

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF POLICE COMPLAINTS**

FINDINGS OF FACT AND MERITS DETERMINATION

Complaint No.:	17-0381
Complainant:	COMPLAINANT
Subject Officer(s), Badge No., District:	SUBJECT OFFICER #1 SUBJECT OFFICER #2
Allegation 1:	Harassment (SUBJECT OFFICER #1 and SUBJECT OFFICER #2)
Allegation 2:	Retaliation (SUBJECT OFFICER #2)
Allegation 3:	Failure to Identify (SUBJECT OFFICER #1 and SUBJECT OFFICER #2)
Complaint Examiner:	Laura J. Brown
Merits Determination Date:	September 14, 2018

Pursuant to D.C. Code § 5-1107(b-1), the Office of Police Complaints (“OPC”) has the sole authority to adjudicate citizen complaints against members of the Metropolitan Police Department (“MPD”) that allege abuse or misuse of police powers by such members, as provided by § 5-1107(a). This complaint was timely filed in the proper form as required by § 5-1107, and the matter has been referred to this Complaint Examiner for a merits determination as provided by § 5-1111(e).

I. SUMMARY OF COMPLAINT ALLEGATIONS

The Complainant filed a complaint with OPC on May 3, 2017. The Complainant alleged that on April 27, 2017, SUBJECT OFFICER #2 and SUBJECT OFFICER #1 (collectively “Subject Officers”) harassed him by handcuffing him, prolonging his detention, and searching his car during a traffic stop. The Complainant also alleged that the Subject Officers refused to identify themselves upon request and that SUBJECT OFFICER #2 retaliated against him by issuing a ticket in response to his request for the Subject Officers’ names and badge numbers.¹

¹ The Complainant also alleged that the Subject Officers unlawfully stopped and frisked him, and discriminated against him based on his race, African American. Pursuant to D.C. Code § 5-1108(1) on June 1, 2018, a member of the Police Complaints Board dismissed these allegations, concurring with the determination made by OPC’s Executive Director. Therefore, the dismissed allegations were not considered by the Complaint Examiner as part of this merits determination.

II. EVIDENTIARY HEARING

No evidentiary hearing was conducted regarding this complaint. Based on a review of OPC's Report of Investigation (including exhibits), the body worn camera ("BWC") footage of the incident recorded on April 27, 2017 by the Subject Officers, and the Objections to the OPC Report of Investigation submitted on behalf of the Subject Officers on July 27, 2018, the Complaint Examiner determined that the Report of Investigation presented no genuine issues of material fact in dispute to warrant a hearing. *See* D.C. Mun. Regs. tit. 6A, § 2116.3.

III. FINDINGS OF FACT

Based on a review of OPC's Report of Investigation (including exhibits), the BWC footage of the incident recorded on April 27, 2017 by the Subject Officers, and the Objections submitted on behalf the Subject Officers on July 27, 2018, the Complaint Examiner finds the material facts regarding this complaint to be:

1. On April 27, 2017, at approximately 5:54 pm the Subject Officers, in an unmarked car, pulled over the Complainant near the BLOCK OF STREET IN SE, WASHINGTON DC.
2. SUBJECT OFFICER #1 approached the driver's side of the Complainant's car and advised the Complainant that he had been pulled over for failure to use his turn signal and requested the Complainant's driver's license.
3. The Complainant complied with SUBJECT OFFICER #1's request and provided his driver's license, as well as his registration and proof of insurance, which were also requested by SUBJECT OFFICER #1.
4. While collecting his documents, the Complainant's hands were visibly shaking in the BWC footage.
5. SUBJECT OFFICER #1 asked the Complainant if everything was "okay" and the Complainant responded that he had just finished playing basketball.
6. The BWC footage revealed a basketball plainly visible on the front passenger seat of the car.
7. SUBJECT OFFICER #1 asked where the Complainant had been playing basketball. The Complainant responded that he did not understand why he needed to provide that information for a traffic stop.
8. Approximately two and one half minutes into the stop, SUBJECT OFFICER #1 asked the Complainant to step out of the car. The Complainant asked "for what" and SUBJECT OFFICER #1 responded, "Because I am asking you to step out."

