
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #10

December 2015

OVERVIEW

Complainant states he parked his taxi in a commercial loading zone while waiting for a fare. Complainant states an officer pulled up and asked to see Complainant's identification. Complainant states the officer gave him a warning. Complainant states he asked the officer what the warning was for. Complainant states he didn't understand why he was given a warning for being in a commercial parking zone, when he was in a commercial vehicle. Complainant states the officer proceeded to yell and be very abusive towards him. Complainant states the officer told him it was being recorded.

THE COMPLAINT

1. Inappropriate Attitude- the Complainant alleges that the officer yelled and was abusive toward him.
2. Violation of the Audio and Video Recording Policy- the Complainant alleges that the officer recorded the incident but upon review of the squad video, there is no audio.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(2) – Inappropriate Attitude
2. OPCR Ord. § 172.20(8) – Violation of the P&P manual
3. 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.
4. MPD P&P § 4-218(IV)(4) - The driver shall wear the wireless microphone, verify that it is turned on and shall be responsible for ensuring that it is working properly throughout the shift.

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 preliminary investigation and then to a full investigation. When the investigator contacted the Complainant, he advised the investigator that he no longer wanted to proceed with his Complaint, therefore no further investigation was conducted. But based on what had already been investigated, the case was reviewed by the Police Conduct Review Panel, who found the violation of the Police and Procedure Manual in regard to the wireless microphone allegation sustained and forwarded their recommendation to the Chief who found the same and determined that the officer would be coached by his immediate supervisor in response to the sustained allegation.

EVIDENCE

1. Complaint
2. VisiNet Report
3. Squad Video
4. Photos of incident scene

SUMMARY OF EVIDENCE

Complaint

Complainant states he parked his taxi in a commercial loading zone while waiting for a fare. Complainant states an officer pulled up and asked to see Complainant's identification. Complainant states the officer gave him a warning. Complainant states he asked the officer what the warning was for. Complainant states he didn't understand why he was given a warning for being in a commercial parking zone, when he was in a commercial vehicle. Complainant states the officer proceeded to yell and be very abusive towards him. Complainant states the officer told him it was being recorded.

VisiNet Report

The report shows the alleged officer, at the alleged place and time. It also notes that the officer gave the driver a warning ticket for parking in a "loading zone."

Squad Video

The squad video shows that where the Complainant's car was is a commercial loading zone and that that a time restriction only began at 8am but at the time it was only 7:50am therefore it does not seem that Complainant's vehicle was in violation of any ordinance. Additionally, the officer does not appear to be wearing his department issued wireless microphone or that is functioning properly, as the video has no audio when the officer is talking to the Complainant, next to the Complainant's car.

Photos of Incident Scene

Photos of the scene clearly show that the signage declared the area a loading zone from 8:00am to 6:00pm only.

COACHING

The Police Conduct Review Panel reviewed the case and found the violation of the Police and Procedure Manual in regard to the wireless microphone allegation sustained and forwarded their recommendation to the Chief who found the same and determined that the officer would be coached by his immediate supervisor in response to the sustained allegation.