
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #4
April 2017

OVERVIEW OF THE COMPLAINT

Complainant alleges that he and a friend were walking home from a bar when they encountered individuals driving past in a silver sedan. The individuals in the sedan exited and hit Complainant's friend and knocked her to the ground. Complainant alleges that he tried to intervene and one of the men from the car attacked him. Complainant alleges that he flagged down a squad and gave them the first three numbers of the license plate. The squad left after telling Complainant and his friend to wait. Complainant alleges that later, another squad passed and he tried to flag them down. Complainant alleges the drove past him with their window down but did not stop. Complainant alleges the same squad drove past again approximately one foot away from Complainant while he attempted to flag them down, but they did not stop. After they passed, Complainant yelled, "F*ck you" at the squad. Complainant alleges that the squad stopped, reversed, and told Complainant to put his hands behind his back. Complainant alleges that one of the officers stated, 'are you happy now that you are being arrested/detained?' Complainant alleges that he attempted to tell the officers why he was trying to flag them down but they would not listen. Complainant alleges that the officers accused them of being in a bar fight and would not take a report. Complainant alleges that he was placed in the squad car and driven several blocks from the incident site, leaving his friend alone on the street after she was assaulted.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(3) – Harassment
2. OPCR Ord. § 172.20(6) – Failure to Provide Adequate Protection

3. MPD P&P § 5-104 IMPARTIAL POLICING: All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority.
4. 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

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 preliminary investigation and assigned an investigator. At the conclusion of the preliminary investigation, the Joint Supervisors decided to dismiss the case for “no basis.”

EVIDENCE

1. Complaint

2. VisiNet activity log
3. Complainant Interview

SUMMARY OF EVIDENCE

Complaint: Complainant contends that he and a friend were leaving a bar early in the morning hours when his friend was assaulted by two individuals—a man and a woman—who had just exited a vehicle. Complainant asserts that he, too, was assaulted when he intervened to prevent the assault, getting assaulted in the process.

After his assailants fled, Complainant contends that he encountered and flagged down two officers in an SUV, who he informed of the assault. Complainant also claims that he gave the officers a vehicle description and told them of the last three digits of the license plate number.

According to Complainant, the officers left in search of the assailants.

After ten minutes had passed, Complainant states that another squad passed them by and he attempted to flag them down in order to ascertain if his assailants had been caught. However, Complainant asserts that the officers ignored him and drove off. Shortly after, Complainant contends that another squad vehicle approached and he tried to flag down the officers—coming out onto the street almost a foot away from the squad car in order to do so. Again, Complainant claims that the officers passed him by, leading him to utter “f*&k you” at the officers in anger.

Next, Complainant contends that the officers “came to a stop, backed up, got out of the car and told him to put his hands behind [his] back.” Complainant believes the officers told him that he was being “arrested/detained,” to which he retorted that he only wished to know the status of the apprehension of his assailants.

Complainant asserts that the officers questioned him about the number of phones he had—he claims that one was for work; another for personal use; and the third belonged to his friend. He also claims that the officers diminished his assault by referring to it as a “bar fight” and by not taking into consideration that he and his friend were “jumped.”

Lastly, Complainant contends that the officers who passed him initially were the same as the ones who later “arrested/detained” him.

VisiNet activity log: The log shows that Officers 1 and 2 performed a driver’s license check on Complainant the night in question.

Complainant interview: During his interview, Complainant asserted that he had recently left a bar when he ran into his friend—who was a bit intoxicated—and offered to walk her home. Next, Complainant states that a black male and white female in a car abruptly stopped close to Complainant and his friend. Complainant claims that the female shouted out of the window, “Do you want to fight me now b*-&\$h?” After this, Complainant states that the white female, accompanied by the black male—who Complainant described as “big”—exited the vehicle. Complainant claims that the black male told him something to the effect of, “This is between them. Leave them alone.” Subsequent to the statement, Complainant asserts that his friend was punched in the face by the female, leading her to fall to the ground.

In response, Complainant contends that he “intervene[ed]” and told the male and female that they have “to leave now.” According to Complainant, the male replied “[y]ou wanna make me” and began pushing Complainant back, forcing Complainant to nudge the male. Eventually, Complainant claims that the male threw numerous swings, punching him in the head. Complainant asserts that this lead him to push the male back. Complainant states that the altercation lasted around 10-15 seconds. After the assault, Complainant asserts that the male and female got back in their car and drove off.

Just moments after the assault, Complainant asserts that he was able to flag down officers in a police Sports Utility Vehicle, who he told of the assault and gave both a description of his assailants and their vehicle. After describing such, Complainant asserts that the officers asked him if a car they had recently passed was the same as the one the assailants were driving, to which Complainant states that it was. After this, Complainant claims that the officers left in search of the assailants.

According to Complainant, after ten to fifteen minutes had passed, he noticed a squad car approaching and attempted to flag the officers down. Complainant asserts that he did so in order to get an update about the search for the assailants as he wished to walk his friend home. Complainant claims that the officers were driving around 15-20 miles per hour and had made eye contact with Complainant; nonetheless, Complainant contends that the officers drove past him.

After this, Complainant states that another squad car came down the street and he attempted to flag the officers down, going so far as stepping out onto the street and getting within a foot or two of the squad vehicle. Complainant claims that, unbeknownst to him, the officers were the same ones who had passed him minutes earlier. Again, Complainant claims that the officers passed him, leading him to shout "F*\$k you" in anger after they passed.

Complainant asserts that the statement led the officers to bring the vehicle to a "screeching halt...threw it into reverse, backed up, got out of the car" and said something to the effect of "Well, are you happy now?"

Next, Complainant contends that the officers told him to "lean up against the car" and "put his hands behind his back." Complainant also claims that the officers emptied things from his pockets and placed him in the back of their squad—he does not remember, however, if handcuffs were placed on him. He states that the officers drove him for two blocks.

During the course of custody, Complainant claims that he told the officers of the assault and that he flagged them down in order to find out the status of the police search. Complainant contends that the officers asked him for personal information—such as his address—and also inquired as to the reason he had three phones. Complainant contends that he responded to the later question by asserting that one phone was his personal phone; another was for his work with a cell phone company; and the third belonged to his friend. Further, Complainant asserts that the officers sarcastically remarked the following: "You're goin' to the U of M and you think you're so smart."

Complainant contends that he was in custody for approximately 15-20 minutes before being released. Upon being released, Complainant asserts that the officers told him, "You gonna think twice before swearin' at an officer again?"

INVESTIGATION

During the investigation, the investigator interviewed Complainant and reviewed all the evidence. However, the investigator was unable to bring in Complainant's friend for an interview, claiming that she "refused to speak" about the situation.

