
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary #10
June 2014

OVERVIEW

Police responded to a domestic at Complainant's residence after her boyfriend called for service. Officers 1 and 2 arrested her for a 5th degree domestic. Complainant is legally blind, and Complainant alleges that she was not allowed to take her walking cane or any adaptive means to assist her with her visual impairment. Complainant alleges that when she arrived at jail, she was inappropriately groped by a female officer. The officer was determined to be HCJ staff, not MPD.

THE COMPLAINT:

1. Violation of the P&P Manual: that officers did not use reasonable judgment when they did not allow her to take her walking cane or any adaptive means to assist her with her visual impairment.

OPCR AND MPD POLICIES

1. OPCR § 172.20(8) Violation of the Policy and Procedure Manual
2. MPD P&P § 5-105(3) Professional Code of Conduct: Officers shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

COMPLAINT PROCESSING

The case went through intake investigation. After review by the joint supervisors the case was dismissed because there was insufficient evidence to conclude that any violation of the Policy and Procedure Manual § 7-1000 [Arrests of] Persons with Disabilities and/or Non-English Speaking Persons or any other section occurred. The case was referred to the appropriate office for all allegations against other officers.

EVIDENCE

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

1. Complainant submitted a written complaint.
2. Visinet Records were obtained.
3. CAPRS Records were obtained.
4. MVR Recordings were obtained.

Evidence Summary

Complaint:

Complainant submitted a written complaint stating that she was not permitted to tell her side of the story while she was arrested. Complaint alleged that she was not permitted to take a white cane or other adaptive device she uses because she is legally blind to jail with her. Complainant alleges that while being searched at the jail, an officer groped her breast repeatedly.

Visinet:

The Visinet report indicates that Police were dispatched to Complainant's residence for domestic abuse in progress and that Complainant was ultimately arrested and transported to the Hennepin County Jail.

Squad Recording

The MVR recording captured the Complainant once she was seated in the squad car. Per policy, the Complainant was Mirandized on camera and she requested to speak to an attorney. Officers 1 and 2 stopped asking questions or talking to Complainant once Complainant requested an attorney. Complainant requested that her blood pressure be taken at the police station. Complainant requested information about a 5th degree assault arrest and disputed the sequence of events that led to the arrest. Complainant requested that she be released from handcuffs once the car was in motion.

On the way to jail, Complainant asked for the officers to return to her house to obtain her cane. When officers did not respond, Complainant states that she will get her attorney to get her cane. One of the officers stated, "The jail will have a cane." The Complainant continued to talk to the officers about her house keys, whether she consumed alcohol, and her attorney, but the officers did not respond. Complainant stated that she was "working on threatening language" and apologized for it. Complainant looked out the window several times throughout the ride and commented on the squad's location, noting that they were close to her apartment, and she asked to stop at her apartment to retrieve a cane. Complainant discussed her medication and issues with the State of Minnesota. The recording ended when Complainant was escorted from the squad car at Hennepin County Jail.

CAPRS

The police report indicates that police were at the residence for approximately sixteen minutes. Both officers involved submitted supplements to the report.

Supplement 1

Officer 1 stated that when he arrived, Complainant and her boyfriend were arguing about injuries to his face. The boyfriend had a scratch next to his lips which he told officers was a result of Complainant scratching his face. Officer 1 stated that Complainant was placed in handcuffs, escorted to the squad, and Mirandized. Complainant requested a lawyer, and the interview was concluded. Officer 1 stated that Complainant was booked for domestic assault 5.

Supplement 2

Officer 2 reported that after interviewing Complainant's boyfriend, the Complainant came out of the residence with a tape recorder. Officer 2 indicated that, because Complainant is legally blind, Officers 1 and 2 attempted to ascertain if the Complainant's attempt to grab Victim's face was a physical form of communication or an expression of anger. Complainant's boyfriend stated that

it was out of anger and not a form of communication. Officer 2 stated that he attempted to locate a digital camera to record the boyfriend's injuries but was unsuccessful. Officer 2 checked to see if Complainant was on the domestic enhancement list, and she was not. Officer 2 stated that Complainant's boyfriend refused medical service. Officer 2 stated that Complainant's boyfriend completed a medical release form and a MPD domestic victim form, and Complainant was taken to jail.