9. The Complainant complied and stepped out of the car with raised hands, as requested by SUBJECT OFFICER #1. He was wearing a tank top and athletic shorts with a small towel over his shoulder.
10. SUBJECT OFFICER #1 asked if the Complainant had any weapons, which the Complainant denied. SUBJECT OFFICER #1 then asked if he could pat down the Complainant. The Complainant consented, but asked why it was necessary for him to exit his car during a traffic stop. SUBJECT OFFICER #1 replied that he would explain everything in “just a second” and continued the pat down.
11. No items were found during the pat down of the Complainant.
12. Around the time SUBJECT OFFICER #1 patted down the Complainant, another officer, WITNESS OFFICER, arrived on the scene.
13. After the pat down, SUBJECT OFFICER #1 directed the Complainant to the rear of the car. The Complainant complied.
14. The Complainant again asked why he had been asked to step outside of the car. His hands remained raised with palms open at shoulder level.
15. SUBJECT OFFICER #1 stated that he asked the Complainant to exit the car because the Complainant appeared to be “more and more nervous” as SUBJECT OFFICER #1 continued to talk to him.
16. The Complainant responded, “Ok, I’m a black male being pulled over by three white officers.” To which, SUBJECT OFFICER #1 told him to “relax.” The Complainant responded, “You can’t tell me to relax, if I’m nervous it is because I don’t feel safe.”
17. SUBJECT OFFICER #1 then pointed out that the Complainant was sweating and his hands were visibly shaking.
18. The Complainant replied that he was shaking because he was “scared right now” and that he feared the police.
19. SUBJECT OFFICER #1 then asked if there was a gun in the car, the Complainant responded, “No, there is not.” SUBJECT OFFICER #1 asked if there were drugs in the car, which the Complainant denied. SUBJECT OFFICER #1 asked to search the car to “check and make sure,” the Complainant responded, “No.”
20. SUBJECT OFFICER #1 repeated that the Complainant was acting nervous, and the Complainant repeated that he just finished playing basketball so he was sweaty.
21. During SUBJECT OFFICER #1’s exchange with the Complainant at the rear of the car, SUBJECT OFFICER #2 peered in the car several times through the driver’s door, which had been left open, and through the open windows. SUBJECT OFFICER #2 asked the

Complainant if there was a gun in the car and asked to search the car for guns. The Complainant denied that he had a gun and SUBJECT OFFICER #2's request to search the car for guns.

22. Then, approximately five and a half minutes into the stop, and after two and a half minutes of conversation with the Complainant at the rear of the car, SUBJECT OFFICER #1 asked the Complainant to sit on the curb next to the car.
23. The Complainant stepped to the side of the car toward the curb with all three officers and began to sit, but then stood up and asked why he had to sit on the curb. SUBJECT OFFICER #1 responded that it was because the Complainant was making him "nervous." SUBJECT OFFICER #2 said, "If there is a gun, bro, we're going to find it."
24. The Complainant then responded, "So now you're telling me that I have a gun?"
25. The Complainant refused to sit down on the curb, stating that the presence of three armed officers telling him that he had a gun in the car was making him nervous and that he would prefer to stand up because the officers were scaring him.
26. SUBJECT OFFICER #2 then stated that the officers were going to "detain" the Complainant and placed the Complainant in handcuffs with SUBJECT OFFICER #2's assistance.
27. From the time that he stepped out of the car until he was placed in handcuffs, the Complainant's hands remained raised, palms open, and at shoulder level.
28. After being handcuffed, SUBJECT OFFICER #1 asked the Complainant to lean against the front of the unmarked police car and the Complainant complied.
29. The Complainant asked if he had been pulled over because he was black, which SUBJECT OFFICER #1 denied. There was then some discussion of police violence against unarmed black men.
30. The Complainant then appeared to look for the officers' name tags. SUBJECT OFFICER #1 stated, "SUBJECT OFFICER #1 AND BADGE NUMBER."
31. A few seconds later, the Complainant asked for the officers to write down their names and badge numbers on a card. SUBJECT OFFICER #1 responded that "we can take care of all of that at the end."
32. Approximately seven minutes into the traffic stop, SUBJECT OFFICER #2 radioed the K-9 unit and requested that they send a drug and gun dog.
33. Approximately nine minutes into the stop, SUBJECT OFFICER #2 appeared to run the Complainant's driver's license.

