
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #10
June 2018

OVERVIEW OF THE COMPLAINT

Complainant asserts that she is a nurse at a local hospital and was assisting a patient file a police report when, during the course of the reporting, an officer accused the patient of having "quite the record." She also claims that the officer "used a tone throughout suggesting that [her] patient was a perpetrator, not a victim." Complainant additionally comments that the patient was a "Native woman."

ALLEGED VIOLATIONS

1. 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 preliminary investigation. Upon completion of the investigation, the matter was sent dismissed for "no basis."

EVIDENCE

1. Complaint
2. VisiNet
3. Body-worn-camera video

SUMMARY OF EVIDENCE

Complaint: Complainant asserts that she is a nurse at a local hospital and was assisting a patient file a police report when, during the course of the reporting, an officer accused the patient of having "quite the record." She also claims that the officer "used a tone throughout suggesting that [her] patient was a perpetrator, not a victim." Complainant additionally comments that the patient was a "Native woman."

VisiNet report: The caller in the report is stated as the complainant. In the Comments section the following is noted:

MOTHER...HAS ADULT DAU LIVES IN TX WHO IS RFD TO RETURN CLR'S 13 YO SON...ADULT DAU RFD ANS PH'S MSGS...CAN ALO CONT [Complainant] FOR FURTHER INFORMATION...REQ SQD...[the following is from the responding officers]UPON ARR THE CLR, LISTED, WAS NOT PRESENT. [Complainant]...WANTED TO DISCUSS THE CLR'S CASE WITH US ON THE CLR'S BEHALF. OFC'S ADV [Complainant] THAT WE WOULD BE HAPPY TO DISCUSS THE ISSUES WITH [the mother]. OFC'S ADV...TO SET UP AN APPT W/FAMILY COURT. OFC'S ADV THAT [the mother] WILL WANT TO HAVE FORMAL CUSTODY IN COUNTY THAT SHE LIVES IN. PER [Complainant, the mother] HAS FULL CUSTODY OF HER...SON, BUT OFC ADV WE WOULD ONLY SPEAK WITH [the mother] RE THAT ISSUE. OFC ADV [Complainant that the mother should] GET FORMAL CUSTODY FROM...JUDGE. THEREFORE, THERE CAN BE NO CUSTODY DISPUTES AND...SON CAN BE BROUGHT BACK TO HER W/OUT INCIDENT IF THAT IS WHAT IS APPROPRIATE.

Body-worn-camera video: Complainant tells the officer that the mother was “nervous” about her filing a police report. Focus Officer responds by stating that the mother “does have a long history of arrest.” Focus Officer then asks whether the mother has court-ordered custody, to which Complainant contends that she does—further elaborating that the mother appears to have “what everyone else has.” Focus Officer then states that the mother doesn’t have anything court-ordered, to which Complainant states that she is not “aware” of that.

Complainant tells the officer that the child is in another state and was sent to live with his sister for a few weeks but has not since returned. Further, Complainant contends that the mother told her the daughter is telling the son things such as, “Don’t you want to stay here?”

Next, Complainant begins to tell the officer other things concerning the mother and the officer interrupts by stating “It doesn’t matter.” Focus Officer also tells Complainant that she “is not the mother” and that it is a “civil issue.” Focus Officer also tells Complainant that the mother needs to go to family court, prove her custody, and then have the court demand that the child be returned.

Complainant asks Focus Officer if she can refer the mother to her and Focus Officer replies that it is a “civil issue” and thus she can’t do anything about it. Focus Officer relays some more information to Complainant. Complainant then tells Focus Officer that the mother “feels” that the son may be kidnapped, to which Focus Officer asserts that “feelings are not facts.” Focus Officer also asserts that no one knows what the custody situation is and that the mother should gather any information she can regarding the son’s visit.

INVESTIGATION

According the investigator, Complainant believed that the officer had improperly accessed the mother’s criminal records, and he informed her that officers are informed of a person’s “abbreviated” criminal history prior to arriving at the scene and other things pertaining to the incident. Lastly, the investigator claims that he asked Complainant if she wished to proceed with her complaint and she said she “didn’t want to take the matter any further.”