
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #2

April, 2014

OVERVIEW

Complainant states he and his father went to the downtown precinct for assistance with a family issue. Complainant states after a brief discussion with the Officer 1, he was called a "punk." Complainant states he told the officer not to call him that, and was then called a "f*ck*ng punk." Complainant states he started to yell that he was not a punk, and the officer threw him to the ground with his knee on his face. Complainant states the officer began to scrape his face. Complainant states he told the officer to "watch his head," and was then punched in the lip.

THE COMPLAINT

1. Excessive Force: Complainant alleges Officer 1 threw him to the ground with his knee on his face, scraped his face, and punched Complainant in the lip.

THE OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(1)- Excessive Force
2. MPD P&P § 5-301- USE OF FORCE: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

COMPLAINT PROCESSING

An online complaint was filed detailing the allegations. The complaint was reviewed by the joint supervisors. The complaint underwent a preliminary investigation. The Complaint was dismissed for failure to cooperate.

EVIDENCE

1. Complaint
2. VisiNet report was obtained
3. A CAPRS Report was obtained

SUMMARY OF EVIDENCE

Complaint

The complaint alleges that the Complainant and his father went to the first precinct for assistance on a family issue. Complainant alleges Officer 1 was working the desk. The complaint

alleged that after a brief discussion Officer 1 called the Complainant a "f***** punk." The Complainant alleged he yelled at Officer 1 that he was not a punk. The complaint then alleges that Officer 1 ran at the Complainant, threw him to the ground, put his knee in his face, scratched his head, and punched him in the lip. The Complainant submitted supplemental photographs depicting the alleged injury.

VisiNet

The VisiNet report indicates that the incident at the precinct occurred at around 9:43 AM, and that Officer 1 was the assigned officer.

CAPRS

The CAPRS report states that the Complainant and his father got in an argument about money and an EBT card. The Complainant allegedly threatened his father with physical violence. The Complainant and his father came to the precinct for assistance with the dispute.

Officer 1 stated he tried to speak with the father about the incident, and the Complainant kept interrupting him. Officer 1 stated the Complainant was rude, angry, and acting immature. Officer 1 states in the CAPRS report that he did call the Complainant a punk and did not know about acting like a "grown man." According to the report, the Complainant then swore at Officer 1. Officer 1 then asked the Complainant to leave, but he refused. Officer 1 told the Complainant he was going to get out from behind the desk and throw him out of the station. Officer 1 stated he told the Complainant once more to leave, and the Complainant swore at him. The Complainant then tried to grab Officer 1's arm away from him. Officer 1 states he did a leg sweep, taking the Complainant to the ground. Officer 1 stated it appeared the Complainant was about to spit, so he pushed his face to the side. According to Officer 1, the Complainant struggled with Officer 1 and an assisting officer. Officer 1 noted that the Complainant suffered redness and rug burn. The Complainant was arrested for domestic assault.

INVESTIGATION

The investigator attempted to contact the Complainant for his statement twice by phone. One of the phone numbers provided by the Complainant was not in service, and the Complainant did not respond to a voicemail left at another number. Finally, the investigator sent a certified letter with a date to respond to the letter. The Complainant did not respond by the date, and the case was dismissed for failure to cooperate.