34. For the next ten minutes or so, SUBJECT OFFICER #1 chatted with the Complainant and explained that he had never seen anyone act as nervously as the Complainant during a traffic stop.
35. The Complainant explained that his adrenaline was pumping as a result of playing basketball and that he was scared. The Complainant explained that he was a nervous individual and that he cannot voluntarily control his physiological responses (sweating and shaking).
36. Three more officers (in addition to the Subject Officers and WITNESS OFFICER) arrived at the scene after the Complainant was handcuffed.
37. Approximately 20 minutes into the stop, the Complainant consented to the Subject Officers' requests to search his car because they were "wasting [his] time."
38. After consenting to have his car searched, the Complainant asked SUBJECT OFFICER #2 if he would apologize if nothing was found.
39. No guns or drugs were found during the search of the car.
40. After the search SUBJECT OFFICER #2 removed the handcuffs from the Complainant.
41. SUBJECT OFFICER #2 then handed the Complainant his license and told him that they were not going to write him a ticket.
42. The Complainant then asked if he was free to go, to which SUBJECT OFFICER #2 responded affirmatively.
43. The Complainant then asked for the Subject Officers' names.
44. SUBJECT OFFICER #2 responded by grabbing the license back and stating that the Complainant can have their names on the ticket.
45. The Complainant stated to SUBJECT OFFICER #1 "so because I want the names, he's upset?" SUBJECT OFFICER #1 explained to the Complainant that SUBJECT OFFICER #2 was going to let him go, but he needed to write a ticket if the Complainant was going to hold them to police "technicalities."
46. After discussing where the Complainant made turns without signaling with SUBJECT OFFICER #1, SUBJECT OFFICER #2 wrote the ticket and handed it to the Complainant, told him it was a warning ticket, and pointed out where his badge number was written and read it aloud.
47. The stop was initiated solely as a result of Complainant's traffic infraction.

IV. DISCUSSION

Pursuant to D.C. Code §§ 5-1107(a), (b-1), OPC has the sole authority to adjudicate “a citizen complaint against a member or members of the MPD . . . that alleges abuse or misuse of police powers by such member or members, including (1) harassment; (2) use of unnecessary or excessive force; (3) use of language or conduct that is insulting, demeaning, or humiliating; (4) discriminatory treatment based upon a person’s race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, or place of residence or business; (5) retaliation against a person for filing a complaint pursuant to [the Act]; or (6) failure to wear or display required identification or to identify oneself by name and badge number when requested to do so by a member of the public.”

A. HARASSMENT

Harassment is defined in MPD General Order 120.25, Part III, Section B, No. 2 as “words, conduct, gestures, or other actions directed at a person that are purposefully, knowingly, or recklessly in violation of the law, or internal guidelines of the MPD, so as to: (a) subject the person to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or (b) deny or impede the person in the exercise or enjoyment of any right, privilege, power, or immunity.” The regulations governing OPC provide that “[i]n determining whether conduct constitutes harassment, [OPC] will look to the totality of the circumstances surrounding the alleged incident, including, where appropriate, whether the officer adhered to applicable orders, policies, procedures, practices, and training of the MPD . . . the frequency of the alleged conduct, its severity, and whether it is physically threatening or humiliating.” D.C. Mun. Regs. tit. 6A, § 2199.1.

Handcuffing

The Complainant alleges that the Subject Officers harassed him by handcuffing him without justification during a prolonged traffic stop. It is undisputed that the Complainant was handcuffed approximately five minutes into the traffic stop, and remained handcuffed for approximately 20 minutes. It is also undisputed that the entire traffic stop lasted approximately 27 minutes and only ended after the Complainant consented to the search of his car. Whether the Subject Officers’ conduct constituted harassment depends on whether it was (a) purposefully, knowingly, or recklessly in violation of the law, or internal guidelines of the MPD and (b) subjected Complainant to an unlawful detention, mistreatment, or other infringement of a personal right or denied or impeded Complainant in the exercise of or enjoyment of any right, privilege, power, or immunity.

MPD General Order 304.10, Police-Citizen Contacts, Stops and Frisks (“MPD General Order 304.10”) dictates that “Officers shall use the least coercive means necessary to effect a stop.” Additionally, “[t]he measure of the scope of permissible police action in any investigative stop depends on whether the police conduct was reasonable under the circumstances.” *In re*

M.E.B., 638 A.2d 1123, 1126 (D.C. 1993). In some circumstances, detention in handcuffs is permissible in the context of an investigatory stop; specifically, courts have found that handcuffing during an investigative stop is permissible when “reasonably necessary to protect the officer’s safety or to thwart a suspect’s attempt to flee.” *Id.* at 1128.

