

---

## POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #7

April, 2016

---

### OVERVIEW

Complainant reported she was biking in a designated bike lane with her boyfriend, momentarily biking beside her on the right hand side next to the parked cars; a white truck was driving behind them with no oncoming traffic. Complainant alleges a police officer spoke over the megaphone and angrily demanded they pull to the side of the road and dismount their bicycles. Complainant reported she and her boyfriend complied. Complainant alleges the officer got out of his police car and upon approach, immediately began to reprimand her, saying she was biking in the middle of the road and holding up traffic; it was rude bicyclists like her that gave all bikers a bad name and how cars have every right to complain about it. Complainant alleges the officer said she did not have right of way on the road and that if a car was trying to pass her, it was her responsibility to move over and allow the car to pass because even on bike boulevards cars have the right of way. Complainant alleges the officer continued on in this manner for several minutes, berating her and unjustly accusing her of breaking the law; that the officer's body language and verbal berating bordered on harassment and she did not feel safe. Complainant reported she did not appreciate how unprofessional and rude this particular officer was towards her.

### THE COMPLAINT

Complainant reported she was biking in a designated bike lane with her boyfriend, momentarily biking beside her on the right hand side next to the parked cars; a white truck was driving behind them with no oncoming traffic. Complainant alleges a police officer spoke over the megaphone and angrily demanded they pull to the side of the road and dismount their bicycles. Complainant reported she and her boyfriend complied. Complainant alleges the officer got out of his police car and upon approach, immediately began to reprimand her, saying she was biking in the middle of the road and holding up traffic; it was rude bicyclists like her that gave all bikers a bad name and how cars have every right to complain about it. Complainant alleges the officer said she did not have right of way on the road and that if a car was trying to pass her, it was her responsibility to move over and allow the car to pass because even on bike boulevards cars have the right of way. Complainant alleges the officer continued on in this manner for several minutes, berating her and unjustly accusing her of breaking the law; that the officer's body language and verbal berating bordered on harassment and she did not feel safe. Complainant reported she did not appreciate how unprofessional and rude this particular officer was towards her.

### ALLEGED VIOLATIONS

OPCR Ord. § 172.20(2) – Inappropriate language or attitude

MPD P&P § 5-104.01 – Professional Policing: Officers shall be courteous, respectful, polite and professional when contacting any citizen, regardless of the reason for the contact

### COMPLAINT PROCESSING

The complaint was received via the online system and, soon after, sent to the joint supervisors for intake review. Upon review, the joint supervisors determined the matter be sent to coaching. Upon receipt and review of the coaching documents, the matter was closed.

## **EVIDENCE**

1. Complaint
2. VisiNet

## **SUMMARY OF EVIDENCE**

Complaint: In the complaint Complainant contends that she and her boyfriend were riding side-by-side on a clearly marked shared road for bicycles and cars with only a solitary vehicle behind them. While riding on the aforementioned street in the aforementioned manner, Complainant claims that Officer 2 told her and her boyfriend—by way of a megaphone—to pull over. According to Complainant, upon being pulled over, Officer 1 approached her and her boyfriend and “reprimanded” them for “biking in the middle of the road and holding up traffic.” Further, Complainant contends that Officer 1 told them that, “it was rude bicyclists that gave all bikers a bad name.” An alleged comment that Complainant believes was made in reference to her and her boyfriend. Complainant also states that Officer 1 further instructed them that it was the responsibility of bicyclists such as themselves to move for oncoming vehicles so as to let them pass. Complainant also states in the complaint she believes that the incident was an unjust accusation of breaking the law and the manner in which the officers handled the incident “bordered on harassment.”

VisiNet: In the report it is noted that officers were called to the scene of a “suspicious person.” It is also noted in the report that the officers had, “Advised cyclists of the rules of the road and needing to share the road with vehicles.”

## **COACHING**

The supervisor reviewed the coaching documents—including the complaint and VisiNet report—prior to calling Complainant. The supervisor also attempted to acquire surveillance footage, but uncovered that none existed regarding the event. The supervisor did not initially reach Complainant by phone, but was successful upon his second attempt. During his discussion with Complainant, the supervisor contends that Complainant told the supervisor that she felt “threatened” and “confused” by Officer 1’s actions. Complainant also told the supervisor that she and her boyfriend were riding abreast in order to avoid parked cars; she also stated that she was confused, initially, as to why they were being detained.

After speaking to Complainant, the supervisor called Officer 1 and 2 to his office to speak about the incident. Officer 1 contended that he did not really remember the incident as he had spoken to many such bicyclists (riding two abreast) in the past. Officer 2 also did not recall the incident. Nonetheless, Officer 1 and 2 acknowledged that they had established a protocol between them in which Officer 1 would speak to civilians and Officer 2 would hail them prior to. Though unable to recollect, Officer 1 told the supervisor that in similar circumstances he is not rude or disrespectful but direct and firm with civilians.

After the officers’ statements, the supervisor coached the individuals regarding the incident, though the supervisor did not find a policy violation. In particular, the supervisor discussed with Officer 1 and 2, “various scenarios and other strategies on how others could see direct and firm communication.” Later, the supervisor attempted to call Complainant to inform her of the coaching but was unable to reach her, leaving a message with her to contact him again. No record exists that a conversation did take place.