
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #2

October, 2016

OVERVIEW OF THE COMPLAINT

Complainant alleges that officers stormed into his home with guns drawn. Further, he contends that officers ignored his pleas to get his infant daughter from upstairs for 15-20 minutes. Finally, he contends that he was asked uncomfortable questions about his relationship with another individual and that--amongst others in the house--only his and his daughter's information was taken down.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(8) – Violation of P&P
2. MPD P&P § 5-104.01: Professional Policing: Officers shall use the following practices when contacting any citizen, regardless of the reason for the contact: Be courteous, respectful, polite and professional.

COMPLAINT PROCESSING

A handwritten complaint was submitted by Complainant to Internal Affairs, who then passed along the complaint to the Office of Police Conduct Review. After intake investigation, the matter was presented before the joint supervisors for intake review, whereupon they determined that it be dismissed for “no basis”.

EVIDENCE

1. Complaint
2. VisiNet
3. CAPRS Report

SUMMARY OF EVIDENCE

Complaint: In the complaint, the following is stated:

Officers/Swat team broke down doors, pointing guns at adults. When asked if I could go get my infant upstairs [,] I was ignored. After 15-20 minutes, I asked again and [Officer 1] walked me upstairs where [an] officer was standing over my baby w[ith] his gun. Later on in their investigation [,] they kept asking personal question about my relationship with [a suspect], and if I worked and where I worked. It was uncomfortable and irrelevant to their search. They even took my info and my daughter's info but no one else in the family. [Also, they] [d]id not notify my parol[e] officer. And for the SWAT team breaking down door was because I live [at] the home. Officer [2] also took some of my mail not pertaining to the investigation.

VisiNet: In the report, the problem is listed as “High Risk Warrant Entry.” In the Comments section, the following is noted: SEARCH WARRANT FOR ANIMAL CRIMES UNIT...ADVG DOG IS IN THE REAR YARD...BWC turned off at the request of the home owner...OFFICERS ARE CLEAR [one particular unit] STILL ON THE CALL.

CAPRS: Under Public Data, the following is stated:

Officers assigned investigators in executing a warrant...A1 [family member of Complainant] was booked for animal fighting...OFFICERS EXECUTED A SEARCH WARRANT AT THE ABOVE ADDRESS. IN TOTAL OFFICERS LOCATED 7 ROOSTERS, 9 HENS, 13 BABY CHICKENS AND 1 UNLICENSED DOG. MANY OF THE ROOSTERS EXHIBITED WOUND CONSISTENT WITH COCKFIGHTING INCLUDING PUNCTURE WOUNDS ON THEIR BODIES. SEVERAL OF THE ROOSTERS HAD SHARPENED SPURS, A TECHNIQUE USED TO INFLICT INJURY ON OPPONENTS IN A FIGHT. TWO OF THE ROOSTERS HAD DUCT TAPE ON THEIR SPURS, WHERE GAFFS OR RACORS CAN BE ATTACHED TO AGAIN INFLICT INJURY ON OPPONENTS IN A FIGHT. ALSO IN A THE BASEMENT OF THE ADDRESS OFFICERS LOCATED A ROOM WHERE ON[E] CHICKEN IN POOR HEALTH WAS CAGED, WHILE ANOTHER MUCH HEALTHIER ROOSTER WAS ALLOWED TO ROAM FREE, THIS TECHNIQUE IS DONE TO INCREASE AGGRESSION IN THE HEALTHY BIRD IN PREPERATION FOR A FIGHT. IN THIS SAME ROOM OFFICERS LOCATED WHAT APPEARED TO BE BLOOD STAINS AND SPLATTER ON THE FLOOR AND WALLS. THERE WAS ALSO A CARPET THAT HAD BEEN WRAPPED AROUND WIRE FENCING TO STAND UPRIGHT WHICH OFFICERS BELIEVE WAS USED AS CREATE A "PIT" FOR THE ROOSTERS TO FIGHT IN. A1 ADMITTED TO OWNING ALL ANIMALS AND BEING RESPONSIBLE FOR THEM. DUE TO THE TOTALITY OF EVIDENCE, A1 WAS BOOKED FOR PC ANIMAL FIGHTING.

