

ST. LOUIS COUNTY DEPARTMENT OF POLICE
BUREAU OF PROFESSIONAL STANDARDS
SUMMARY REPORT

CASE NUMBER: 12-024

DATE OF OCCURRENCE: April 10, 2012

EMPLOYEE(S): Detective [REDACTED], DSN 3803
Drug Enforcement

Detective [REDACTED], DSN 3384
Drug Enforcement

ALLEGATION: Oppressive Conduct, Articles 14.3, 14.4

COMPLAINANT: Mr. [REDACTED]
[REDACTED]
St. Louis, MO 63136

LOCATION: [REDACTED], St. Louis, MO 63121

BPS INVESTIGATOR: Sergeant Eric Walley

Summary

The Bureau of Professional Standards received notification of a complaint by Mr. [REDACTED] through a completed Citizen Complaint Statement form received in person by Bureau of Professional Standards Investigator, Sergeant Eric Walley. Contained within the written statement, Mr. [REDACTED] alleged that during an arrest on April 10, 2012, he was subjected to verbal and physical abuse at the hands of Detective [REDACTED], DSN 3803, and Detective [REDACTED], DSN 3384, while in their custody.

Internal Findings

During the course of the investigation, Bureau of Professional Standards Investigator, Sergeant Eric Walley utilized the CARE and CrimeMatrix computer database and discovered on April 10, 2012, the complainant was arrested by Detective [REDACTED] and Detective [REDACTED] following a drug investigation. The charges pending for the complainant include Distribution/Delivery of Controlled Substance, Trafficking Drugs, Possession of a Controlled Substance in a Correctional Facility and Unlawful Use of a Weapon. The incident was documented in St. Louis County Police Report 12-21049 which is contained within the "Attachment(s)" section of this package.

Continuing with the investigation, Bureau of Professional Standards Investigator, Sergeant Eric Walley reviewed the complaint submitted by Mr. [REDACTED]. The following account is a synopsis of the allegations. Mr. [REDACTED]'s entire written statement is contained within the

"Complaint/Notification(s)" section of this package.

Mr. [REDACTED] indicated on April 10, 2012, he was at his wife's home preparing for an evening class at school when a "guy" came by to visit. They conversed briefly and the individual departed. Shortly afterwards, while administering a "perm" to his hair, the sounds of a commotion were heard from the front area of the home. Mr. [REDACTED] indicated he went to investigate and discovered a police officer in his living room. He was immediately ordered to put his hands up while being simultaneously questioned if others were inside of the residence. The police officers then proceeded to search the residence which culminated in his arrest.

Mr. [REDACTED] explained he was escorted from the residence to a tan colored Buick LeSabre and secured in the rear passenger's seat. Just prior to their departure, Mr. [REDACTED] indicated his son was addressed by Detective [REDACTED] in an insulting, derogatory manner by referring to him as a "bitch, like his daddy". Mr. [REDACTED] further indicated Detective [REDACTED] made derogatory remarks as well and threatened to "shoot" his son. Mr. [REDACTED] advised Detective [REDACTED] was driving and Detective [REDACTED] was the front seat passenger. Once they left the scene of arrest, an interrogation of facts of the case commenced, at which time, Mr. [REDACTED] expressed his desire to remain silent until he had an opportunity to consult an attorney. Mr. [REDACTED] believed his refusal to answer questions incited the nonsensical, aggressive behavior that followed. Mr. [REDACTED] indicated Detective [REDACTED] stopped the transport vehicle on the shoulder of the roadway, retrieved a "Taser" device from the glove compartment and administered three contact shocks. (once on the shoulder, once on the arm and once on the chest). Additionally, Mr. [REDACTED] indicated that immediately following Detective [REDACTED]'s assault, Detective [REDACTED] actively involved himself in the unjustified attack by delivering five or six punches to his ribs.

