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## POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #9

April 2018

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### OVERVIEW OF THE COMPLAINT

Complainant alleges his landlord threatened them and locked them in a room. Complainant alleges he escaped and called the police. Complainant alleges officers returned with him to the duplex but did not take the incident seriously. Complainant alleges officers were only there for 7 minutes. Complainant alleges his roommate requested an interpreter so the officers could understand what they were saying. Complainant alleges the officers did not investigate, and after they left the landlord attacked them. Complainant alleges he spoke with an officer and was told to go report the incident to the precinct. Complainant alleges the precinct would not help them, and would not use an interpreter.

### ALLEGED VIOLATIONS

1. MPD P&P § 5-105(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.
2. MPD P&P § 71001 (IV) (A)(1) – LIMITED ENGLISH LANGUAGE PROFICIENCY: *Responding Police Personnel Responsibilities* - Police personnel in the field in need of interpretation services shall attempt to identify the LEP individual's primary language by asking the LEP person what language they speak or by using the Language Identification Card. Once the language has been identified, police personnel shall contact a City vendor as outlined in this policy and the LEP Guide which is located on MPD Net under Manuals and Guides.
3. MPD P&P § 4-601 REPORT RESPONSIBILITY:  
Serious or major crime reports, all domestic abuse-related crime reports, and all reports when a person has been placed in custody shall immediately be entered directly into CAPRS. All handwritten reports must be submitted for entry into CAPRS by the appropriate transcription staff.

### COMPLAINT PROCESSING

The complaint was filed, an intake investigation conducted, and the matter was brought before the joint supervisors for intake review, who then approved it for investigation. Upon completion of the investigation, the matter was brought before the review panel, who found merit as to MPD policies 7-1001 and 4-601.

### EVIDENCE

1. Complaint
2. VisiNet Report 1
3. VisiNet Report 2
4. CAPRS Report
5. Statement of Complainant
6. Statement of Witness
7. Statement of Officer 1
8. Statement of Officer 2

### SUMMARY OF EVIDENCE

Complaint: Complainant alleges his landlord threatened them and locked them in a room. Complainant alleges he escaped and called the police. Complainant alleges officers returned with him to the duplex but did not take the incident seriously. Complainant alleges officers were only there for 7 minutes. Complainant alleges his roommate requested an interpreter so the officers could understand what they were saying. Complainant alleges the officers did not investigate, and after they left the landlord attacked them. Complainant alleges he spoke with an officer and was told to go report the incident to the precinct. Complainant alleges the precinct would not help them, and would not use an interpreter.

VisiNet 1 Report: The Problem is listed as Tenant Trouble and was created 8 days prior to VisiNet 2. Further, it is noted in the comments section:

M CLR W/LANG BARRIER GAVE ABV LOC..STATE HIS LANDLORD WAS INTIMIDATING HIM..LINE DISC/CLR CALLED IN ON AN ADMIN LINE CLR CB..STATED HIS LANDLORD THREATENED TO SHOOT HIM 40 MINS AGO...

VisiNet 2 Report: The Problem section of the report lists it as an “Assault Report Only.”

CAPRS Report: The public comment section states that “[v]ictims were prevented from leaving above by suspect/roommate and punched by S1[,] then threatened by S2—S1’s wife.”

*Supplement 1:* According to Officer 3, Complainant walked into the precinct to file a criminal complaint after his interactions with Officers 1 and 2 led to no such report. Officer 3 asserts that the complainant told him that he and his roommate were threatened by their landlord with physical assault due to a dirty kitchen. Officer 1 also asserts that the complainant told him that the landlord demanded an increase in rent and blocked the doorway, preventing their ability to exit the room.

Officer 1 also notes that the victims were:

...unable to explain the situation with any clarity [to the responding squad] due to a language barrier and lack of language usage. The officers accompanied victims back to above and were told to work it out, according to both victims.

Statement of Complainant: [The interview, done with the assistance of an interpreter, is as follows:] Complainant asserts that his accused assaulter was his landlord, who had prevented him and his cousin from leaving their room—locking the door and telling them they cannot leave. Complainant asserts that the incident arose due to a “mess” that the landlord accused Complainant of leaving in the kitchen, a common area to others that lived in the home.

Complainant asserts that during the false imprisonment the landlord told him and his cousin that the landlord’s family was coming over to deal with them and they would be “surprised of what he was going to do to [them].” Complainant asserts that the false imprisonment carried on for 25-30 minutes. At one point, Complainant claims that he and his cousin tried to leave but were pushed away by the landlord, who at the same time uttered “death threats” against them.

According to Complainant, he went to see an attorney and a domestic violence center regarding the matter. Also, Complainant asserts that he called the police once they were eventually freed from the room, even waving at a patrol car as it passed them. Complainant claims that they told the officers, by way of another person who translated, about what occurred but were instead told by police that “they don’t have that kind of service.” However, Complainant claims that they were still able to get the police to come to the apartment to “see” how they were being treated.

