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# POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #3

November 2013

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## OVERVIEW

Complainant alleges that he was stopped by officers in a squad. Complainant alleges that when Complainant asked what he was being stopped for, the officer replied, "we'll find something." Complainant alleges that he was given a citation for not having a license plate light but alleges that s/he saw it working recently. Complainant alleges that he stated to the officers, "[you] must feel tough with [your] guns and badges," and the officer told the complainant to meet him after work so he can show the complainant "what tough is."

## THE COMPLAINT

1. Inappropriate Language/Attitude: That Officer 1 used derogatory language toward Complainant by telling Complainant to meet him after work so he can 'show Complainant was tough is.'
2. Harassment: That officers stated, "we'll find something" when he asked why he was being stopped.

## OPCR AND MPD POLICIES

- OPCR Ord. § 172.20(2) Inappropriate Language or Attitude
- OPCR Ord. § 172.20(3) Harassment
- MPD Policy and Procedure Manual § 5-105(14): Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.
- 5-104 IMPARTIAL POLICING: All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority.

## COMPLAINT PROCESSING

OPCR joint supervisors believed the allegations, if proven true, could constitute a violation above A-level. The case was first sent to a preliminary investigation. After obtaining evidence and speaking with the Complainant, the case was returned to the joint supervisors with a recommendation that it be sent to mediation. The case was referred to mediation.

## EVIDENCE

*A description of the investigation, including a sequence of events.*

In the course of investigating this complaint, the following steps were taken.

1. Complainant filed a complaint online and followed up with OPCR investigators.
2. Dispatch/Visinet records were obtained.

3. No police report was filed regarding the incident.
4. Squad camera recordings were obtained.

## **SUMMARY OF EVIDENCE**

### The Complaint

In the complaint, Complainant alleges that he was followed by a squad for one-half mile. Complainant alleged that he was stopped by the squad and asked the reason for the stop. Complainant alleged that Officer 1 “just smirked at [Complainant] and demanded [his] driver’s license and proof of insurance.” Complainant alleged that he again asked the reason for the stop, and Officer 1 replied, “we’ll find something.” Complainant alleged that the officer returned with a ticket for a missing license plate bulb. Complainant alleged that the light was working properly and that an officer was standing behind his car when he was stopped, implying that he may have tampered with the Complainant’s bulb. Complainant alleged that he was angry so he stated, the officers “must feel tough with there[sic] guns and badges.” Complainant alleged that one of the officers told the Complainant “to meet him after work and he’ll show [Complainant] what tough is.”

### Dispatch/Visinet Records

Dispatch/Visinet records indicate that the Complainant was originally stopped for speeding, but because of Complainant’s turning, he could not be paced. Complainant was cited for equipment violation. The stop lasted approximately 10 minutes.

## **INVESTIGATION**

The OPCR investigator reviewed the squad recording. The recording shows that the Complainant’s license plate light was not functioning and officers did not tamper with it.

The audio quality in the video is poor. It shows that after the citation was issued, the Complainant exited his vehicle. The officers appear to be showing the Complainant that his license plate light was not working. An argument ensued. One of the officers can be heard stating, “what did you say to me, get that f\*ck\*ng light out of my face.” One of the officers can be heard stating, “what I said was I don’t always wear this badge.” One of the officers can be heard stating something similar to, “I said you were being an \*sshole.”

The OPCR investigator contacted the Complainant to discuss the case. During the discussion, the Complainant expressed a desire to participate in mediation.

The case was returned to the joint supervisors, who after viewing the squad recording, determined that the case should proceed to mediation.

## **MEDIATION**

The case was referred to the Conflict Resolution Center for mediation. All parties met with two neutral mediators to resolve the case. The case was successfully mediated, with all parties signing a mediation agreement stating that “this matter was resolved in mediation.”