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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #10  
May 2018

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**OVERVIEW OF THE COMPLAINT**

According to Complainant, an officer in an unmarked squad car was behind him and at a stop light. While at the light and just prior to it turning green, Complainant claims that the officer turned on his lights, but not his sirens, and proceeded to drive to the right of Complainant's vehicle. Upon turning around Complainant's vehicle, Complainant contends that the officer attempted to make a U-turn, effectively cutting off Complainant's vehicle and another person next to him. According to Complainant, the officer's lights were not visible when his car was perpendicular to the road, thus giving the appearance to the driver next to him that someone was cutting him off. Making matters worse, Complainant claims that the light for which they were stopped at turned green as the officer was doing this.

During the officer's attempted U-turn, Complainant claims that the driver next to him honked and the officer responded by stopping his car and yelling at the driver.

**ALLEGED VIOLATIONS**

1. MPD P&P § 5-105 (A)(4) – PROFESSIONAL CODE OF CONDUCT: Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.
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.

**COMPLAINT PROCESSING**

After receipt of the complaint, an intake investigation was conducted and the matter was brought before the joint supervisors, who then sent the matter to coaching.

**EVIDENCE**

1. Complaint
2. VisiNet report
3. VisiNet AVL (GPS tracking)

**SUMMARY OF EVIDENCE**

Complaint: According to Complainant, an officer in an unmarked squad car was behind him and at a stop light. While at the light and just prior to it turning green, Complainant claims that the officer turned on his lights, but not his sirens, and proceeded to drive to the right of Complainant's vehicle. Upon turning around Complainant's vehicle, Complainant contends that the officer attempted to make a U-turn, effectively cutting off Complainant's vehicle and another person next to him. According to Complainant, the officer's lights were not visible when his car was perpendicular to the road, thus giving the appearance to the driver next to him that someone was cutting him off. Making matters worse, Complainant claims that the light for which they were stopped at turned green as the officer was doing this.

During the officer's attempted U-turn, Complainant claims that the driver next to him honked and the officer responded by stopping his car and yelling at the driver.

VisiNet report: VisiNet shows that Focus Officer and his partner were assigned to a "Shooting" call. In the report, the call dispatcher notes the following: M FIRE GUN. CORR THIS IS A SHOOT...SUSP BM DREDS WRG: BACKPACK. SUSP LS RUNNING...GUN LOOKED LIKE A SMALL CALIBER GUN...VERBAL BTWN TWO MEN AT A BUS STOP, 1 SUSP SHOT AT OTHER AND HIT BYSTANDER.

According to VisiNet, Focus Officer appears to arrive eighteen minutes after assignment.

VisiNet AVL (GPS): shows that Focus Officer was at the intersection specified in the complaint and at the time specified.

Body worn camera of Focus Officer: The video is generally of Focus Officer driving to the scene. However, there is one part in which the officer appears to make a U-turn and honking can be heard afterwards. Next, Focus Officer says, "Yeah, you see the emergency lights, guy" and continues down the street. Eventually the officers arrive at the scene of the shooting, where multiple officers are present.

MVR: Squad video shows the officer pull suddenly to a right turn lane, and then from that lane crosses the intersection in order to make a U-turn, thereby cutting off two cars in the far left and middle lane. During the course of the maneuver, the stoplight can be seen turning from red to green. Next, honking can be heard and the officer replies, "Yeah, you see the emergency lights, guy."

## **COACHING**

According to the supervisor, Focus Officer stated that he did not turn on his siren so as not to alert the suspect of his presence. In regards to the U-turn, the supervisor claims that Focus Officer told him that he conducted the U-turn in order to try and find the suspect and admitted to telling driver who honked at him "Do you see the emergency lights[, ]guy."

After speaking to Focus Officer, the supervisor coached him on how a, "harsh response could have in leaving a negative impression with the citizen and others who saw or heard the behavior." However, no policy violation was found as the supervisor asserts that the officer's actions were reasonable under the totality of the circumstances, such as trying to locate an armed suspect in a busy downtown area.

