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# POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #8

June 2015

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## OVERVIEW

Complainant alleges he was at [a grocery store] and was approached by an officer. Complainant alleges he the officer told Complainant he was a "f\*cking liar for saying he assaulted him last year, "would take Complainant's \*ss to jail," and "get the "f\*ck out of [his] store." Complainant stated the officer assaulted him and charged him with trespassing for an incident that occurred at the store one year prior.

## THE COMPLAINT

1. Professional Code of Conduct: The officer told Complainant he was a "f\*cking liar for saying he assaulted him last year, "would take Complainant's \*ss to jail," and "get the "f\*ck out of [his] store."

## OPCR AND MPD POLICIES

1. OPCR § 172.20(2) Inappropriate Language
2. MPD P&P § 5-105(10) Professional Code of Conduct

## COMPLAINT PROCESSING

The Complainant filed a complaint. The complaint underwent intake investigation and was reviewed by the joint supervisors. The complaint was sent to the precinct for coaching. Completed coaching documents were returned to OPCR indicating no policy violation occurred. The documents did not indicate if the officer was coached. The coaching documents were sent back to the precinct for more information. Completed coaching documents were returned to OPCR indicating there was no policy violation, and the officer was coached.

## EVIDENCE

1. Complaint
2. VisiNet
3. CAPRS

## **SUMMARY OF EVIDENCE**

### **Complaint**

The Complainant went to the store, and Officer 1 was working. The Complainant alleged that the previous year, officer assaulted him and trespassed him from the store. Complainant alleges that officer called him "f\*cking liar for saying he assaulted him last year. Complainant alleges the officer said he "would take Complainant's \*ss to jail," and "get the "f\*ck out of [his] store." The Complainant alleges he told the officer that his charges were dismissed and the store stated he was not trespassed. The Complainant alleged the officer stated he did not care, and to not come to the store again.

### **VisiNet**

A VisiNet report from a previous interaction between the Complainant and the officer was obtained. The call was coded as a suspicious person call at the store.

### **CAPRS**

A CAPRS report from a previous interaction between the Complainant and the officer was obtained. In the report, the officer states he was working at the store. A store manager approached the officer and stated the Complainant yelled at a manager and was agitated. The Complainant would not leave the store after repeated commands to do so, and the officer used force to remove the Complainant from the premises. No complaint was filed regarding the encounter.

### **COACHING**

The complaint was sent to the precinct from coaching. The coaching information returned to OPCR. The documents indicated the supervisor spoke with the complainant and officer. The supervisor first contacted Complainant. Complainant was asked what outcome he would like regarding his complaint to which he indicated that he "wanted Ofc [1] to leave him alone because he continued to use this store."

The supervisor next talked to Officer 1. Complainant was actively trespassed from the store at the time of the incident; this was confirmed by the store. Officer 1 stated that he originally intended to arrest Complainant for trespassing, but Complainant stated that he had a child waiting for him in his car, so he released Complainant. Officer 1 denied using any foul language. The supervisor determined no policy violation occurred and returned the coaching documents.

The OPCR resubmitted the documents to the precinct as they contained insufficient information. The supervisor did not indicate if coaching occurred for any of the allegations. An updated coaching document was returned to OPCR. The supervisor did indicate that the officer was coached. Specifically, the officer was told to limit contact with the complainant and be aware of how the "perception of how he speaks may make people believe he is using foul or derogatory language." The supervisor included a copy of the last communication with Complainant via email in which he told Complainant that Officer 1 was advised to avoid contact with Complainant. The supervisor told Complainant about the active trespass list, and advised Complainant to contact the store to resolve it.