Supplement 1: Officer 1 notes that he was at the scene to "assist in the execution of a warrant." While at the scene, Officer contends that officers announced themselves and entered the home. Officer 1 claims that he helped secure all the levels of the home and "encountered an older male and female in a north bedroom," who were taken from the room by other officers.

Supplement 2: Officer 2 asserts that he and other officers conducted a "NO KNOCK search warrant" at Complainant's residence. Officer 2 states that he was cover for point-of-entry into the home. Upon entering, Officer 2 contends that "one adult male"—who went down to his knees and placed his hands behind his head upon seeing officers—was encountered in the living room,.

Upon entering the dining room, Officer 2 claims that officers saw a sheet separating the living room and dining room. Upon removing the sheet, Officer 2 states that a woman appeared from a rear bedroom and she was told to come forward. Also, Officer 2 asserts that an elderly man, woman and a juvenile were found in another room and told to move to the living room.

Supplement 3: Officer 3 asserts that he served as point position for the warrant. Upon announcing the presence of officers and entering the home, Officer 3 states that an adult male was found kneeling with his hands up and he was ordered by officers to lie down. The officer relates that he also cleared the kitchen, a bedroom on the first floor, the garage, basement and the second story of the home.

Officer 3 asserts that he did not touch anyone or damage any property.

Supplement 4: Officer 4 contends that he helped to breach the front and garage doors, and also with clearing the main level of the home and basement.

Supplement 5: Officer 5 contends that he received a "No Knock search warrant" from a judge in order to search the home for evidence of "[c]ockfighting and animal cruelty". Further,

Officer 5 asserts that the “resident[']s violent history and an unconfined [p]itbull,” he and others advised the entry team to “secure the occupants” of the house prior to conducting a search.

After securing the area, Officer 5 alleges that 16 adult roosters, 13 chicks, 3 pigeons and 1 pitbull were found in the home, along with other “miscellaneous” items. All the evidence, Officer 5 asserts, was properly inventoried.

Supplement 6: In its entirety, states: “Animals used in cockfighting events.”

Supplement 7: Officer 7 asserts that he was knowledgeable of a warrant on the residence, a dog on the premises, and of the dangerous criminal history of a resident of the home. Officer 7 provided details of the positions assigned to each officer. Also, Officer 7 states that he instructed officers with body worn cameras to make sure that their cameras were off for “future [o]fficer [s]afety.” However, Officer 7 does claim that he told officer that they could turn on their cameras when encountering individuals outside the home post-entry.

Officer 7 claims that the front, outer door to the residence was locked and “was rammed open.” Next, Officer 7 states that the officers announced their presence and proceeded to ram open the main, front door to the home. Officer 7 contends that officers, “encountered several people in the home,” including a female who came out of a main-floor bedroom, several adults and a child from the main floor, and an infant upstairs. The individuals, Officer 7 states, were taken to the living room.

Officer 7 claims that officers also did the following: pen a dog found in the backyard; garage door was broken into; and he attempted to take a picture of Complainant, who refused.

Supplement 8: Officer 8 contends that assisted with the execution of the warrant, helping to clear the main floor and in handcuffing Complainant.

Supplement 9: Officer 9 claims that an officer received complaints about, “roosters crowing in the morning and waking up” a neighbor of Complainant. After receiving the complaint, Officer 7 states that the officer went to the residence and noticed that the owners had unlicensed chickens and a dog on the property. When doing research on a resident of the home, the main suspect, Officer 9 asserts that officers discovered that he made posts on a social media site referring to his birds making him money and to some kind of competitive record, leading officers to believe that the suspect was in cockfighting.

