
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #3

November 2015

OVERVIEW

Complainant has mild mental retardation and severe expressive receptive delays. Complainant was attempting to knock on the window of a friend when neighbors called police. Officer 1 responded. Complainant alleges that when Complainant could not tell Officer 1 his address, Officer 1 replied, "Are you f*ck*ng retarded because you don't know your own f*ck*ng address?"

THE COMPLAINT

1. Professional Code of Conduct- Complainant alleges the officer used profane language.

OPCR AND MPD POLICIES

1. OPCR § 172.20(2) – INAPPROPRIATE LANGUAGE
2. 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.

COMPLAINT PROCESSING

The Complainant reported the incident to staff at his residence who forwarded the complaint to the OPCR through the Common Entry Port System. The complaint was reviewed by the Joint Supervisors and sent to preliminary investigation. The investigator attempted to contact the Complainant at his residence, with no success and was then informed by the Program Manager at his residence via a letter that the Complainant was unwilling to be interviewed and would be unable to consent to an interview. The letter also stated that the Program Manager contacted the Complainant's legal guardian who stated that she would like to respect the Complainant's decision not to meet with the investigator. The investigator attempted to contact the Complainant's legal guardian and left a voicemail but the call was not returned. The case was referred back to the Joint Supervisors who dismissed the case for failure to cooperate as without the statement or cooperation of the Complainant, it is not possible to determine if officers' conduct violated the above policies.

EVIDENCE

1. Complaint
2. Recording of 911 Calls
3. Statement of 911 Caller
4. Letter for Complainant's Residence Program Manager
5. VisiNet Report

6. Officer Photos

SUMMARY OF EVIDENCE

Complaint

Complainant has mild mental retardation and severe expressive receptive delays. Complainant was attempting to knock on the window of a friend when neighbors called police. Officer 1 responded. Complainant alleges that when Complainant could not tell Officer 1 his address, Officer 1 replied, "Are you f*ck*ng retarded because you don't know your own f*ck*ng address?"

Recording of 911 Calls

Caller called twice regarding the Complainant. On the first call, the caller reported that the Complainant was walking slowly through an alley, looking into yards. On the second call, the caller states the Complainant entered a yard, was looking into a house and trying to get in a window.

Statement of 911 Caller

The 911 caller stated that he called because he observed what he thought was a suspicious male walking up and down the alley and then entering a yard. He notes that there "had been a lot of burglaries" lately which is why he was suspicious. The caller noted that after police arrived, he interacted with them and noted that they were professional at all time and that he did not hear any unprofessional comments by officers during the encounter.

VisiNet Report

The report shows that three two-officer units responded to the 911 call and arrived at the scene. There were six officers on the scene though it is unclear from the report whether all of them interacted with the Complainant. The Complainant did name the officer who said the alleged unprofessional words, but the CAPRS report shows that officer with the 911 caller during the call therefore it is unclear how he was also interacting with the Complainant.

DISMISSED FOR FAILURE TO COOPERATE

Since without that Complainant's statement or cooperation it is not possible to determine if officers' conduct violated the above policies, the Joint Supervisors dismissed the case for failure to cooperate.