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# POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #8

October 2015

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## OVERVIEW

Complainant alleges he was in a car that was pulled over. Complainant states he told the officers he would not get on the ground because of the snow, and an officer threw him on the ground. Complainant alleges officers started punching and kicking him in the face until he passed out. Complainant alleges he was told by an officer to "shut the f\*ck up."

## THE COMPLAINT

1. Excessive Force – Complainant alleges an officer threw him to the ground and punched and kicked him.
2. Inappropriate Language – Complainant alleges an officer to him to "shut the f\*ck up."
3. Mobile Video Recording Policy – Upon review OPCR staff was unable to determine if the stop was recorded on the squad MVR. (This was not noted in the original complaint but determined during the investigation phase by OPCR staff.)

## OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(1) – EXCESSIVE FORCE
2. OPCR Ord. § 172.20(2) – INAPPROPRIATE LANGUAGE
3. OPCR Ord. § 172.20(2) – VIOLATION OF THE P&P MANUAL
4. 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.
5. MPD P&P § 5-105(10) PROFESSIONAL CODE OF CONDUCT: Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
6. 4-218 (6) MOBILE AND VIDEO RECORDING (MVR) POLICY: MVR equipment shall be in Record Mode: For every stop/contact where a motor vehicle is involved and shall record the stop/contact in its entirety.

## COMPLAINT PROCESSING

Complainant submitted a handwritten complaint. The complaint underwent intake investigation, was reviewed by the joint supervisors, and sent investigation. A date and time agreeable to the Complainant was established for the Complainant to come to the office to make a detailed statement regarding the incident in question but Complainant failed to appear, or reschedule, or to contact the office in any way. As such, the investigation was unable to proceed due to a failure to cooperate. Due to evidence on the squad video demonstrating inappropriate

language, the Joint Supervisors sent the complaint to precinct for coaching. Coaching documents were completed and returned to the OPCR.

## **EVIDENCE**

1. Complaint
2. VisiNet Report
3. CAPRS Report and Supplements
4. Squad Video

## **SUMMARY OF EVIDENCE**

### **Complaint**

Complainant alleges he was in a car that was pulled over. Complainant states he told the officers he would not get on the ground because of the snow, and an officer threw him on the ground. Complainant alleges officers started punching and kicking him in the face until he passed out. Complainant alleges he was told by an officer to "shut the f\*ck up."

### **VisiNet Report**

The VisiNet report demonstrates officers interacted with the Complainant at the alleged date and time stated in the Complaint.

### **CAPRS Report and Supplements**

The CAPRS report notes that officers stopped the Complainant in his car due to the car fitting the description of one that was involved in a recent shooting. Upon stopping the vehicle, the Complainant was asked to exit the vehicle, which he was reluctant to do and only did so after several minutes. He was then told to put his hands up, which he did not do. Because of a concern that others were in the vehicle and may be armed, officers noted a desire to secure the Complainant as quickly and safely as possible. As such, one officer twisted the Complainant around and attempted to put his arms around his back. Due to Complainant's twisting and continued attempt to get away, another officer lifted his legs, forcing him to the ground. This officer then used his arm to push Complainant's body down twice until handcuffed and held his head down due to a concern that he may bite an officer's leg. The Complainant then stood up and was placed in a squad car.

### **Squad Video**

While OPCR staff was unable to determine whether the stop itself was captured on MVR video, there is video of the Complainant in the back of the squad car. That squad video indicates that an officer told the Complainant to "give him a f\*cking second" when he was trying to loosen the Complainant's handcuffs.

## **INVESTIGATION**

OPCR investigator reviewed the evidence and contacted the Complainant who established a date and time to come to the office to make a detailed statement. Complainant failed to appear at the scheduled date and time. OPCR investigator called the Complainant who said he would call back to reschedule, which he failed to do. The investigator sent a letter by certified mail to the

Complainant, asking that he contact the office within the next two weeks to schedule his interview. To date, the Complainant has not contacted the office.

### **COACHING**

The coaching officer reviewed the evidence and spoke with the Complainant and the officer alleged to have used inappropriate language. He found that a policy violation had occurred and coached the officer as to his language. Coaching documents were completed and returned to the OPCR.