
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #3

December 2015

OVERVIEW

Complainant alleges that she witnessed Officer 1 yelling "profane and disrespectful comments" towards civilians. Complainant alleges that she stated to Officer 1 that "he should not talk this way to people as he is a professional." Complainant alleges that Officer 1 grabbed her by the arm and threw her against a squad car, threatening to arrest her for obstruction. Complainant alleges that Officer 2 approached her while her ID was being run, and stated, "I empathize with you," while she complained of her treatment. When she asked if he was being sarcastic, complainant alleges that Officer 2 laughed and stated, "We are told to say that to you people." Complainant alleges that Officer 1 took out his cell phone and began to tape her while she complained of her treatment. Complainant was released.

THE COMPLAINT

1. Excessive Force- Complainant alleges Officer 1 grabbed her and threw her against the squad car.
2. Harassment- Complainant alleges Officer 1 threatened to arrest her for obstruction.
3. Inappropriate Attitude – Complainant alleges Officer 2 stated he empathized with her.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(1) – EXCESSIVE FORCE
2. OPCR Ord. § 172.20(3) – HARASSMENT
3. OPCR § 172.20(2) – INAPPROPRIATE ATTITUDE
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 Manual § 5-105(3)- PROFESSIONAL CODE OF CONDUCT: Officers shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.
6. MPD P&P § 5-105(14) PROFESSIONAL CODE OF CONDUCT: Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.

COMPLAINT PROCESSING

An online Complaint was filed, an intake investigation made and then then the case was reviewed by the Joint Supervisors. The Joint Supervisors sent the case to investigation. The investigator collected statements from the Complainant, witnesses and the officers allegedly involved. The fruits of the investigation were then reviewed by the Police Conduct Review Board, who found that all three allegations were without merit and recommended that they not be sustained. That recommendation was forwarded to the Chief, who found the allegations not sustained and issued no discipline.

EVIDENCE

1. Complaint
2. Officer 1 Statement
3. Officer 2 Statement
4. Officer 3 Statement
5. Witness 1 Statement
6. Witness 2 Statement
7. Witness 3 Statement
8. VisiNet Report

SUMMARY OF EVIDENCE

Complaint

Complainant alleges that she witnessed Officer 1 yelling "profane and disrespectful comments" towards civilians. Complainant alleges that she stated to Officer 1 that "he should not talk this way to people as he is a professional." Complainant alleges that Officer 1 grabbed her by the arm and threw her against a squad car, threatening to arrest her for obstruction. Complainant alleges that Officer 2 approached her while her ID was being run, and stated, "I empathize with you," while she complained of her treatment. When she asked if he was being sarcastic, complainant alleges that Officer 2 laughed and stated, "We are told to say that to you people." Complainant alleges that Officer 1 took out his cell phone and began to tape her while she complained of her treatment. Complainant was released.

Officer 1 Statement

Officer 1 stated that he was trying to break up a verbal argument that may have turned in to a physical fight. He stated that he does not recall using profanity and that the Complainant's interruption was distracting and that he asked her to leave. When she did not, the officer states that he escorted her to the squad car and asked for her ID.

Officer 2 Statement

The officer did not recall the incident but noted that he was trained to say he empathizes with people and let them vent for 60 seconds and that when he does so, he does it politely.

Officer 3 Statement

The officer stated that he did not recall the incident, even after the investigator shared details from the Complaint and witnesses statements.

Witness 1 Statement

The witness stated that he saw the Complainant by the squad car and knew officers had asked the Complainant for her ID. He stated that officers detained her for 5-10 minutes.

Witness 2 Statement

The witness stated that she saw the Complainant up against the squad car with her hands on the squad car, being questioned by officers. She too notes that officers were asking for the Complainant's ID and that when she gave it to officers they ran it, and one officer told the others "we can't hold her" and the officers let her go.

Witness 3 Statement

The witness stated that she saw officers grab the Complainant in "not a super forceful way" and push her against the police car. The witness also heard one of the officers say "I sympathize with you" and then say that that is what he was trained to say in these type of situations. The witness thought the comment was sarcastic. The witness noted that the officers would not answer her question as to why they are running the Complainant's license.

VisiNet Report

There were not references to the incident in VisiNet and no police reports.

ALLEGATIONS NOT SUSTAINED

The Police Conduct Review Panel found all allegations against all officers not sustained after reviewing the collected evidence. The Panel's recommendation was sent to the Chief who held the same and issued no discipline.