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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #5  
March 2018

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**OVERVIEW OF THE COMPLAINT**

It is alleged that the officer failed to wear his wireless microphone during the course of a stop

**ALLEGED VIOLATIONS**

1. MPD P&P § 4-218 (IV)(A)(4) - MOBILE AND VIDEO RECORDING: The driver shall wear the wireless microphone, verify that it is turned on and shall be responsible for ensuring that it is working properly throughout the shift.

**COMPLAINT PROCESSING**

The joint supervisors created the complaint after an investigator noticed the potential violation during the course of his investigation into a separate complaint.

**EVIDENCE**

1. VisiNet 1
2. VisiNet 2
3. Statement of Officer
4. Statement of Officer 1 Review
5. Video relating to VisiNet 1
6. Video relating to VisiNet 2

**SUMMARY OF EVIDENCE**

VisiNet 1: In the report, the Problem is listed as Traffic Law Enforcement and occurs approximately two and a half hours prior to the incident at the subject of the complaint. In the notes section of the report, the officers noted that the civilian was pulled over for “using phone while operating motor vehicle.”

VisiNet 2: This is the report of the incident at the center of the complaint. The Problem section in the report is listed as Traffic Law Enforcement. The officers assigned to the call are the same as those listed in VisiNet 2. After being assigned the call, the call is listed as completed about twenty minutes later. Also, in the Comments section of the report a citation number is listed.

Statement of Officer 1: In the interview, the investigator asserts that he showed Officer 1 a video from an incident which precedes the complaint. Following this, Officer 1 admits that he was not the driver in that instance and also that there is audio from Officer 2 of the stop.

Further, Officer 1 admits to knowing of the MVR policy prior to responding to the second incident and also that he was issued a microphone; he also asserts that he was the driver during the pullover for this incident. Officer 2 also acknowledges that he had the microphone with him during the incident. Lastly, Officer 2 asserts that there is no audio from the traffic stop and was not certain if the microphone was on his person.

Video relating to VisiNet 1: Officers are seen conducting a traffic stop and there is video with audio from Officer 2’s microphone.

Video relating to VisiNet 2: Officers are seen conducting a stop and there is no audio from Officer 1, who was the driver and officer who approached the driver of the stopped vehicle.

## **REVIEW PANEL**

The review panel found merit to the sole allegation against Focus Officer—4-218 (IV)(A)(4). In particular, the findings stated that the officer had been issued a microphone and “there was no evidence that he had reported it to be broken or missing.”

Upon recommendation from the disciplinary panel, the Chief dropped the discipline from a ten-hour suspension to a letter of reprimand.