
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #9

November 2015

OVERVIEW

Complainant alleges officers responded to a false report by his girlfriend. Complainant alleges the officer stated "don't bring your *ss back over here," told him to "come here f***er before I shoot you with the taser." Complainant alleges he asked "tase [him] for what" and the officer discharged the taser.

THE COMPLAINT

1. Excessive Force- Complainant alleges officer discharged his taser for no reason.
2. Professional Code of Conduct- Complainant alleges officer used profane language.
3. Use of Force Reporting- Complainant alleges use of force that would require a CAPRS report and supervisor notification but neither is indicated.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(1) - Excessive Force
2. OPCR Ord. § 172.20(6) – Inappropriate Language
3. OPCR Ord. § 172.20(8) – Violation of 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. MPD P&P § 5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS. CAPRS Report Required - Supervisor Notification Required. All other force, injury or alleged injury incidents, or situations in which officers are made aware of a previously existing injury, require both a CAPRS report and supervisor notification. The sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used.

COMPLAINT PROCESSING

A written complaint was filed with the office and reviewed by the Joint Supervisors who sent it to preliminary investigation. During the preliminary investigation, the investigator attempted to contact the Complainant by calling the number listed on the complaint, leaving voicemails, visiting the address listed on the complaint, leaving his business card and promptly returning a voicemail message from the Complainant but was unable to ever speak with him. Following the preliminary investigation, the Joint Supervisors reviewed the available evidence and dismissed the case for no basis.

EVIDENCE

1. Complaint
2. VisiNet Report
3. Taser Data Base Report

SUMMARY OF EVIDENCE

Complaint

Complainant alleges officers responded to a false report by his girlfriend. Complainant alleges the officer stated "don't bring your *ss back over here," told him to "come here f***er before I shoot you with the taser." Complainant alleges he asked "tase [him] for what" and the officer discharged the taser.

VisiNet Report

The VisiNet Report shows officers responding to a call from the female party in the incident. It notes that officers spoke to the female party at the scene, who informed them that the Complainant was drunk and suffering from an illness. The report also notes an officer's attempt to speak to the Complainant and that the Complainant wanted the officer to shoot him. Complainant then walked away and spit at officers. Officers informed the Complainant that he was trespassed from the address and the Complainant responded to officers that he would be back. The investigator looked for a CAPRS report in addition to the VisiNet report but none existed. No notification of a supervisor was noted in the VisiNet report.

Taser Data Base Report

The Taser Data Base Report indicates that the alleged officer discharged his taser only once on the day of the incident, and it was early in the morning as a test fire at the beginning of his shift. There is no indication that any taser, by any officer was discharged during the interaction with the Complainant.

DISMISSED

The investigator made multiple attempts to contact the Complainant by calling the phone number listed on the complaint, leaving voicemails, visiting the apartment building he listed as his address on the complaint on multiple occasions and promptly returning a voicemail from the Complainant, all to no avail. Due to the lack of cooperation from the Complaint and no evidence demonstrating that a taser was discharged at the scene, the Joint Supervisors dismissed the case for no basis.