
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #6
March, 2016

OVERVIEW

Complainant alleges she has a No Contact Order against her children's father. Complainant alleges she saw officers approach her home with him. Complainant alleges she saw her door was open and her children's father was moving stuff out of the garage. Complainant alleges she asked officers if she could get her key back, and the officers were nonchalant. Complainant alleges officers spoke to her as if nothing was wrong. Complainant alleges the officers had an unprofessional attitude and inappropriate tone. Complainant alleges she asked what if she changed her locks and the male officer stated "I would have to kick down the garage door." Complainant alleges she never received her key back, and officers tailed her for several blocks.

THE COMPLAINT

Complainant alleges she has a No Contact Order against her children's father. Complainant alleges she saw officers approach her home with him. Complainant alleges she saw her door was open and her children's father was moving stuff out of the garage. Complainant alleges she asked officers if she could get her key back, and the officers were nonchalant. Complainant alleges officers spoke to her as if nothing was wrong. Complainant alleges the officers had an unprofessional attitude and inappropriate tone. Complainant alleges she asked what if she changed her locks and the male officer stated "I would have to kick down the garage door." Complainant alleges she never received her key back, and officers tailed her for several blocks.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(2) – Inappropriate Attitude
2. OPCR Ord. § 172.20(6) – Failure to provide adequate protection
3. 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
4. MPD P&P § 5-105(2) PROFESSIONAL CODE OF CONDUCT: On-duty officers shall, at all times, take appropriate action within their jurisdiction, to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all federal, state and local laws and ordinances.

COMPLAINT PROCESSING

The complaint was received by way of the online system, and a phone call was placed to Complainant in order to ascertain the full extent of her complaint. After the phone call, the matter was placed before the joint supervisors who determined that the matter be sent to coaching.

EVIDENCE

1. *Complaint*
2. *VisiNet Report*

SUMMARY OF EVIDENCE

Complaint: In the complaint, Complainant contends that the father of her children, who she had an Order for Protection placed against, was at her home with police to retrieve items stored there for his father. [Future communications with Complainant revealed that her grievance with the officers stemmed from them allegedly not giving the garage key then possessed by children's father to her, and for commenting that they would kick the garage door down if she were to change the garage-door lock.]

VisiNet: In the VisiNet report, it is noted that the children's father had called the police in order to request a police escort in order to retrieve items from Complainant's home.

COACHING

Upon being sent to coaching, the precinct supervisor for Officers 1 and 2 attempted to contact the children's father but received no response. The precinct supervisor also contacted Complainant, who iterated to the precinct supervisor that she was OK with her children's father moving things but was upset that the officers allegedly refused to force the children's father to relinquish the key to Complainant and with the officer's comments that they would break her garage door down if the lock was changed.

After speaking to Complainant, the precinct supervisor also spoke to the officers involved in the complaint—Officers 1 and 2. Officer 1 told the precinct supervisor that he instructed Complainant that he had no legal authority to force the children's father to relinquish the key, and therefore refused her demands to do so. Further, he denied telling Complainant that he would kick the garage door down.

Upon speaking to Officer 2, the precinct supervisor states that Officer 2 did not recall the event.

Based upon the precinct supervisor's review of the VisiNet report, complaint and interviews, the precinct supervisor determined that the officers properly assisted the children's father in legally procuring property; therefore, no policy violation was found and no coaching occurred.