After receiving this information, Officer 9 contends that he went to the residence in plain clothes with an official from animal control to further investigate the residence. At the residence, Officer 9 states that he and the official noticed a pit-bull and several chickens in coops in the backyard and heard rooster crowing coming from the basement. Next, Officer 9 asserts that he and the animal control official spoke to the suspect, who told him that he did not have any chickens in the home. The suspect did, however, show him a rooster that was in the backyard, Officer 9 claims. According to Officer 9, the animal had an injury to its leg, which was covered with duct tape – a sign potentially that the animal was used in cockfighting due to the use of taped spurs in fights. Officer 9 allegedly confirmed this with an expert post-visit. Also, another individual came out of the home and began to speak to Officer 9; they developed a conversation about owning pit-bulls. In the midst of the discussion, Officer 9 claims that the individual asked him if his pit-bulls were “game dogs,” a reference Officer 9 believes was in relation to game-fighting.

After this, Officer 9 asserts that he presented the aforementioned evidence to a judge and received a search warrant.

A day prior to executing the warrant, Officer 9 contends that he did a surveillance of the residence and discovered a car licensed to an individual known to have been convicted for

attempted murder – crime benefiting a gang as a juvenile. On this information, Officer 9 claims that he requested and received a no-knock entry search warrant.

The next day, Officer 9 asserts that officers executed the warrant and discovered several adults and two children inside. After officers secured the area, Officer 9 claims that he began to remove animals from the residence. In doing so, Officer 9 claims he recovered roosters in the basement, and noticed what appeared to be blood spatter and a temporary ring-like structure made of carpet and chicken wire likely used to hem in roosters to prompt them to fight. Officer 9 contends that the suspect admitting to owning the birds but not to cockfighting; instead, he claimed to own the chickens in order to enter them into chicken shows. According to Officer 9, other items—including male with suspect’s name on it and other items—were removed from the home.

Supplement 10: Officer 10 asserts that he assisted in the search of the home and recovered 6 video tapes in a suitcase and a video game console.

Supplement 11: Officer 11 asserts that he assisted in the search of the home; of due note, Officer 11 claims that a small child was upstairs and that he escorted the “mother of the child upstairs to retrieve the baby and some baby formula.” He also further states that the mother and father, Complainant, were not handcuffed during the raid. While in the room, Officer 11 claims that he retrieved documents and mail that “appeared to be documents of animal fighting”; he also retrieved an envelope with 50 dollar in one dollar bills.

Supplement 12: Officer 12 claims that he assisted with the search of the home and noticed evidence of chicken fighting, including an opened bag of razors and “poultry wound spray”.

Supplement 13: Officer 13 contends that he assisted in the search of the home and located several electrical devices—including a cell phone and computer—in the infant’s room. He also retrieved mailing from Complainant and his wife.

Supplement 14: Officer 14 contends that he was called by Complainant who told him that officer’s had taken his mother’s pain medication and electronic devices, and he wished to have them returned. Officer 14 reportedly told Complainant that no medications with his mother’s or father’s names were taken, and that it would take time to search the data on the computer and phones, which made Complainant upset. According to Officer 14, Complainant told him that he had filed a complaint against the officer with the Office of Police Conduct Review. The call did not end on friendly terms, according to Officer 14.

Supplement 15: Note regarding the need to translate phone calls between suspect and his brother made from jail.

Supplement 16: Note regarding tapes that, allegedly, did not have any evidence of cockfighting.

DISMISSAL

After reviewing the evidence, the joint supervisors decided to dismiss the case for “no basis” based upon reports that indicated officers had a right to enter the home, remove items and question Complainant about his involvement due to the search warrant. Further, the actions of the officers did not appear to be a violation of 5-104.01 mandate to be professional as they allowed the Complainant and his wife to see their child, and also ensured that the parents remained un-handcuffed.