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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #7  
December 2018

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**OVERVIEW**

Complainant alleges that she was alarmed by a crash outside her home and saw police chasing someone in her neighbor's yard. According to Complainant, she went outside to check on the safety of her little girls, so she ran out to her car. However, Complainant asserts that she uncovered that her car had been crashed into and also had been pushed into another car.

Complainant asserts that the officers were rude and inconsiderate to her, saying such things to her like she "should be happy" that the officers had apprehended a drug dealer despite her crashed vehicle.

Complainant also states that officers told her that she could tow her car; however, she claims that the officers towed it. Prior to her car being towed, Complainant claims that she was unable to get all her belongings out of her car due to the damaged trunk. Later, Complainant claims that she received a notice from the impound lot telling her that her totaled car would be sold if not retrieved in 15 days.

Lastly, Complainant contends that she suffered a damaged and impounded vehicle due to officers' not "following the police pursuit ordinance."

**THE COMPLAINT**

1. MPD P&P §7-404 - PURSUIT POLICY

The MPD is committed to prevent crime, maintain order and protect the public from unreasonable danger wherever possible. Intrinsic to the nature of policing is the apprehension of criminals and the enforcement of law at every level. In order to enforce the laws of the city and state, officers are often called upon to pursue suspects who choose not to obey an officers lawful command to submit to arrest and flee, either on foot or in a conveyance.

Motor vehicles are the primary conveyance with which offenders attempt to elude the police. Recognizing that every vehicle has the potential to cause serious bodily injury to innocent third parties, officers shall use reasonable professional judgment in deciding when, where, and to what extent they will initiate pursuit of suspects in motor vehicles. The initiation and continuation of any pursuit are predicated on factors known to the officer such as the seriousness of the violation, the consequences of not apprehending the suspect, the probability of apprehending the suspect without undue risk to the public at large, and the potential for continued criminal activity, if not apprehended.

Officers shall always be aware of the inherent danger to the public and to themselves in vehicle pursuits or emergency responses. They shall continuously weigh the need and desirability for apprehension against the risk created for the officers and the general public. The officers must also take into account factors such as traffic volume, time of day, weather, circumstances of the emergency and the type of violation when becoming involved in pursuits.

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.
- Introduce or identify themselves to the citizen and explain the reason for the contact as soon as practical, unless providing this information will compromise the safety of officers or other persons.
- Ensure that the length of any detention is no longer than necessary to take appropriate action for the known or suspected offense. (07/24/15)
- Attempt to answer any relevant questions that the citizen may have regarding the citizen/officer contact, including relevant referrals to other city or county agencies when appropriate.
- Provide name and badge number when requested, preferably in writing or on a business card.
- Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).
- If asked, provide the procedures for filing a complaint about police services or conduct.

## **COMPLAINT PROCESSING**

Upon receipt of the complaint, an intake investigation was conducted and the matter was subsequently brought before the Joint Supervisors for intake review. Upon review of the complaint, the Joint Supervisors determined that the matter should be sent to coaching due the level of potential violations as well as the Inspector's existing relationship and conversations with complainant regarding concerns about this incident and general policing in the area. Joint Supervisors determined that the Inspector was best suited to determine the next steps for resolving the case due to his familiarity with the matter.

## **EVIDENCE**

1. Complaint
2. CAPRS Report
3. VisiNet Report
4. AVL data

## **SUMMARY OF EVIDENCE**

Complaint: A handwritten complaint was received from the complainant.

VisiNet Report: The VisiNet Report indicates that officers stopped a vehicle for traffic violations and then subsequently ran a plate for a traffic violation. The call then quickly turned to a motor vehicle chase. Officers then report that the suspect crashed and begin to chase on foot. Suspect is spotted running with a bag and is later apprehended with narcotics and a large amount of cash.

CAPRS Report: The CAPRS report states that suspect was stopped for speeding, an illegal turn, and illegal tint. During the stop, the suspect fled in the vehicle for several blocks and then crashed into several parked vehicles. Suspect proceeded to flee on foot and was quickly located with heroin, crack, and cash on his person. A supplement described a sergeant staying with the

damaged vehicles and checking all vehicles for any injured passengers. There were no injuries. Other supplements from assisting squads describe damage to several vehicles and that pictures were taken to document the damage.

AVL data: AVL data was reviewed to track the progress of the pursuit and assisting squads.

## **COACHING**

The precinct inspector returned the coaching and noted that the officer listed did not actually interact with Complainant. The inspector stated that he discussed the incident with the Complainant and did not believe the allegations in the complaint occurred in the way Complainant stated. As such, the inspector took no further action.