
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #6

September, 2015

OVERVIEW

Complainant alleges officers entered her apartment without papers or a search warrant to remove her son. Complainant alleges she asked officers to leave, and officers wouldn't. Complainant alleges officers grabbed her son, and as she was following them out an officer pushed her back under her throat.

THE COMPLAINT

1. Excessive Force- The Complainant alleges an officer pushed her back under her throat.

OPCR AND MPD POLICIES

1. OPCR § 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

An online complaint was filed. The complaint underwent intake investigation, was reviewed by the joint supervisors, and sent to a preliminary investigation. The preliminary investigation showed a lack of evidence to support the complaint. The complaint was returned to the Joint Supervisors, who dismissed it for no basis.

EVIDENCE

1. Complaint
2. CAPRS Report
3. Body Camera Video

SUMMARY OF EVIDENCE

Complaint

Complainant alleges officers entered her apartment without papers or a search warrant to remove her son. Complainant alleges she asked officers to leave, and officers wouldn't. Complainant alleges officers grabbed her son, and as she was following them out an officer pushed her back under her throat.

CAPRS Report

The CAPRS report included statements from all three responding officers. Each report was consistent with the body camera footage and noted that officers received a request from Child Protective Services to place a hold on Complainant's young son. The hold was requested based on the serious medical condition of another of Complainant's children that was brought to the hospital earlier that day. Officer reports note that upon arrival at the local shelter, where the Complainant was residing, a shelter staff member accompanied officers to the Complainant's apartment and unlocked the door. Upon announcing "Police" and entering the apartment, officers informed Complainant of the situation. She grew agitated and was unwilling to allow the officers to take custody of her son. When the Complainant went into her bedroom to get her cellular phone, officers took custody of her son.

Following officers taking custody of her son, Complainant became even more agitated and moved toward officers. None of the three officers reported force beyond "using arms to physically keep her back" as officers left the residence, with the child in their custody.

Body Camera Video

A review of the Police body cam revealed that Officers unlocked the door, opened it and yelled "Police". The Complainant was standing in the doorway to her bedroom when Officers entered. Officer 1 explained to the Complainant why the Officers were in her apartment and explained that her son was going to be taken to a local children's home, and placed on a 72 hour hold. The Complainant continually made remarks that the Police Officers had no right to be in her apartment and were not going to take her son. Officers continued to try to explain the situation and offered the Complainant a ride to the local children's home to talk with the staff members there. The Complainant was observed to be unreasonable and became aggressive, while screaming at the Officers. When Officers took her son and exited the apartment, the Complainant charged Officers 1, 2 and 3. Officer 1 extended his arm at the Complainant's upper chest to prevent her from interfering with the other Officer who was carrying her son while exiting the apartment. The Complainant again charged Officers 1, 2 and 3. Officer 1 again extended his arm, which because of the movement of the Complainant was on her upper chest region just under her throat. The Body Cam video shows that at no time did Officer 1, 2 or 3 grab the Complainant by the throat with excessive force as the Complainant alleges. Officer 1 did tell the Complainant she would be arrested if she continued to follow the Officers.

PRELIMINARY INVESTIGATION

The preliminary investigation of the incident included a review of the Complaint, CAPRS report and Body Camera footage. That review demonstrated that at no time did responding officers use more force than necessary to keep her from following them out of the residence.

Based on that determination, the Joint Supervisors dismissed the case for no basis.