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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #10  
April 2014

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**OVERVIEW**

Officers were responding to a domestic on Complainant's block. The house number listed in the incident report was XXXX; Complainant lives several houses away from that address. Complainant alleges that officers "pounded" on Complainant's door early in the morning. Complainant woke up and opened the door. Complainant alleges he asked "what was going on" and an officer responded, "you tell me." Complainant alleges he was placed in handcuffs and was told to put shoes on but could not locate them. Complainant alleges that one of the officers stated that "they'd take [Complainant] to the car without shoes if that's what [he] wanted." Complainant was told to put boots on but could not while handcuffed. Complainant alleges he repeatedly asked why officers were at his home, but no officers would respond. After talking to Complainant and his fiancé, the officers determined that they were at the wrong house and Complainant was released. Officers went to the correct address. Complainant alleges that no officer "gave [Complainant] his name or badge number."

**THE COMPLAINT**

1. Inappropriate Attitude: That Officers 1 and 2 acted discourteously and unprofessionally toward Complainant by not answering when he asked why officers were at his home, telling him he would have to go to the squad car without shoes on, and not providing their name and badge numbers.

**OPCR AND MPD POLICIES**

1. OPCR Ord. § 172.20(2) Inappropriate Language or Attitude
2. 5-104.01 PROFESSIONAL POLICING: Officers shall utilize the following practices when conducting pedestrian and vehicle stops: be courteous, respectful, polite and professional; introduce or identify themselves to the citizen and explain the reason for the contact as soon as practical, unless providing this information will compromise the safety of officers or other persons; ensure that the length of detention is no longer than necessary to take appropriate action for the known or suspected offense; attempt to answer any relevant questions that the citizen may have regarding the citizen/officer contact, including relevant referrals to other city or county agencies when appropriate; provide name and badge number when requested, preferably in writing or on a business card; explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop); if asked, provide the procedures for filing a complaint about police services or conduct.

**COMPLAINT PROCESSING**

OPCR joint supervisors believed that the allegations, if proven true, would constitute an A-level violation. The case was sent to coaching for resolution.

## **EVIDENCE**

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

1. Complainant submitted a detailed written complaint.
2. Visinet records were obtained.
3. Police Reports and summaries were obtained.
4. No squad recordings were available.
5. Coaching documents were prepared and sent to the precinct inspector.

## **SUMMARY OF EVIDENCE**

### The Complaint

Complainant alleges that he was awoken at an early morning hour by Officers 1 and 2 pounding on his door. Complainant alleges that when he came downstairs, he was told to open the door or it would be kicked in. Complainant alleges he opened the door and Officers 1 and 2 entered. One of the Officers grabbed a baseball bat that was leaning against the wall inside the door. Complainant alleges that he asked what was going on and the Officers replied, "You tell me," to which Complainant responded, "No. You're in my house."

Complainant alleges that one of the Officers placed him in handcuffs, and told him to put shoes on. Complainant alleges that he told the Officers that he did not know where his shoes were at that moment. Complainant alleges that one of the Offices said, "they'd take [Complainant] to the car without shoes if that's what [he] wanted." Complainant alleges that he was told to put on boots that were on the porch but struggled to do so because his hands were cuffed behind his back, and he was told to "quit wasting time." Complainant alleges that he was sitting on his porch in his pajamas for several minutes.

Complainant alleges that he kept asking why the Officers were there and was given no information. Complainant alleges that he asked who the Officers were looking for, and then they asked his name which he provided. Complainant alleges that at this point, another officer, Witness Officer 1, who had been speaking with his fiancé, Civilian Witness 1, came out to the porch and told Officers 1 and 2 that the names did not match the 911 call. Complainant alleges that the Officer who handcuffed him said that Complainant matched the description of the suspect from the 911 call.

Complainant alleges that after confirming with dispatch that the 911 caller refused to verify the address, he was finally unhandcuffed. Officers went to another house on the block, while the third Officer removed the cuffs. This third Officer told Complainant that his attitude was the cause of the Officers' behavior.

Complainant alleges that no Officer gave him his name or badge number.

### Visinet Report

The Visinet report states that the incident duration was 35 minutes. During the early morning, 911 received a call stating that the caller had been punched in the mouth by her boyfriend, for whom she provided a name that was not Complainant's name. The caller said she was now in the bathroom and that she did know where her boyfriend, the suspect, was in the house. The 911 dispatcher said she was staying on the phone with the caller, but the caller hung up. Dispatch provided a description of the suspect.

Approximately fourteen minutes after being assigned, Officers 1 and 2's squad responded that they were transporting one male and to change the code to a "domestic" from a "domestic abuse-in progress." Their squad commented, "Caller and subject were involved in a verbal altercation. Ongoing problem. Caller wanted subject sent for the evening. Advised caller to resolve dispute at a later time."

No reference to going to the wrong house or the interaction with Complainant is indicated in the visinet report.

## **COACHING/MEDIATION/INVESTIGATION**

Coaching was sent to the precinct inspector who referred it to the appropriate supervisor to complete. The supervisor interviewed Officers 1 and 2, and then spoke with Complainant. The supervisor also reviewed the police reports and summaries.

### Interview with Officers 1 and 2

The supervisor stated that both Officers "appreciated the nature of the complaint and understood the complainant's issues about responding to the wrong address." Officer 1 did maintain that they were sent to the wrong address, but "owned the issues the complainant brought forward with regard to attitude and thoughtfulness of the complainant's position." Officer 2 "understood the necessity for the coaching session and added that his procedure, though spot on, was interpreted by the complainant appropriately."

### Conversation with Complainant

The supervisor stated that Complainant asked that "nothing further be done to the employees regarding this issue." The supervisor stated that at the end of their phone call, Complainant "acknowledged that the officers' response was appropriate and knew that if he called 911 from a locked bathroom and was waiting for help he would want the police to treat his attacker the same way." Complainant stated that he was impressed with Witness Officer 1. Complainant also expressed his concern for the actual victim, as she had to wait for service while the address was being figured out. The supervisor assured him and Civilian Witness 1 that, "this occurs with very rare frequency and their time spent bringing these issues forward were appreciated by the City of Minneapolis."

### Supervisor's Conclusion

The supervisor concluded that no policy violations occurred. As described above, the supervisor followed up with Complainant via telephone.