
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #8
December 2017

OVERVIEW

Complainant alleges that two people close to him were having an argument when an "unknown officer deployed mace without warning [,] hitting [Complainant] in the face." Further, Complainant contends that the officer failed to assist him and he went to a nearby convenience store to find water to flush his eyes out. Upon exiting the store, Complainant asserts that a person, who identified himself as an officer, knocked him onto the ground, breaking his watch in the process. Complainant claims that the officer who maced him also witnessed the incident and told Complainant that the person who "knocked" him to the ground was not an officer.

After the aforementioned, Complainant asserts that he went to the nearby precinct to file a complaint. While attempting to do so, Complainant contends that officers "cursed at [him]," telling him "something to the effect of were not your f***ing babysitters." Complainant also claims that he was "denied the use of a phone to secure a safe ride home and had to pay a stranger on the street" for transportation. He also asserts that officers told him that a supervisor would contact him but one never did.

THE COMPLAINT

1. MPD P&P § 5-313.01 USE OF CHEMICAL AGENTS – POST EXPOSURE TREATMENT/MEDICAL AID

Post exposure treatment (Medical Aid) for a person that has been exposed to the chemical agent shall include one or more of the following:

- Removing the affected person from the area of exposure.
- Exposing the affected person to fresh air.
- Rinsing the eyes/skin of the affected person with cool water (if available).
- Render medical aid consistent with training and request EMS response for evaluation at anytime if necessary

Sworn employees shall keep a person exposed to the chemical agent under close observation until they are released to medical or other law enforcement personnel. An officer who has used a chemical agent shall inform individuals accepting custody that it was used on the person.

Use of chemical agents to prevent the swallowing of narcotics is prohibited.

A CAPRS report shall be completed when chemical agents are used.

2. 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 sent the matter to coaching so that the supervisors may attempt to uncover the interactions between complainant and desk officers upon trying to fill out a complaint. The complaint regarding mace was dismissed as the men maced appeared to be engaged in physical aggression towards each other and an officer appeared to be trying to pull them apart.

EVIDENCE

1. Complaint
2. CAPRS Report
3. VisiNet Report
4. Blue Card given to complainant

SUMMARY OF EVIDENCE

Complaint: Complainant alleges that police deployed mace on two men who were arguing in close proximity to him and then did not render any medical aid. Complainant then alleges that a security guard approached him when he left the area to wash his eyes and that the security guard pushed him on the ground and as a result, his watch with sentimental value was broken. Complainant was under the impression that the security guard was a cop until an officer told him the person was not after witnessing the event. Complainant then asserts that he went to the nearby precinct to file a complaint. While attempting to do so, Complainant contends that officers "cursed at [him]," telling him "something to the effect of were not your f***ing babysitters." Complainant also claims that he was "denied the use of a phone to secure a safe ride home and had to pay a stranger on the street" for transportation. He also asserts that officers told him that a supervisor would contact him but one never did.

VisiNet Report: The VisiNet Report indicates that officers responded to a fight call. Officers changed the incident from onsite to fight. Officers then call for backup and subsequently clear the call.

CAPRS Report: The CAPRS report states that officers were patrolling the area when they observed a fight. Several men were surrounding another man and trying to calm him down but an officer reports that he was still aggressive and agitated. An officer grabbed the aggressive man by the arms and tried to control him but was unsuccessful. As a result, another officer who had come to the scene after patrolling the area heard someone yell fight. The second officer sprayed the man with mace after pushing the first officer out of the way. The officer who sprayed the mace reported that due to the wind and amount of mace deployed that others nearby were affected by the mace. Officers reported that all those impacted by the mace were asked if they needed medical assistance and/or an ambulance and all of them declined. The first officer reports that a man came up to him stating he was sprayed even though he was not involved in the incident. The officer reports that he gave the man his badge number and told him he could file a complaint at first precinct. The officer also reports the same man approached him several times.

Blue Card: Complainant provided the blue card that shows the officers provided several badge numbers.

SENT TO COACHING

This matter was sent to coaching to determine who the desk officer was who interacted with complainant and determine what occurred. A precinct supervisor contacted complainant but complainant did not return voicemails left for him. With only the complaint the precinct supervisor was unable to identify who the desk officer involved was. The supervisor spoke with the officer who was signed in around the time of the complaint. That officer did not recall any interaction like the one described in the complaint. Even though the desk officer in question could not be identified, the supervisor spoke with the officer who was signed in at the time of the incident about how to properly deal with complainants.