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## POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #04

May 2019

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### OVERVIEW OF THE COMPLAINT

Complainant--a social worker at a mental health crisis center--claims that officers went into the crisis center and asked Complainant about people who had checked in to the center due to reports of a robbery suspect going inside. According to Complainant, a co-worker told the officers that she could not provide a list of names due to fears of violating the Health Insurance Portability and Accountability Act (HIPPA). In response, Complainant claims that an officer retorted that he was not seeking any "medical information." Simultaneously, Complainant asserts that the officer's partner "intentionally stepped in front of, and squared up with" a client who was trying to enter a T.V. room. Complainant states that the client told the officer he was trying to go into the room, and the officer replied that she was trying to get out of his way but maintained her position blocking the client's path. When the client walked around her, Complainant claims that the officer stated "well, that was rude" and proceeded to roll her eyes.

Lastly, Complainant claims that the officers again attempted to get client information but were rebuffed by Complainant, to which the male officer responded, "So you're just a whole lot of helpful." Also, the female officer, according to Complainant, yelled out "thanks for nothing" as her and her partner walked out the building

### ALLEGED VIOLATIONS

1. MPD P&P § 5-104.01 – PROFESSIONAL POLICING: 1. Officers shall use the following practices when contacting any citizen, regardless of the reason for the contact:
  - a. Be courteous, respectful, polite and professional

### COMPLAINT PROCESSING

Upon receiving the complaint, an intake investigation was conducted and the matter was brought before the Joint Supervisors, who then sent the matter to coaching.

### EVIDENCE

1. Complaint
2. VisiNet Report
3. Body Worn Camera Recordings

### SUMMARY OF EVIDENCE

1. Complaint: Complainant--a social worker at a mental health crisis center--claims that officers went into the crisis center and asked Complainant about people who had checked in to the center due to reports of a robbery suspect going inside. According to Complainant, a co-worker told the officers that she could not provide a list of names due to fears of violating the Health Insurance Portability and Accountability Act (HIPPA). In response, Complainant claims that an officer retorted that he was not seeking any "medical information." Simultaneously, Complainant asserts that the officer's partner "intentionally stepped in front of, and squared up with" a client who was trying to enter a

T.V. room. Complainant states that the client told the officer he was trying to go into the room, and the officer replied that she was trying to get out of his way but maintained her position blocking the client's path. When the client walked around her, Complainant claims that the officer stated "well, that was rude" and proceeded to roll her eyes.

Lastly, Complainant claims that the officers again attempted to get client information but were rebuffed by Complainant, to which the male officer responded, "So you're just a whole lot of helpful." Also, the female officer, according to Complainant, yelled out "thanks for nothing" as her and her partner walked out the building

2. VisiNet Report:

- a. The caller alleges that there is an individual who tried to rob him "by gun point." The caller also states that he did not see a gun but that the suspect stated, "he had a gun and was going to blow him away." The caller then states that the possible suspect may be a resident of the center. Officers were dispatched to the area. Upon entering the center, the staff there told the officers that "no one had come in in the last 50 min."

The officers state that the social workers "refused to help or give any info on description of people sighting HIPPA rules," and that they were "very uncooperative females."

3. Body Worn Camera of Officer:

- a. Officer 1 stands by while Officer 2 speaks to the social workers. Officer 2 informs the social workers that there robberies occurred "a couple of blocks" from the center. An individual in the center walks towards the officer 1 and appears to want to get to a room which the Officer 2 is standing in front of. It appears that the officer turns to face the individual to which the individual states "what? I'm going to the room." Officer 2 responds, "well I was trying to get out of yours." The individual continues into the room. The social workers mentioned to the officers that they would not be able to disclose any information due to HIPPA. Officer 1 responds "well, okay. A lot of not help then." The officers leave the center

## **COACHING**

Focus Officer 1: Supervisor sustained the related policy violation and the focus officer acknowledged responsibility for the remark that was made. The supervisor discussed with the officer how the comment could be construed as not being polite.

Focus Officer 2: Supervisor found no policy violation after reviewing the footage from the body worn camera. Supervisor stated in the coaching document that the officer did not say "well that was rude."