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## POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #7

May, 2016

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### OVERVIEW OF THE COMPLAINT

Complainant alleges an officer working off-duty at his work site approached him and stated "Hey, did you hear your father was killed?" When complainant did not know what the officer was talking about, he asked the officer "Who?" Complainant alleges the officer replied "Osama Bin Laden." Complainant also alleges the officer said "I f\*ck\*ng hate immigrants" and referred to Native Americans as "savages."

### ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(4) – Discriminatory conduct
2. 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.

### COMPLAINT PROCESSING

Following receipt of the complaint via the online system, the matter was put before the joint supervisors for review, who determined that it be sent to preliminary investigation. At the conclusion of the preliminary investigation, the investigator recommended that the matter be dismissed for "failure to cooperate" due to the Complainant's failure to respond to the investigator's attempts to reach him.

### EVIDENCE

1. Complaint
2. CAPRS

### SUMMARY OF EVIDENCE

Complaint: In the complaint, Complainant alleges that, while at work, an off-duty officer told him, "[H]ey, did you hear your [f]ather was killed[?]" In reply, Complainant contends that he asked for clarification, to which the officer told him "Osama Bin Laden." Complainant also asserts that the officer had told him on other occasions that he "hate[s] immigrants" and called Native Americans "[s]avages."

CAPRS: In the report, which precedes the Complainant's complaint, Complainant is charged with a Homeland Security Offense. Officer 1 notes in the report that Complainant has approached him and made "Anti[-]American comments and stated how he believes in Muslim extremism." In particular, Officer 1 contends that Complainant has told him that the United States should be ruled by Sharia Law and women should be without rights. Also, Officer 1 alleges that Complainant once approached him in an "over[-]friendly manner asked about police procedures in responding to bombings," having asked in particular "what would you do if a bomb went off [D]owntown?" In addition, Officer 1 claims that Complainant is very religious and does not associate with non-Muslims. Lastly, Officer 1 alleges that Complainant sated to him, "I think JIHAD is [sic] good thing [sic] for the most part it cleanses the earth of infidels."

## **INVESTIGATION**

In the investigative summary, the investigator notes that he reviewed the CAPRS report and the complaint. The investigator noted in the report that the officer's number is not logged in to the off-duty list for officers on the date of the incident listed in the complaint, putting in to doubt Complainant's claim that the officer was working off-duty when he allegedly made the statements to Complainant. Further, the investigator asserts that the officer had filed the criminal complaint several months prior to Complainant's misconduct complaint. Additionally, the investigator also notes that Complainant was unable to procure a position with the police department due to the Homeland Security Report filed by the officer. Lastly, the investigator states that he attempted to contact the complainant on numerous occasions—several times by phone and once by certified letter—to no avail. Without further participation from Complainant, the investigator recommended that the case be dismissed for “failure to cooperate.”