
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #8

January 2016

OVERVIEW

Complainant alleges he called the police because someone spit in his eye. Complainant alleges he told the officers he needed his eyes flushed and was told to calm the f*** down and sit down. Complainant alleges the officer asked if Complainant wanted something else, like mace, in his eye. Complainant alleges the officer said "we don't give a f*** we need your information to make sure you didn't have any warrants, when the Complainant tried to explain his situation. Complainant alleges the officer told him to sit the f*** down motherf*** and let us do our jobs motherf***.

THE COMPLAINT

Inappropriate Language or Attitude – Complainant alleges he called the police because someone spit in his eye. Complainant alleges he told the officers he needed his eyes flushed and was told to calm the f*** down and sit down. Complainant alleges the officer asked if Complainant wanted something else, like mace, in his eye. Complainant alleges the officer said "we don't give a f*** we need your information to make sure you didn't have any warrants, when the Complainant tried to explain his situation. Complainant alleges the officer told him to sit the f*** down motherf*** and let us do our jobs motherf***.

ALLEGED VIOLATIONS

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

Following receipt of the complaint via the online system, an intake was conducted, and the matter was put before the joint supervisors for review. Upon review, the supervisors moved the matter to coaching.

EVIDENCE

1. Complaint
2. CAPRS
3. Visinet Report
4. Audio recording

SUMMARY OF EVIDENCE

Complaint: Complainant called the police regarding an alleged assault—an incident in which Complainant was spit in the eye. Upon the officers' arrival, Complainant requested an ambulance due to fears that the person who spit on him had numerous diseases.

During police questioning, Complainant alleges that one of the officers (Officer 1) harassed and threatened him, including telling him f*** repeatedly and if he “wanted some mace in his eye.” Further, Complainant asserts that the officer was in his “personal space” and very “intimidating.” Complainant contends that the officer’s comments and actions arose from his resistance to the officer’s requests that he provide identification for the purpose of ascertaining whether Complainant had any warrants. According to Complainant, he began recording the officers on his recording device due to the mistreatment; he had also recorded the alleged assault via his recording device.

Upon learning of the recording device, Complainant claims that Officer 2 whispered something to Officer 1 who afterwards went back to the squad car. Complainant then asked Officer 2 for an apology. Officer 2 refused to apologize initially but did so after Complainant apologized for his own behavior.

CAPRS: Officer 1 and 2 were dispatched to the scene of an assault—a spitting incident. Upon arrival, the officers found the victim, Complainant, with a towel over his head at a nearby park. Complainant requested medical treatment, alleging that the person who spit in his eye had numerous diseases, including “HIV”. Medics arrived at the scene and flushed out Complainant’s eyes. At the scene, Complainant provided officers with details regarding the spitting incident, such as who the perpetrator was and how the event occurred. Also, Complainant provided the officers with an audio recording of the spitting incident. The officers noted that Complainant can be heard saying that he had been spit on and another voice admitting to it, but not intentionally. The officers gave Complainant a blue card with a case number and advised him to contact the City Attorney.

Visinet: Confirms that the officers were present at the park during the alleged incident and encountered Complainant. Visinet also confirms that Complainant requested an ambulance and alleged that another had spit on his eye.

Audio recording: Complainant also provided the office with an audio recording of the incident. In the recording, Complainant can be heard speaking with someone else. The other person on the recording, allegedly Officer 1, is heard saying that he would not consider the incident an assault, to which Complainant responds “I know my rights, sir.” Officer 1 is then heard retorting, “You don’t think I do?” and also “We don’t owe you anything.” Lastly, Complainant contended that he was owed something as his father “served in World War II,” to which Officer 1 responded that his father did also.

COACHING

The precinct supervisor opened an investigation into the matter, initially interviewing Complainant and an eye-witness. According to the supervisor, neither Complainant nor witness alleged to hearing Officer 1 say f*** when asked. Instead, both Complainant and witness only claimed to have heard Officer 1 say “dude” when referring to them. Complainant also stated that he shook hands with Officer 1 and did not feel an apology was genuine.

The precinct supervisor also interviewed Officer 1, who denied ever stating f*** to the Complainant. The supervisor did not consider the word “dude” a violation of 5-105(14). As a result, the precinct supervisor did not find a policy violation and no coaching occurred.