
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #8

December, 2016

OVERVIEW OF THE COMPLAINT

Complainant contends that he took pictures of a bicycle theft (stealing of a wheel) in progress, leading the suspect to become agitated with Complainant. Further, Complainant contends that the suspect did the following: attempted to steal his phone; blocked his path; and hit Complainant with his bike. Upon telling Officer 1 and 2 of what occurred, Complainant alleges that the officers who arrived at the scene failed to file a report despite there also being video of the incident. After posting a video of the suspect on a social media site and receiving information as to the suspect's identity, Complainant contends that he attempted to file a complaint again at the precinct with Officer 3, but was again ignored.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(6) - FAILURE TO PROVIDE ADEQUATE OR TIMELY PROTECTION
2. MPD 5-105 (E) (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.
3. **COMPLAINT PROCESSING**

The complaint was received by the Office of Police Conduct Review via the online system. Upon receipt of the complaint, an intake investigation was conducted and the matter was subsequently brought before the Joint Supervisors for intake review. Upon review of the complaint, the Joint Supervisors sent the matter to the precinct supervisor for “coaching”.

EVIDENCE

1. Complaint
2. VisiNet

SUMMARY OF EVIDENCE

Complaint: Complainant contends he called police in regards to an attempted theft and assault. When Officers 1 and 2 arrived at the scene, Complainant claim he told the officers that he witnessed a man attempting to steal a bike and that the man had assaulted him. According to Complainant, when the man noticed Complainant taking pictures of him, he: attempted to grab his phone; blocked Complainant's path; hit Complainant with his bike; threatened Complainant with making him his b*t*h; and began to follow Complainant. After telling Officers 1 and 2 the aforementioned, Complainant claims that no report was made.

Later, Complainant contends that he was able to ascertain the identity of his assailant by posting his assailant's picture on social media. According to Complainant, after he uncovered the identity of his assailant, he went to the precinct to try and file a criminal complaint. However, Complainant contends that he was rebuffed by Officer 3 who told him that he could not file a complaint as he was not the victim of the attempted theft.

VisiNet: The incident is labeled as “Theft” in the Problem section of the report. It is also noted in the report that “CLR WAS WITN & CONFRONTED M WHO WAS TRYING TO STEAL A BIKE. BIKE IS [PARTICULAR COLOR]. SUSP: WM 35YO 510/SMALL. CLR HAS A PIX OF SUSP.”

COACHING

The supervisor reviewed the VisiNet Report and attempted to contact Complainant on two separate occasions. However, the supervisor contends that Complainant never called him back. Despite Complainant’s failure to get back to the supervisor, the supervisor interviewed Officer 1. During the interview, Officer 1 took blame for not writing the report, claiming that Officer 2 would have written a report. As a result of this discussion, the supervisor found that Officer 1 had violated policy and was coached. In particular, the supervisor advised Officer 1 to take a report in the future when someone is in “fear[s] for his safety and...has a concern for his safety.”