
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #7
September 2017

OVERVIEW OF THE COMPLAINT

Complainant contends that an officer, after speaking to two other individuals, asked Complainant if he had assaulted a woman earlier. Complainant states that he told the officer "no" in response. In turn, Complainant alleges that he told the officer that he had been assaulted by the individuals with who the officer was speaking to previously. Further, Complainant asserts that when he attempted to press charges against his assailants, the officer told him that there was "no law against fighting & he was going to do more paperwork because N*gg*rs [sic] were going to kill one another." Next, Complainant contends that he was surrounded by the individuals, and requested if he could speak to another officer. In reply, Complainant asserts that the officer stated that he didn't want another squad to "waste their time with you n*gg*rs," nor with "a f*gg*t"--speaking in reference to Complainant. Complainant claims that the individuals began to surround him, and Complainant expressed his desire not to fight them. Nonetheless, Complainant contends that the officer only cautioned Complainant's assailants to fight Complainant one-on-one. Complainant contends that, after "turning his back towards the officer," he was struck in the back of the head, fell to the ground, and kicked and punched numerous times while on the floor. Afterward, Complainant contends that the officer told him to leave the premises.

ALLEGED VIOLATIONS

1. MPD P&P § 5-105 (C) (2) – PROFESSIONAL CODE OF CONDUCT: Employees shall not use any discriminatory, derogatory or biased terms regarding race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age, marital status, public assistance, or familial housing.
2. MPD P&P § 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.

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 an investigation, and then to a panel review, which resulted in them finding no merit for the first allegation but merit for the second allegation. The officer was reprimanded and coached.

EVIDENCE

1. Complaint
2. VisiNet Report
3. 911 Audio
4. Statement of Officer
5. Statement of Complainant
6. Statement of Witness
7. Review Panel Recommendation
8. Case Finding Memorandum

SUMMARY OF EVIDENCE

Complaint: Complainant contends that the officer was talking to three people, and while talking to them he commanded the complainant to go over to him. The complainant alleges that he walked over to the officer and asked if he had assaulted a woman earlier, and the complainant replied no, but that he had been assaulted by the three individuals he was talking to. The complainant asserts that the officer replied, "there was no law against fighting and that Ni**ers want to kill one another." The complainant states that the three individuals were surrounding him and the officer, and asked if there was another officer he could talk to and the officer said, "I'm not going to have another squad waste their time with you ni**ers." The complainant contends that the officer stepped to the side and said that if they were going to fight it had to be one on one, in which the complainant asserts that the wasn't going to fight. The complainant contends that he then turned his back to the officer and was struck from the back, in which he began to crawl away and ran into a building. The complainant asserts that he later went outside when another squad car had arrived, approving the newly arrived officer, he asked the complainant to leave before he were to arrest him.

VisiNet Report: The report indicates that the focus officer responded to a fight, the officer changed incident priority from none to 1, the officer called for backup, and then the fighting parties left.

911 Audio: The caller confirms that there is a fight between ten people in the apartment building. The dispatcher radios to an officer informing him about the fight. It is recorded that a second person called 911 about the fight. The original caller called to update the dispatcher, and the dispatcher informed the caller that officers are on their way. The dispatcher updates the officer that the fight has moved location. A third caller asserts that the fight is now outside, and states that there should be more than one officer. The officer radios in that he needs a "better" officer. The dispatcher calls another officer to assist the original officer.

Statement of Officer: The report indicates that the officer confirmed he went to the apartment because of the fight. He alleges that he verbally intervened in attempt to break up the confrontation, and the apartment manager was not satisfied with the officer's inability to remove the people, so the officer radioed for another officer for backup. The officer tells his side of the story and ends the conversation being irritated with what the complainant alleged.

Statement of Complainant: The report shows that the complainant correctly identifies the officer from an 8x10 sheet of power with two officers on it and has the same story as what was originally in the complaint. He adds that as a result of the assault he had to get surgery on his arm.

Statement of Witness: The report shows that the witness confirms that there was a fight.

Review Panel Recommendation: The report shows that the panel found no merit for the first allegation, in which the complainant alleged that the officer used discriminatory/biased terms regarding race/color. The panel found merit for the second allegation, in which the complainant alleged that he was assaulted by the three individuals in the presence of the officer, and that the officer did not take appropriate action.

Case Finding Memorandum: The report shows that the first allegation is unfounded and the second violation is actually a Category (B) Level, but it is elevated and sustained as a Category (C) Level because of prior sustained (B) violation for a code of conduct within the reckoning period.

REVIEW PANEL

According to the review panel there was merit for violation of the second allegation, in which the officer will receive a letter of written reprimand as discipline. The panel also recommended that

the officer receive coaching to ensure full understanding of the requirement for officers to take action to stop unlawful, harmful, or damaging behavior that occurs in the officer's presence, and review and an examination of the 6 pillars as described in The Final Report of The President's Task Force on 21st Century Policing.

During coaching the supervisor and the officer discussed his failure to intervene during a fight to stop the unlawful behavior, and reviewed The Final Report of The President's Task Force on 21st Century Policing. They also reviewed the expectations for the future, which the officer plans to de-escalate appropriately and intervene when needed to stop unlawful behavior. The officer will utilize best practices when handling 911 calls for service in the future. Last, the supervisor and officer discussed the officer's plan to de-escalate appropriately and intervene when needed to stop unlawful behavior. The officer will utilize the 21st Century Policing best practices when handling 911 calls in the future. The officer takes full responsibility for his actions and has a plan to correct them moving forward.