
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #7

September, 2015

OVERVIEW

Complainant alleges he ran from an incident location after he heard a woman screaming. Complainant was chased by officers. Complainant alleges he "laid down, when they told me to in a flat position, also known as airplane style." Complainant alleges that one officer "hopped" on his back and started punching him in the face. Complainant alleges that the same officer pushed his face against the driveway causing scrapes to his cheek and eyelid. Complainant alleges that another officer pulled his hair, causing one of his dreadlocks to be removed. Complainant alleges that the officer who transported him downtown stated, "you know a[sic] ass-whooping comes with running from us" while laughing.

THE COMPLAINT

1. Excessive Force- The Complainant alleges an officer hopped on his back, punched him repeatedly, pushed his face against the driveway and pulled his hair.

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

Complainant wrote a handwritten complaint while in custody at a detention center. That complaint was transmitted, by an employee at the detention center to Internal Affairs. An intake investigation was conducted and following review by the Joint Supervisors, the case was sent to investigation. The case was investigated by an Officer in Internal Affairs and re-submitted following the investigation to the Joint Supervisors. The investigation showed a lack of evidence to support the complaint, and therefore the Joint Supervisors dismissed the case for no basis.

EVIDENCE

1. Complaint
2. CAPRS Report
3. Squad Video

4. Detention Center Video
5. Statement of Detention Center Employee
6. Supervisor Force Review
7. Photos
8. 911 Audio

SUMMARY OF EVIDENCE

Complaint

Complainant alleges he ran from an incident location after he heard a woman screaming. Complainant was chased by officers. Complainant alleges he "laid down, when they told me to in a flat position, also known as airplane style." Complainant alleges that one officer "hopped" on his back and started punching him in the face. Complainant alleges that the same officer pushed his face against the driveway causing scrapes to his cheek and eyelid. Complainant alleges that another officer pulled his hair, causing one of his dreadlocks to be removed. Complainant alleges that the officer who transported him downtown stated, "you know a[sic] ass-whooping comes with running from us" while laughing.

CAPRS Report

Officer 1 and 2 responded to a call following other officers witnessing the Complainant and another person actively robbing a victim. The alleged assailants fled on foot after using physical force to attempt to steal a purse from a victim.

Officer 1 reported that he saw the Complainant running and exited his squad to pursue him. Complainant was told to stop and that he was under arrest, but Complainant did not obey the order. When Officer 1 reached the Complainant, he lay down on the left side of his body and refused to show his hands. Officer 1 then reports that he used his body weight to hold the Complainant down and secured the Complainant's hair in an attempt to control him until backup arrived.

Officer 2 reports that he observed the foot pursuit following the robbery call and assisted Officer 1. Officer 2 notes that the Complainant dove behind a wall, with his hands underneath him. Officer 2 states that he was concerned the Complainant had a weapon. Officer 2 reports also using his body weight in attempt to control the Complainant.

Both officers note that the Complainant was engaged in flight to avoid capture, that he did not comply with verbal commands, and that he actively resisted arrest by attempting to escape by maneuvering his body in an effort to break free.

Squad Video

The squad video shows officers responding to the robbery call and then exiting the squad in order to pursue the Complaint and an additional potential assailant on foot. The video does not show the ensuing chase or eventual capture of the Complainant.

Detention Center Video

This video shows that the Complainant was screened and accepted into the detention facility.

Statement of Detention Center Employee

The detention center employee describes that he received the written complaint regarding the Complainant's arrest, from the complainant, in the detention facility. He then took photos of the injuries allegedly sustained during the arrest and transmitted all information to Internal Affairs.

Supervisor Force Review

Officers 1 and 2 reported their use of force to their superior officer, who reviewed the force used in the incident. The supervisor determined that the force used by the arresting officers was reasonable.

Photos

Photos were taken by officers and by an employee at the detention center, of injuries sustained by the Complainant during the arrest.

911 Audio

The 911 audio confirms that Officers 1 and 2 responded to a robbery, as documented in the CAPRS Report.

INVESTIGATION

The investigator compiled all of the aforementioned evidence and analyzed it. The investigator contacted the Complainant to obtain his statement and scheduled an appointment, at which the Complainant failed to appear. The investigator rescheduled an appointment and again the Complainant failed to appear. The investigator was later contacted by the Complainant, informing him that he would not be making a statement due to advice from a lawyer. The investigator also attempted to get the Complainant's medical records from the detention center but was unable to due to HIPPA restrictions.

After reviewing the evidence obtained, it was determined that there was a lack of evidence to sustain the complaint and that, in the alternative, it appeared Officers responded appropriately due to the circumstances of the encounter. As such, the Joint Supervisors reviewed the case and dismissed it for no basis.