
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #5

April, 2016

OVERVIEW

Complainant alleges officers arrived at a residence and made her sit on the ground for 20 minutes. Complainant alleges officers eventually let a white girl get up but the Complainant still had to sit on the ground. Complainant alleges officers searched their rooms without a warrant, and treated the Complainant as if she were a suspect. Finally, Complainant alleges a young officer called her a "n*gg*r."

THE COMPLAINT

Complainant alleges officers arrived at a residence and made her sit on the ground for 20 minutes. Complainant alleges officers eventually let a white girl get up but the Complainant still had to sit on the ground. Complainant alleges officers searched their rooms without a warrant, and treated the Complainant as if she were a suspect. Finally, Complainant alleges a young officer called her a "n*gg*r."

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(2) – Inappropriate Language
2. OPCR Ord. § 172.20(8) – Violation of MPD P&P Manual
3. MPD P&P § 5-105(15) - Professional Code of Conduct: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.
4. MPD P&P § 9-201 (III)(C) (1): A search warrant is always required to search dwellings and non-public areas of buildings, absent consent or exigent circumstances.
5. MPD P&P § 7-314 (IV) (D) (1) – Domestic Abuse and Domestic Violence – Reporting Requirements: In all cases of domestic violence or alleged acts of domestic abuse, a CAPRS report and supplement shall be completed immediately.

COMPLAINT PROCESSING

Following receipt of the complaint, the matter was put before the joint supervisors for review, who determined that it be sent to preliminary investigation. After numerous, failed attempts by the investigator to reach Complainant, the matter was “closed-pending further information.”

EVIDENCE

1. Complaint
2. VisiNet 1
3. VisiNet 2
4. CAPRS

SUMMARY OF EVIDENCE

Complaint: Complainant alleges that a friend called police to report a domestic assault. When the alleged assailant returned, Complainant contends that police arrived to the scene with guns drawn. While at the scene, Complainant states that the police made her and others sit “on the floor for twenty minutes” and handcuffed them. Further, Complainant contends that an “arrogant,” “young” officer (Officer 1) let a “white girl off the floor” but forced Complainant—

who identifies as black—and four other black individuals to remain on the floor. Also, Complainant alleges that Officer 1 called her a “n*gg*r.” Lastly, Complainant contends that officers searched the premises without a warrant—including rooms—despite being told that the assailant was not present.

VisiNet 1: In the report it is noted that there was a “Domestic Abuse—In Progress.” The following was also noted: “CLR ASLT’D BY BOYF AND BLEEDING FRM MOUTH...CLR SAID HE WAS COMING AFTER HER AND NOW HEARING SOUNDS OF A STRUGGLE...CLR SAID THIS WAS A ROOMING HOUSE.” In VisiNet, the boyfriend was identified and information had passed to the officers by way of dispatch that he, “HAS HISTORY OR FIGHTING WITH POLICE AND SOMETIMES CARRIES A GUN OR KNIFE,” and had fled the premises by way of an alley to an unknown friend’s house.

VisiNet 2: In the report it is noted that dispatch had received a call several hours after VisiNet 1 that the suspect from “PRIOR DABUSE CALL [had] RETURNED...UNK IF [suspect] HAS WEAPONS. It is also noted in VisiNet 2 that the suspect will “PROBABLY FIGHT W/POLICE.”

CAPRS: In the Public Data section of the report it is noted that: officers had responded to the call of a “DABUSE”; the suspect had fled the scene; the victim was treated for her injuries; and the victim was given a blue card.

In the supplement to the report, the VisiNet 1 report call notes are cited as the reason for the officers’ arrival to the scene. Further, Officer 1 relates in the notes that soon after arrival to the scene, he spoke with the victim, who was smoking a cigarette at a living room table. According to Officer 1, the victim appeared to have a “small scratch/cut about 1” in length above” her left eye. Upon talking to the victim, Officer 1 contends that the victim informed him that the space was a boarding house and that she and the suspect had lived together for approximately 2 months. Upon being asked about the incident, Officer 1 writes that the victim told him that she and the suspect had gotten into an argument regarding a mattress, leading the suspect to threaten the victim both physically and verbally—including grabbing a knife at one point. After the suspect grabbed the knife, the victim claims she attempted to call the police but was apprehended by the suspect and punched approximately 15 times in the face. In her defense, the victim claims she bit the suspect and eventually freed herself from his control; the suspect was also aided by a witness, who escorted the suspect out of the dwelling. Afterward, the victim called the police. The victim also told the police she feared that the suspect would harm her again, as he has done so in the past; however, the victim noted to Officer 1 that the suspect “does not have any guns or access to any guns.”

INVESTIGATION

Upon receiving the file, the investigator attempted to contact Complainant via certified mail, requesting that Complainant speak with the investigator regarding the incident. The letter was returned as unclaimed and could not be forwarded. Approximately a month later, the investigator attempted to reach Complainant by phone but was unable to. Further, Complainant’s number did not provide a voicemail option and the investigator was unable to leave a message resultantly. Though the investigator reviewed other evidence—such as the VisiNet and CAPRS reports—it was recommended that the complaint be “closed-pending further information” due to the lack of information regarding the allegations absent Complainant’s personal statements.