Following the abusive acts, Mr. [REDACTED] explained he was conveyed to the North County Precinct where he was placed in a holdover cell. While awaiting conveyance to Intake, he began to experience extreme physical discomfort from the recent unrelenting punishment and a female officer in the precinct took notice. The female officer inquired of his well being but fearing the disclosure of the "beating" would put him in jeopardy of additional abuse, he remained silent. Mr. [REDACTED] did confer with the accused detectives when they approached with the perception of his distress being caused by the intentional ingestion of narcotics. Mr. [REDACTED] advised he told them his suffering was due to their suspicions but due to injuries sustained to his ribs from the administered abuse. Mr. [REDACTED] was subsequently instructed to "straighten up" and he did as instructed so as to avoid any further "trouble". Following his stint at the North County Precinct, Mr. [REDACTED] indicated he was conveyed to Intake without any further incidents.

At the conclusion of the interview it became clear there were several opportunities Mr. [REDACTED] had to communicate to Department personnel or Justice Services staff about the alleged abuse but he chose not to. Mr. [REDACTED] related a fear of retaliation from the officers as the reason behind his decision not to disclose the alleged abuse.

As documented evidence to the lack of disclosure, the Intake Nurse's Assessment Report was obtained. It revealed, at the time of acceptance into the Intake facility, Mr. [REDACTED] required no special care for any physical condition, there were no apparent signs of physical limitations and Mr. [REDACTED] denied any complaints of physical injuries/illnesses. The report can be located in the "Attachment(s)" section of this package.

Mr. [REDACTED] presented evidence of his injuries in the form of submitted photographs and medical discharge papers from St. Mary's Health Center. To include as part of this internal report, photographs were taken with a Department camera which provided a more distinguishable view of the injury locations. Inspection of the medical papers revealed Mr. [REDACTED] was diagnosed with "rib pain" and "rib contusion" which was not expressly attributed to any interaction with the police. Information obtained from Intake services revealed Mr. [REDACTED] was released from custody on 04/11/12 at 0142 hours and according to the medical discharge papers he was examined on 04/11/12 at 0237 hours. During the span of time Mr. [REDACTED]'s freedom was not infringed upon, it is clear he could have sustained the claimed injuries by means not attributable to the officers' conduct. The photographs of the injury locations revealed marks to Mr. [REDACTED]'s wrists, left shoulder and left torso area. Mr. [REDACTED] attributed handcuffs, a "Taser" device and punches delivered by one of the accused officers as the causes for the injuries respectively.

On May 25, 2012, Bureau of Professional Standards, Investigator, Sergeant Eric Walley, met with Detective [REDACTED], DSN 3803, and Detective [REDACTED], DSN 3384, at the Bureau of Professional Standards to conduct interviews. Each detective was interviewed separately and the digital recordings are on file in the office of the Bureau of Professional Standards.

The investigation revealed the Street Enforcement Team was conducting an investigation into open air narcotics sales in the area of [REDACTED] Lane. The undercover detective involved in the operation observed what appeared to be a hand to hand transaction between an individual and the complainant. The individual then conducted a transaction with the undercover detective. The product of the transaction appeared to be an illegal substance so the undercover detective announced a code word for the arrest teams to move into the area and secure the offenders. Detective [REDACTED] and Detective [REDACTED] responded to the residence at [REDACTED] Lane. They advised the complainant he was under arrest and ordered him to "show his hands". The complainant ignored the detectives' commands and retreated into the inner portion of the home. The detectives followed the complainant in "hot pursuit" and eventually apprehended him inside of a bedroom.

Once secured in handcuffs, Detective [REDACTED] ensured they were properly adjusted and advised the complainant of his rights per the Miranda decision. A search of the immediate area incident to arrest revealed evidence of the crime most recently committed as well as additional contraband and weapons. While on scene, the homeowner and wife of the complainant arrived. She was advised of the investigation and provided written consent to search the residence. After a short duration, the consent was rescinded by the complainant's wife following the detectives' inability to provide a copy of the Consent to Search Form.

In the interim, the complainant was escorted to an unmarked vehicle and conveyed to the North County Precinct by Detective [REDACTED] and Detective [REDACTED]. While in transport the complainant became uncooperative in the rear seat and appeared to the detectives he was attempting to escape from the rear door. Detective [REDACTED] commanded the complainant to cease his actions or he would be "tased". The threat temporarily influenced his physical behavior in that he halted the undesired movements; however, the complainant's boisterous rants about how he would beat the case and how was going to "fuck them up" continued.