During their sworn interviews with OPC, both Subject Officers stated that the Complainant was handcuffed because they were concerned he might flee. Additionally, in his interview, SUBJECT OFFICER #1 stated that the Complainant was also handcuffed because he thought he might “fight.” Both Subject Officers stated that the only basis for their concerns regarding flight was that the Complainant was sweaty and shaking, and that in the past they had one similarly-acting suspect who fled the scene.

The BWC footage confirms that the Complainant’s hands were visibly shaking during his initial interaction with the Subject Officers. And while it is difficult to determine whether the Complainant was sweating in the BWC footage, the Complainant did not dispute that he was sweating during the stop. Thus, there is no dispute that the Complainant was sweating and nervous when approached by the Subject Officers.

However, given the totality of the circumstances, the fact that the Complainant was sweating and shaking does not support the Subject Officers’ contentions that handcuffs were necessary to prevent flight or fight. First, the BWC footage revealed that the Subject Officers spent at least two and half minutes speaking to the Complainant after he stepped out of his car before placing him in handcuffs. During those two and a half minutes, the Complainant made no visible attempts to flee; he did not make any sudden movements or appear to look for an escape route. Rather, the Complainant spoke directly with the Subject Officers while unrestrained, maintaining eye contact, and kept his hands raised with palms open at shoulder level. Indeed, during their sworn interviews, the Subject Officers could not recall the Complainant making any sudden movements to indicate he would flee prior to being handcuffed. Second, during his unrestrained interaction with the Subject Officers, the Complainant repeatedly explained his appearance and demeanor. The Complainant stated that he was sweating because he had just finished playing basketball, which was consistent with the following visible evidence: (1) a basketball was on the passenger seat of the car; (2) the Complainant had a small towel (presumably used to wipe away sweat) slung across his shoulder; and (3) he was wearing athletic clothes. The Complainant also explained that his hands were shaking because he was nervous and scared of the police, which he reiterated multiple times before he was placed in handcuffs. It is not unreasonable for a person to be nervous during a traffic stop and the Subject Officers’ single prior experience with a nervous person fleeing is not a reasonable basis to handcuff anyone deemed nervous.

The BWC revealed that the Subject Officers handcuffed the Complainant after he declined to sit on the curb because, as he told the officers, he felt unsafe. When asked why he was required to sit down, SUBJECT OFFICER #1 stated because the Complainant was making him nervous. To the extent that the Subject Officers were nervous that the Complainant would physically harm them, such a fear was unreasonable given: (1) SUBJECT OFFICER #1 had

patted down the Complainant and he had no weapons; (2) at least three police officers were present, all of whom were armed, (3) the Complainant made no physical advances or threatening actions and kept his hands raised with palms open and at shoulder level the entire time he was unrestrained; and (4) the basis for the stop was failing to use a turn signal, an admittedly minor traffic infraction,² and not based on suspicion that the Complainant had committed a violent crime.

It is undisputed that prior to being handcuffed, the Complainant: (1) complied with SUBJECT OFFICER #1's request to provide his driver's license and other documentation; (2) complied with SUBJECT OFFICER #1's request that he exit the car with his hands above his head;³ (3) consented to a pat-down search and no weapons were found; (4) explained why he was sweating and nervous and visible evidence was consistent with that explanation; and (5) engaged in conversation with the Subject Officers for approximately five minutes while unrestrained and made no movements suggesting an intent to flee or fight. While the Complainant did protest having to sit down on the curb after being directed to exit his car during the traffic stop, until that time he had been compliant. Moreover, the Subject Officers did not warn the Complainant that he would be handcuffed if he did not sit down, but simply informed him that he was being detained and handcuffed him when he asked why he needed to sit. Thus, the totality of the circumstances demonstrates that the Subject Officers' detention of the Complainant in handcuffs during the traffic stop was unnecessary and unreasonable.

Prolonged Detention

Another component of the Complainant's harassment allegation relates to the length of the stop, which lasted for approximately 27 minutes (20 of which the Complainant was handcuffed). MPD General Order 304.10 provides: "Officers shall detain a person only for the length of time necessary (in most cases not to exceed twenty (20) minutes) to obtain or verify the person's identification; to obtain an account of the person's presence or conduct, or otherwise determine if the person should be arrested."⁴ The General Order also provides that "[t]he length of the stop must be reasonable and will be evaluated on the particular facts, but caution dictates moving quickly so as to avoid the stop becoming more like an arrest."

² In their Objections to the OPC's Report of Investigation, the Subject Officers' representative acknowledged that the traffic infraction was "a minor one."

