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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #5  
September 2017

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**OVERVIEW OF THE COMPLAINT**

It is alleged that the officer improperly made a request for overtime as he was already assigned to off-duty work. Further, when the officer discovered that his overtime request had been denied, it is alleged that the officer sarcastically responded to his supervisor, "Did you really cite my report and log off [sic] time? Keep the hour. A donation."

**ALLEGED VIOLATIONS**

1. MPD P&P § 5105 (A)(3) – PROFESSIONAL CODE OF CONDUCT: "Employees shall treat all fellow employees with respect. They shall be courteous and civil at all times with one another. When on duty in the presence of other employees or the public, officers should be referred to by rank."
2. MPD P&P § 3-800 (A)(17)(c) – OFF-DUTY EMPLOYMENT: "The following provisions apply when an employee working off-duty is directed by MPD to act or otherwise becomes engaged in activities unique to law enforcement thereby qualifying for compensation from MPD: The officer shall take appropriate action so that he/she is not compensated by the off-duty employer for the same hours for which he/she is compensated by MPD."

**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. CAPRS Report
3. VisiNet Report

**SUMMARY OF EVIDENCE**

Complaint: Complainant asserts there are two request of over-time compensation, one being 0230-0300 hours and the other being 0300-0330 hours. Complainant alleges that the officer attempted to receive compensation from the city for 0230-0300 hours, in which he had already been compensated for by his Off-Duty employer, as well as his attempt to receive compensation from the city, 0300-0330 hours, involving time for work he could not account for or give an explanation about upon request. Complainant contends that he rejected the officer's submission for over-time compensation, sent the officer an email requesting more information, but the officer replied with an unprofessional and disrespectful email. Also, the Complainant asserts that he could not find an application/approval for the officer's Off-Duty work for the Night Club, which there are six other officers approved to work Off-Duty at the Night Club, start time being 2300 and the end time being 0300.

CAPRS Report: The report states that the officer, while working Off-Duty for a Night Club, was monitoring the exit doors. A man walked out of the exit doors yelling as he walked. As the man

was walking he plowed into people causing verbal interactions. The man pushed another male causing them to fall to the ground, turning it into a wrestling match. The officer walked over and used his small department issued mace, spraying both men. The officer called out on channel that a fight was happening. Squad cars arrived and the original man who caused the disturbance was arrested.

VisiNet Report: The report indicates that the officer called for backup because the problem changed to a fight.

### **SENT TO COACHING**

According to the supervisor, the officer signed up in WFD for his Off-Duty job and listed the hours 2300-0300 hours. The officer stated that he would never jeopardize his career and be compensated by both the Off-Duty Employment and his primary job with the MPD. The officer believed that the Off-Duty Employment shift was over at 0230, and that next time he will confirm the hours he is getting paid for by the Off-Duty Employment. The officer said he has worked Off-Duty jobs for years and has always put in a job request, so he cannot explain why or how a job request was not completed for this particular Off-Duty job, but he took responsibility for it.

The officer did admit to sending the unprofessional email to his Sergeant and takes responsibility for his action. He also stated that he did not know this Sergeant and had never had contact with him prior. The officer claimed that he was very upset that his truthfulness, integrity, and professionalism were questioned and that he was being checked. However, the officer admitted that he would not have sent the email knowing that what he sent was not a professional response. In the end, the officer admits to and accepts responsibility for his actions regarding the email sent.

The supervisor found that there was no policy violation for MPD P&P 3-800 Off-Duty Employment, however the supervisor found that there was a policy violation for MPD P&P 5-105 Code of Conduct. The officer was coached on both policies.