
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #3
July 2017

OVERVIEW OF THE COMPLAINT

Complainant contends that she witnessed an assault and tried to alert an officer about the incident. However, Complainant asserts that she was quickly "dismissed" by the officer several times. Eventually, Complainant claims that the officer "cut [her] off" and "raised her voice" toward Complainant. Complainant alleges that when she asked for the officer's name, the officer replied "O[h] please".

ALLEGED VIOLATIONS

1. 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. Introduce or identify themselves to the citizen and explain the reason for the contact as soon as practical, unless providing this information will compromise the safety of officers or other persons. Ensure that the length of any detention is no longer than necessary to take appropriate action for the known or suspected offense. Attempt to answer any relevant questions that the citizen may have regarding the citizen/officer contact, including relevant referrals to other city or county agencies when appropriate. Provide name and badge number when requested, preferably in writing or on a business card. Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop). If asked, provide the procedures for filing a complaint about police services or conduct.

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 the appropriate precinct for coaching. After the officer's supervisor completed the coaching investigation, the coaching documentation was received by the Joint Supervisors, who then approved it.

EVIDENCE

1. Complaint
2. VisiNet Report
3. CAPRS Report
4. Video

SUMMARY OF EVIDENCE

Complaint: Complainant contends that she witnessed an assault and tried to alert an officer about the incident. However, Complainant asserts that she was quickly "dismissed" by the officer several times. Eventually, Complainant claims that the officer "cut [her] off" and "raised her voice" toward Complainant. Complainant alleges that when she asked for the officer's name, the officer replied "O[h] please".

VisiNet Report: The Problem section is listed as "Robbery of a Person." The caller for the robbery is not Complainant and is noted in the file that the call was changed from "Fight" to robbery. No notes exist that pertain specifically to Complainant or her interactions with the officer.

CAPRS Report: The Public Data section states that the victim was allegedly fighting against “6 males” and that no suspects remained on the scene when officers arrived. It also states that the suspects took a money order and cash from the victim.

Complainant is listed as a witness – her personal information, including phone number, is provided on the report. Officer 2—not the focus—wrote in his report that Complainant had witnessed the event, specifically stating that she saw young men attack the victim and go to a nearby apartment.

Body-Worn-Camera Video: Complainant can be seen standing on a boulevard pointing to somewhere off-camera. Complainant can be heard saying that the suspects had gone into a nearby apartment complex. Officer 2 is standing with the victim, who appears visibly shaken and has his shirt torn. The victim is also yelling across the street, saying that he is “gonna kill a motherf***er.” The Focus Officer yells “hey” toward the victim, and further tells him that she will not do a report if he continues to make threats.

The victim tells the Focus Officer “what would she do” and also tells her that he is very upset; he also apologizes.

Complainant can be heard telling Officer 2 that she saw the victim get “jumped” and wants to make sure that the “proper thing gets done.” Complainant also points out the victim’s injuries to the officers, that the victim is harmless and is “a part of the neighborhood.”

The Focus Officer asks the victim if he wants an ambulance and he states that he doesn’t. The victim states that he is disoriented and Complainant again states that victim doesn’t “bother [any]body.” After stating such, the Focus Officer tells Complainant, “Honey, we can get it.” In response, Complainant turns to the victim and tells him that he can call her if he needs anything; she also informs him that she is leaving because the Focus Officer is “rude.” Further, Complainant asks for the Focus Officer’s badge number and the Focus Officer replies with “Oh, please.” After stating such, the Focus Officer provides her badge number and Complainant walks away.

COACHING—NO POLICY VIOLATION OR COACHING

According to the supervisor, he attempted to contact Complainant but the number she provided was no longer in service and she failed to respond to his requests to provide a new one—or otherwise converse with him/her—by email. Nonetheless, the supervisor claims that he reviewed the police report and body-cam footage and came to the conclusion that no violation was occurred or coaching necessary as the officer only yelled at the victim to stop making threats and “politely” interjected, not dismissing, when Complainant was talking to the officer. Further, the supervisor contends that though the Focus had said “Oh, please” when her badge number was requested of her, she still complied with the request.

Also, the supervisor claims that the Focus Officer told him that Complainant returned two more times to the area, repeatedly asking for her name and badge number, and she again complied with those requests.

In essence, the supervisor claims no violation was found or coaching done as Complainant was: “was allowed to give her information for the report[;] she was allowed to tell the Officers what she saw[;] and she was given the Officers name and badge number when she asked.”

