
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #18-10-07
December 2018

OVERVIEW

Complainant states, "Officer [] stated that my driver's license was suspended therefore he came to the conclusion to tow the vehicle that I occupied. He also threaten[ed] to knock me out if I failed to find my ID within 2 minutes." Upon meeting with complainant, complainant added that the officer falsely told him that he could not drive off as his license had been suspended, and asserts that the officer referred to him as a "terrorist" and said something to the affect that "people don't like your kind" and "you shouldn't be here." Complainant also contends that the officer told him that the officer would knock him out if he touched the officer again.

THE COMPLAINT

4-223 (IV)(E)(1) -Body Worn Cameras

- POLICY CHANGED -

5-105 (C)(2) Professional Code of Conduct

Employees shall not use any discriminatory, derogatory or biased terms regarding race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age, martial status, public assistance, or familial housing.

COMPLAINT PROCESSING

During intake investigation, no body camera recordings could be found related to the incident. Due to the allegations and lack of body camera recordings, the joint supervisors assigned the case to investigation.

The investigator made multiple attempts to contact Complainant. No voicemail was active on the two phone numbers Complainant provided, and he did not provide an email address or home address. In the four months the complaint was open before it was submitted to the Police Conduct Review Panel, the Complainant never contacted the office. To date, the office has had no contact with Complainant.

After the investigation, the case was referred to the Police Conduct Review Panel. The Panel found merit on the allegation related to body camera activation, and no merit related to the allegation of a violation of the professional code of conduct.

The case was transferred to the Chief's office for disciplinary considerations. During this time, the officer retired. As such, the case was exceptionally cleared.

EVIDENCE

1. *Complaint*
2. *Visinet Report*
3. *Officer Statement*
4. *Tow Sheet*

SUMMARY OF EVIDENCE

Visinet Report

The Visinet report shows that the manager for an apartment complex called 911 to check on a man in the parking garage who had been physically aggressive with staff in the past. The call was listed as a “suspicious vehicle” call. Officer 1 arrived on scene and ran the complainant’s information through DVS which showed Complainant had a valid license.

Officer Statement

Officer 1 was the only officer to arrive on the scene. Officer 1 had prior contacts with Complainant that were hostile and was aware of who he was about to encounter. When Officer 1 arrived on the scene, a tow truck was already attempting to tow complainant’s vehicle. The officer ran the Complainant’s information in the DVS system and waited for the tow to be completed. Officer 1 stated that Complainant was verbally aggressive and hostile, but there were no additional problems. Once the tow was completed, the officer left.

Officer 1 stated that he believed that the call was a “customer trouble” call, not a “suspicious vehicle” call. At the time of the incident, “customer trouble” calls were not one of the listed calls in which body cameras needed to be activated. As such, Officer 1 believed he was not required to activate his camera.

Tow Sheet

The tow sheet notes that the complainant’s vehicle was towed from a private business. This was not a police tow and was initiated by the property manager. This confirms that Officer Carlson was responding to the tow in progress and did not make a decision to tow the vehicle.

POLICE CONDUCT REVIEW PANEL RECOMMENDATION

The Police Conduct Review Panel found merit on the allegation related to body camera activation. They stated that even if Officer 1 reasonably believed the call was a “customer trouble” call, Officer 1 noted in his statement that Complainant was hostile. As such, he should have activated his camera.

The Panel found no merit on allegations related to the alleged inappropriate statements. Complainant did not follow up with investigators, and no evidence supported the allegation.

CHIEF’S DECISION

The chief agreed with the recommendations made by the Police Conduct Review Panel. However, after the Panel recommendation, Officer 1 retired. As such, the case was exceptionally cleared.