Once they arrived at the precinct station, an interview was conducted with the complainant. During the interview the complainant expressed a desire to work as a confidential informant in an effort to potentially have the charges dismissed. No promises of such a deal were agreed upon and the complainant stated he would beat the case another way if he were unable to perform the role of an

3

informant.

The complainant was placed in the holdover cell to await conveyance to Intake. During that time, the complainant refused to sit down and his conduct was viewed as agitated and irrational. The decision was made to convey the complainant directly to Intake utilizing other detectives from Street Enforcement Team. Once at Intake, the complainant's refusal to adequately comply with the staff's search procedures prompted the request for a strip search to be conducted. The authorization was granted by a ranking official at Intake and the outcome of the invasive search resulted in additional contraband being found in the anal cavity of the complainant.

All of the seized items pertaining to the case were packaged as evidence including those items of evidentiary value acquired at Intake.

During the interview, the following allegations were addressed with each of the detectives.

The complainant alleged Detective [REDACTED] and Detective [REDACTED] made threatening and derogatory remarks towards his son. Both of the detectives denied the allegations. Detective [REDACTED] advised he believed the complainant's son was at a house across the street from the arrest location and he had no direct interaction with the individual. Detective [REDACTED] advised the same set of circumstances and further explained that there was an adult relative on scene who persuaded the complainant's son not to interfere in the police activities. Detective [REDACTED] also stated he never made threats toward the complainant's son.

The complainant alleged Detective [REDACTED] "tased" him and Detective [REDACTED] punched him as he sat defenseless in the rear seat of the unmarked vehicle. Both of the detectives vehemently denied the allegations respectively. They explained how the complainant was threatened with the use of a "Taser" because of his non compliant actions but a device was never retrieved or deployed. Detective [REDACTED] advised he does not own a personal "Taser" device nor was he issued a Department "Taser". Detective [REDACTED] advised that he does not own a personal "Taser" device but was issued a Department "Taser". Detective [REDACTED] acknowledged physical contact with the complainant but only during the physical securing of his person. There was also an allegation of verbal abuse towards the complainant which both detectives denied.

It is the opinion of Detective [REDACTED] the complainant's peculiar antics in the rear seat of the conveyance vehicle and inside the holdover cell of the precinct was an attempt to either further conceal narcotics or retrieve and dispose of narcotics. An attempt was made to obtain video surveillance of Mr. [REDACTED]'s actions inside of the holdover at the North County Precinct but due to an equipment malfunction the recording was nonexistent.

During the course of the investigation, Detective [REDACTED]'s Department issued "Taser" was seized for inspection in order to determine whether deployment existed during the time frame indicated by the complainant. The instrument was examined by the Department Armorer and the results of the download device failed to reveal deployments during the specified times. The report produced from the download is included in the "Attachment(s)" section of this package.

It should be noted that following the complaint notification, supervisors from the Drug Enforcement Unit were made aware of the allegations. There was a subsequent search initiated by the supervisors of the vehicle used to transport the complainant on the evening in question. The results proved negative for any "Taser" or "Stun Gun" type instrument.

Action Recommended

The Bureau of Professional Standards recommends the allegation of **Oppressive Conduct, Article 14.3**, against Detective [REDACTED], DSN 3803, be classified as **Not Sustained**. Detective [REDACTED] denied punching the complainant; however, due to the fact the incident occurred within the confines of automobile with no independent witnesses, there is insufficient evidence to prove or disprove the allegation.

The Bureau of Professional Standards recommends the allegation of **Oppressive Conduct, Article 14.3**, against Detective [REDACTED], DSN 3384, be classified as **Unfounded**. Detective [REDACTED] and Detective [REDACTED] denied ownership or possession of a personal "Taser" device. It was determined that Detective [REDACTED] possessed a Department issued "Taser"; however, it was not deployed during the time frame indicated by the complainant.

The Bureau of Professional Standards recommends the allegation of **Oppressive Conduct, Article 14.4**, against Detective [REDACTED], DSN 3803, and Detective [REDACTED], DSN 3384, be classified as **Not Sustained**. Detective [REDACTED] and Detective [REDACTED] denied engaging in or witnessing any verbal abuse directed towards the complainant or the complainant's son.

