
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #5
March, 2016

OVERVIEW

Complainant alleges that Patient was transferred, with police assistance, to a hospital during a mental health crisis and arrived with a fractured, bleeding left orbital.

THE COMPLAINT

Complainant alleges that Patient was transferred, with police assistance, to a hospital during a mental health crisis and arrived with a fractured, bleeding left orbital.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(1) - Excessive Force
2. 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.

COMPLAINT PROCESSING

A complaint with OPCR was filed on behalf of Patient by an agency. Afterwards, the matter was brought before the joint supervisors for intake review, who determined that the matter be set for a preliminary investigation, and an investigator was assigned. After a preliminary investigation was conducted, the joint supervisors determined that the matter be dismissed based upon the investigator's findings of "No Basis."

EVIDENCE

1. Maltreatment Report
2. VisiNet
3. Patient Interview
4. Care Center Staff Notes
5. Medical Documentation

SUMMARY OF EVIDENCE

Maltreatment Report: Patient was from a care center due to "manic" behavior and after threatening to leave the center. Police and EMT were called to assist. Also, it was discovered that Patient had suffered a fractured orbital sometime during or after the transfer. In a follow up to the Maltreatment Report, it is alleged by a nurse that a doctor admitted to the orbital injury that occurred during intubation.

VisiNet: Call regarding a "manic" patient; officers responded to patient transfer.

Patient interview: Patient was unaware, when asked by the investigator, that she had been hurt. She was also unsure if she had fallen recently, but stated that she had done so several times before. When asked if anyone had punched Patient, Patient replied that maybe a roommate had done so. Lastly, Patient did not recall going to the hospital.

Care Center Staff Notes: According to the care center staff notes, Patient was “loud and manic” and hospital staff tried to calm her down the day of the incident. Further, it is contended by staff notes that Patient wished to see her husband and told the staff that there was nothing they could do about it. Following this, it is reported that the staff contacted EMT and the police for assistance.

Medical documentation: noted that Patient was admitted to the hospital with “agitated delirium,” despite the administration of meds. An orbital fracture was also noted by the hospital staff, and was determined to be likely caused during “confrontation/sedation/intubation.” It is also noted in a separate record that the Primary Team suspected the injury occurred “during intubation” at the hospital.

INVESTIGATION

The investigator interviewed care center personnel who were present on the day Patient was injured. According to the staff, Patient had been manic for several days, which prompted them to call EMT and the police for assistance. On the day in question, both MPD officers and EMT were dispatched to the care center to move Patient to a hospital. Further, the investigator was told by care center staff that officers “held [Patient] on the gurney for one minute” prior to transfer, but were never seen striking or punching Patient. Nor were the officers witnessed alone with the patient; only an EMT responder was seen entering a bathroom with Patient alone.

Next, upon interviewing the hospital staff, the investigator was told by the hospital staff that Patient was combative and had to be chemically sedated. Later, it was discovered by the staff that Patient had sustained an injury to her left orbital, and further noted in a medical report that the, “team suspects [sic] sustained during intubation while patient was agitated, thrashing about.”

Additionally, the investigator attempted to view surveillance footage at the care center, but the camera angle did not provide any visuals of Patient’s interactions with the police.

After taking into account all the aforementioned evidence, specifically the reports that indicated injury occurred at the hands of hospital staff and an alleged admission by a doctor involved, the investigator recommend the case be dismissed for “No Basis.”