Complainant asserts, though, that the police quickly entered and left soon after despite pleas from Complainant’s cousin that the landlady was attacking them. Further, Complainant contends that the officers threatened to put him and his cousin in jail “if there were more problems.”

Complainant claims that the report that was made regarding the incident did not have his name or that of his cousin on it. Also, he asserts that the officers told him that he and his cousin could no longer enter the home. He also states that, when the officers arrived, members of the landlord's family were also present.

Statement of Witness: Witness asserts that he and his cousin—Complainant—lived with the landlord for close to two years. Complainant claims that the landlord used to constantly hit, threaten and humiliate them for any reason. Witness also asserts that the landlord always wanted a “super clean” kitchen and made an issue regarding the mess left by Complainant. Witness contends that he told the landlord not to worry as he would clean the kitchen. Witness also asserts that he told the landlord not to tell his cousin anything as he has a heart problem.

He also contends that the landlord prevented them from leaving his apartment and began to threaten them, at times using “obscene” words like “son of a bitch.” He also claims that the landlord told them, “Don’t you feel bad that I’m humiliating you and hitting you every single time that...don’t you feel bad about it?”

Witness also claims that, during the false imprisonment, the landlord hit them, closed the door and cursed at them for about thirty minutes. He also claims that the landlord said that he has family from “Maras” [perhaps a reference to Maras Salvatrucha or, as they more commonly known in the U.S., MS-13].

Once freed from their entrapment, Witness claims that he and Complainant called the police, told them of the incident, and requested an interpreter; he also claims that they arrived about an hour later. Witness claims that he told dispatch, in Spanish, that they were in danger and more specifically that someone with a gun was trying to kill them. He claims that he also informed dispatch that they needed an interpreter as they don’t speak a lot of English. Complainant claims that he was told by dispatch that they “don’t have anyone who speaks Spanish...but don’t worry five [sic] minutes we’re sending somebody.”

After speaking to dispatch, Witness contends that he and his cousin waited an hour before they noticed a squad pass by. Believing it to be responding officers, Witness asserts that he and his cousin flagged down the car. Complainant contends that he tried speak in English but was not certain what he actually said to the officers.

Witness claims that the officers told him and his cousin to take them to the house where the alleged abuse occurred. When they arrived, Complainant asserts that the landlord's family was present even though they don't live at the house. According to Complainant, the landlord and his family were hitting him and his cousin in front of the police and the police failed to do anything. Next, Witness claims that the police told him and Complainant to not return to the home and that if they called 911 again they would be jailed. Complainant also claims that the wife of the landlord pushed them and threatened to kill them.

When the police left, Witness claims that the officers told him and his cousin that they could file a domestic violence report at the precinct but failed to take a report from them at the scene.

Lastly, Witness asserts that he was concerned about what happened due to the Maras connection of the family and his cousin's heart condition.

Statement of Officer 1: Officer 1 contends that there was a group of people inside the house when they responded and that a woman who claimed to speak “perfect English and Spanish” offered to translate. Officer 1 also claims that a lot of people were trying to speak at once but remembers conversing with one or two individuals through the woman's interpretation in particular. From the interaction, Officer 1 claims that he understood that there were many people “rooming” in a house and that there may have been some issues related to its cleanliness and overcrowding.

However, Officer 1 claims that he does not remember anyone telling him that they had been assaulted or seeing someone get assaulted in his presence. He also contends that he doesn't remember anyone telling him that they had been "held captive," though he did recall seeing something to that effect in the dispatch notes. Officer 1 also asserts that no one requested a report but did recall advising all parties to not argue or fight and to call if they needed anything else; Officer 1 flatly denied telling anyone that they would go to jail.

Statement of Officer 2: Officer 2 claims that he remembers responding to the address and seeing "a bunch of people on the porch." Officer 2 also asserts that he was cover while Officer 1 was contact for the call, mainly staying on the porch to watch.

According to Officer 2, in the group of people at the residence they were able to find a woman who translated for the officers. Officer 2 contends that he did not talk to the woman as he was not contact on the call. Based on what he overheard, Officer 2 contends that he believed the call to be about "subleasing," "cleanliness" and the tenants generally not "getting along."

Officer 2 also asserts that he did not recall any confrontations while he was there and that the situation seemed "pretty calm." Officer 2 also said that he did not notice if anyone had any problem with the woman's translation; he also claims that no one asked for a report.

## **REVIEW PANEL**

After deliberations, the review panel found merit as to policies 7-1001 (IV)(Limited English Language Proficiency) and 4-601 (Report Responsibility). In regards to 7-1001, the panel contended that the officers failed to call the language line; in regards to 4-601, the panel asserted that the "911 report provided the Officers [sic] with notice of the complainants allegations and should have provided a report detailing the information obtained."

On the recommendation of the Office of Professional Standard, the discipline was dropped by the chief of police to A-level violations for both policies. They reviewed the policies and how to apply them in the future.