory mediation session, date and time. The complainant was also notified of this information. Present at the mediation were the mediators and officers, but Complainant failed to attend the scheduled session. Complainant has not since contacted the Office to reschedule the session despite attempts to contact Complainant.

**Dismissed for Failure to Cooperate**

The complaint was dismissed for failure to cooperate. The Complainant did not attend the mediation session and did not attempt to reschedule or contact the office in any way. The OPCR was unable to proceed without the Complainant's cooperation.