³ In their Objections to the OPC's Report of Investigation as it related to the use of handcuffs, the Subject Officers' representative responded, in part, that the Subject Officers were well-within their rights to ask the Complainant to step out of the car. Because the Complainant's harassment allegation is not based on the Subject Officers' directive that he exit the car, no determination is necessary as to the reasonableness of that directive and it was not considered by the Complaint Examiner as part of this merits determination.

⁴ When a stop exceeds 20 minutes, MPD General Order 304.10 dictates that "members must articulate in the PD Form 76 or PD Form 251 the justification for the length of the stop." The Subject Officers failed to complete either form.

Here, it is undisputed that the stop exceeded 20 minutes. While the length of the stop, approximately 27 minutes, by itself may be insufficient to support a finding of harassment, the totality of the circumstances must be considered. The stop was terminated only after the Complainant finally consented to the Subject Officers' requests to search his car, and after the Complainant was unnecessarily physically restrained for more than 20 minutes during the stop. All of these circumstances, taken together, constitute harassment.

Search

The final aspect of the Complainant's harassment allegation relates to the search of his car. The Complainant gave the Subject Officers permission to search his car approximately 20 minutes into the stop because the Subject Officers were "wasting [his] time" waiting for a gun and drug dog to arrive on the scene. Aside from requesting to search the car during the first few minutes of the stop, the Subject Officers did not repeat their requests as the stop progressed or otherwise pressure the Complainant to consent to the search. Thus, the search, alone, does not rise to the level of harassment.

In sum, based on the totality of the circumstances, the handcuffing and prolonged detainment of the Complainant constitutes harassment. The Complainant articulated credible explanations for his sweating and visible nervousness, and he did not engage in any overt behavior suggesting an intent to flee the scene or attack the officers present at the scene. The Subject Officers' single prior experience where a nervous suspect did attempt to flee did not justify handcuffing and detaining the Complainant based on the circumstances here.

B. RETALIATION

The Complainant alleges that SUBJECT OFFICER #2 retaliated against him by issuing a ticket only after the Complainant asked for the Subject Officers' names and badge numbers. The regulations governing OPC define retaliation as "[a]ction that discriminates against a person for making or attempting to make a complaint pursuant to the [OPC Statute], including action taken against a person because he or she has opposed any practice made unlawful by this [Statute] or because he or she has made a complaint or expressed an intention to file a complaint, testified, assisted, or participated in any manner in an investigation, mediation, conciliation, complaint examination or other proceeding under this [Statute]." D.C. Mun. Regs. tit. 6A, § 2199.1; *see also* MPD General Order 120.25 (similarly defining retaliation).

The BWC footage revealed that the Complainant questioned the legitimacy of the traffic stop by stating that he believed his detention was based on his race. The BWC footage further demonstrates that after the Complainant was released from handcuffs, SUBJECT OFFICER #2 gave the Complainant back his driver's license and told him that there would be no ticket issued. The Complainant then asked if he was free to leave, which he was told he could. As he was preparing to leave, the Complainant asked for the Subject Officers' names and badge numbers. In response, SUBJECT OFFICER #2 immediately grabbed the Complainant's license back and told the Complainant that he would provide that information on a ticket. When the Complainant

protested to SUBJECT OFFICER #1 that he was receiving the ticket only because he had asked for the Subject Officers' names, SUBJECT OFFICER #1 explained that SUBJECT OFFICER #2 was previously going to just let him go, but if he was going hold them to "police technicalities," they were required to write a ticket. SUBJECT OFFICER #2 then gave the Complainant a ticket, pointed out his badge number on the ticket and stated that it was a "warning ticket" for failure to use a turn signal.

The right to request MPD officers' names and badge numbers is a protected activity that inures to all people within the District of Columbia, D.C. Code § 5-1107(a), which the Subject Officers concede in their Objections to the OPC's Report of Investigation. However, the Subject Officers argue that the warning ticket cannot amount to retaliation because (1) it did not impose a fine and is therefore not an adverse action; and (2) a legitimate, non-discriminatory reason existed for issuing the ticket, i.e. the Complainant's failure to use a turn signal.

