
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #3
September 2018

OVERVIEW OF THE COMPLAINT

Complainant states that he was at a concert when he was asked to leave. Complainant asserts that when he asked the officer the reason why he was being thrown out, the officer told him that he needed to go to detox and the officer would take him there. Complainant contends that he urged the officer to do so, which led the officer to "bl[o]w up," throwing Complainant to the ground and almost choked him out.

ALLEGED VIOLATIONS

1. MPD P&P 5-303-Authorized Use of Force: n addition to Minn. Stat. §609.06 sub. 1, MPD policies shall utilize the United States Supreme Court decision in Graham vs Connor as a guideline for reasonable force.

The Graham vs Connor case references that:

“Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, its proper application requires careful attention to the facts and circumstances of each particular case, including:

The severity of the crime at issue,

Whether the suspect poses an immediate threat to the safety of the officers or others, and;

Whether he is actively resisting arrest or attempting to evade arrest by flight.

The "reasonableness" of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.”

Authorized use of force requires careful attention to the facts and circumstances of each case. Sworn MPD employees shall write a detailed, comprehensive report for each instance in which force was used.

COMPLAINT PROCESSING

Upon receipt of the complaint via the online form, an intake investigation was conducted. However, during intake the investigator was unable to verify the incident and called the complainant to attempt to ascertain more information pertaining to the incident. However, the complainant failed to respond and, resultantly, the joint supervisors dismissed for failure to cooperate.

EVIDENCE

1. Complaint

SUMMARY OF EVIDENCE

1. Complaint: See above.

DISMISSAL

As the supervisors had no details regarding the incident, the case could not proceed further without the complainant's statement. As such, it was dismissed for "failure to cooperate."