
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #4
December 2017

OVERVIEW

It is alleged that an officer pushed a compliant subject—who had been asked to leave a local shelter—to the ground, leading the subject to strike his head against the pavement. Further, it is alleged that the officer continued to antagonize the injured subject while waiting for EMS to arrive, including disclosing his criminal record in public and mocking him for being unable to remember the officer’s badge number. Also, it is alleged that a second officer was unprofessional in initially apprehending the subject by yelling at him upon encountering the subject.

THE COMPLAINT

1. MPD P&P § 5-301.01 – USE OF FORCE Based on the Fourth Amendment’s “reasonableness” standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.
2. MPD P&P § 5-304 (B) – DE-ESCALATION Whenever reasonable according to MPD policies and training, officers shall use de-escalation tactics to gain voluntary compliance and seek to avoid or minimize use of physical force.
 1. When safe and feasible, officers shall:
 - a. Attempt to slow down or stabilize the situation so that more time, options and resources are available.
 - i. Mitigating the immediacy of threat gives officers more time to call additional officers or specialty units and to use other resources.
 - ii. The number of officers on scene may make more force options available and may help reduce overall force used.
 - b. Consider whether a subject’s lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 - Medical conditions
 - Mental impairment
 - Developmental disability
 - Physical limitation
 - Language barrier
 - Influence of drug or alcohol use
 - Behavioral crisisSuch consideration, when time and circumstances reasonably permit, shall then be balanced against incident facts when deciding which tactical options are the most appropriate to resolve the situation safely.
 2. De-escalation tactics include, but are not limited to:
 - Placing barriers between an uncooperative subject and an officer.
 - Containing a threat.

- Moving from a position that exposes officers to potential threats to a safer position.
 - Reducing exposure to a potential threat using distance, cover or concealment.
 - Communication from a safe position intended to gain the subject's compliance, using verbal persuasion, advisements or warnings.
 - Avoidance of physical confrontation, unless immediately necessary (e.g. to protect someone or stop dangerous behavior).
 - Using verbal techniques to calm an agitated subject and promote rational decision making.
 - Calling additional resources to assist, including more officers, CIT officers and officers equipped with less-lethal tools.
3. 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. (07/24/15)
 - 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 determined that the matter should be referred to training for an evaluation the officers' proficiency on application of lower force use and training as necessary. Training was directed to send a memo back to the Joint Supervisors on what occurred. Due to the file being referred the case was closed but when the training memo is complete, it will be added to the file.

EVIDENCE

1. Complaint
2. CAPRS Report
3. VisiNet Report

SUMMARY OF EVIDENCE

Complaint: An email was received from an Internal Affairs investigator after viewing the incident during a force review. The email requested that the Joint Supervisors review the matter to determine if further action was needed.

VisiNet Report: The VisiNet Report indicates that officers responded to an unwanted person call asserting that the subject of the incident was harassing the caller. Officers changed the incident from none to 2. Officers report force used. EMS was also called and call was cleared after EMS transported subject to the hospital.

CAPRS Report: The CAPRS report states that shelter staff requested that the subject leave but he refused. Officers arrived and found subject in the lobby refusing to leave. Two officers then began to escort him off the property until he turned around to face them and one officer pushed the subject. The officer states he pushed him because previous attempts to escort him without pressure were not working and officers were struggling to remove him. The subject then stumbled backwards after the push and hit his head on the concrete. The officer states that the subject was intoxicated and that he fell in that manner because he was intoxicated.

TRAINING MEMO PENDING