First, the "warning ticket" or warning Notice of Infraction ("NOI") issued to the Complainant for failure to use a turn signal constitutes an "adverse action" taken by the SUBJECT OFFICER #2, even though it did not include a fine. The retaliation provision of D.C. Code § 5-1107(a) protects a complainant against any conduct by a subject officer that has a "materially adverse" effect on the complainant. The issuance of the warning NOI occurred after SUBJECT OFFICER #2 told Complainant that he would not receive a ticket for the traffic stop and that he was free to go, and only after the Complainant asked for their names and badge numbers. SUBJECT OFFICER #2's reversal regarding the issuance of the ticket (which he did not immediately say would be a warning ticket) understandably upset the Complainant. Although the warning NOI did not include a fine, the issuance further prolonged Complainant's already prolonged detention, requiring him to wait several more minutes while the Subject Officers discussed where he had made the turns without a signal and completed the warning NOI paperwork.

Second, the Subject Officers' explanation that the warning NOI was legitimate because the Complainant violated traffic laws by failing to use a turn signal and, under MPD General Order 303.01(I)(A)(2)(b), they were required to issue a NOI for the traffic violation, is unconvincing. First, there is no question that the Subject Officers initially decided not to issue an NOI for the traffic violation (despite the requirements of MPD Order 303.01) and communicated that decision to the Complainant. Second, SUBJECT OFFICER #2 changed his mind and issued the warning NOI only after the Complainant requested the Subject Officers' names and badge numbers. The BWC footage demonstrates that the ticket was a result of the Complainant's apparent intention to file a complaint. Specifically, SUBJECT OFFICER #1 demonstrated the Subject Officers' understanding that the Complainant asked for their information for the purpose of filing a complaint by explaining that if the Complainant was going to hold them to "police technicalities," then the Subject Officers must issue a ticket.

Based on the totality of the circumstances, SUBJECT OFFICER #2 retaliated against the Complainant when he issued the NOI immediately following, and in response to, his request for the Subject Officers' names and badge numbers, thereby violating § 5- 1107(a) and MPD General Order 201.26.

C. FAILURE TO IDENTIFY

MPD General Order 201.26 requires MPD officers to “give their first and last name and badge numbers in a respectful and polite manner” when “requested to do so by a member of the public.”

Approximately eight minutes into the stop, while the Complainant was handcuffed, SUBJECT OFFICER #1 told the Complainant his last name and badge number -- “SUBJECT OFFICER #1 BADGE NUMBER” -- after the Complainant appeared to look for the nameplate on his uniform. A few minutes later, the Complainant asked that SUBJECT OFFICER #1 write on a “card” all of the officers’ names and badge numbers, which SUBJECT OFFICER #1 said he would “take care of” at the end. After the Complainant was told he was free to leave, he again asked for the Subject Officers’ names and badge numbers. As discussed in Section B. above, SUBJECT OFFICER #2 responded by taking back the Complainant’s license and by writing a NOI that included his badge number, which he verbally repeated to the Complainant. SUBJECT OFFICER #2 also signed the ticket, but his name cannot be deciphered. SUBJECT OFFICER #1 did not repeat his name and badge number.

While both Subject Officers provided some identification to the Complainant during the stop, they did not comply with the MPD General Order 201.26 and “give their first and last name and badge numbers in a respectful and polite manner” when requested. SUBJECT OFFICER #1 volunteered his last name and badge number while the Complainant was in handcuffs and appeared to look for his nameplate. But the Complainant, who was handcuffed and unable to record it or otherwise note it, asked SUBJECT OFFICER #1 to write the names down, which SUBJECT OFFICER #1 indicated he would do at the end of the stop. At the end of the stop after being unrestrained, the Complainant again requested the Subject Officers’ names and badge numbers. SUBJECT OFFICER #1 failed to respond (either verbally or in writing) to the Complainant’s request. SUBJECT OFFICER #2 verbally provided his badge number, but not in a respectful or polite manner as required, instead it was in the form of a retaliatory warning NOI on which his name was illegible.

V. SUMMARY OF MERITS DETERMINATION

SUBJECT OFFICER #1:

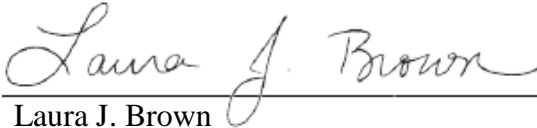
Allegation 1: (Harassment)	Sustained
Allegation 3: (Failure to Identify)	Sustained

SUBJECT OFFICER #2:

Allegation 1: (Harassment)	Sustained
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Allegation 2: (Failure to Identify)	Sustained
Allegation 3: (Retaliation)	Sustained

Submitted on September 14, 2018.



Laura J. Brown
Complaint Examiner