

---

**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #6  
July 2014

---

**OVERVIEW**

Complainant alleges that Officer 1 "abused" him, swore at him, and did not return his cell phone. On the MVR, Officer 1 stated: "Shut up or we'll just keep adding charges on," and "you watch too much TV and you are out of your coconut." Complainant states "I had a stroke," Officer 1 states "I don't care, you're out of your mind." Officer 1 states, "what a loser" (referring to Complainant). To her partner she states, "did I hear you call EMS for him, he's fine." Officer 1 states, "he's drinking cologne" (as a joke in response to his vomiting)

**THE COMPLAINT**

1. Inappropriate Language: That Officer 1 swore at him.
2. Violation of the Policy and Procedure Manual: That Officer 1 did not return Complainant's cell phone and dumped his credit cards on the ground.
3. Inappropriate Language/Attitude: That Officer 1 made a number of derogatory remarks about Complainant during the arrest and told him that the officers would "keep adding charges on" to his arrest.
4. Failure to Provide Adequate Protection: That Officer 1 stated that Complainant was "fine" when EMS was called.

**OPCR AND MPD POLICIES**

1. OPCR Ord. § 172.20(2) Inappropriate Language and Attitude
2. OPCR Ord. § 172.20(8) Violation of the P&P Manual
3. OPCR Ord. § 172.20(6) Failure to Provide Adequate Protection
4. 5-105(10) PROFESSIONAL CODE OF CONDUCT: Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.
5. 5-105(17) PROFESSIONAL CODE OF CONDUCT: All property received as a result of on-duty police action shall be forwarded to the Property and Evidence Unit.
6. 5-105(2) PROFESSIONAL CODE OF CONDUCT: On-duty officers shall, at all times, take appropriate action within their jurisdiction, to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all federal, state and local laws and ordinances.

**COMPLAINT PROCESSING**

Complainant filed a written complaint with the OPCR. Reports and the squad recording were obtained. After viewing the squad recording, it was determined that several of Complainant's allegations were unfounded. However, Officer 1 was heard using inappropriate/derogatory language on the recording while displaying an unprofessional attitude. After checking the Officer's disciplinary history, the joint supervisors determined that the remaining allegations, if true, would constitute an A-level violation. Accordingly, the case was sent for coaching.

**EVIDENCE**

1. Complainant filed a written complaint with the Office detailing allegations.
2. Police Reports were obtained.

3. MECC communications were obtained.
4. Squad recordings were obtained
5. Coaching documents were submitted to the precinct supervisor
6. Coaching documents were returned by the precinct supervisor
7. Coaching documents were resubmitted to precinct supervisor for additional work
8. Final approved coaching documents were returned to OPCR

## **SUMMARY OF EVIDENCE**

### **Complaint**

Complainant's written complaint states that Complainant was at a restaurant, and he "had a[sic.] argument with [restaurant management] over sandwich[sic.]." Complainant alleges he was asked to leave after police were called. Complainant alleges that as he was leaving, Officer 1 "grabed[sic.] me becuz[sic.] I was going 2[sic.] make a report about her abuseing[sic.] me and her swearing at me." Complainant alleges that Officer 1 took his cell phone from the store with his jacket and threw it on the street with his sandwich. Complainant alleges that his phone was not inventoried at the jail and the "mgr[sic.] said she took it."

### **Visinet Reports**

The restaurant manager called for police service reporting that a male suspect was refusing to leave the store and threatening staff. Complainant was described as an older white male with a large build. The manager requested assistance in removing the Complainant.

The record indicates that the Officer 1 and 2 arrived and summoned EMS. EMS reported that the Complainant was having a panic attack and closed the incident. An additional squad was sent to assist Officers 1 and 2. Complainant was transported to jail.

### **Police Reports**

Officers 1 and 2 submitted a report with two supplements detailing the incident. The public narrative indicates that Complainant was arrested for disorderly conduct and trespassing by Officers 1 and 2. The restaurant manager filed a citizen's arrest form, and Officers 1 and 2 indicated that they arrested and transported Complainant to jail in lieu of a citation, believing he would continue his criminal behavior if he not detained.

#### **Supplement by Officer 1**

Officer 1 first notes that she was summoned to the location because a suspect was threatening restaurant staff and refusing to leave the establishment. She arrived at the location and entered it. Officer 1 stated that employees immediately pointed at the Complainant.

Officer 1 stated that she attempted to speak with the Complainant but that he was "beyond reason." She states that he "refused to speak with officers by screaming past [them] at the employees." Officer 1 stated that she attempted to talk to him for several minutes without success, so he was "escorted" out of the restaurant. Officer 1 stated that once outside, Complainant began screaming at Officers 1 and 2, alleging that he was personal friends with other officers. Officer 1 stated that this behavior continued; in response she arrested him to prevent further behavior. Officer 1 explained the Citizen's arrest process to the restaurant manager, and he completed the form required.

#### **Supplement by Officer 2**

Officer 2 reported that when he arrived, Complainant was arguing with staff. Officers 1 and 2 began speaking to Complainant, but when Complainant began to "talk loudly" with Officer 1, Officer 2 asked the manager to step away so he could discuss the situation with him.

Officer 1 reported that the manager told him that he “ordered a sandwich and hadn’t liked what he got and started yelling at staff members.” The manager alleged that he offered Complainant a refund, and when Complainant protested, the manager offered to issue a refund and make a new sandwich. The manager stated to Officer 1 that Complainant continued to refuse and yelled at the staff while accusing them of “taking his credit card.” Officer 1 confirmed with the manager that Complainant did not owe any money, and the manager wanted Complainant to leave.

Officer 2 reported that he went outside with Complainant who continued to yell at staff about his sandwich. Once outside, Officer 2 stated that Officer 1 handed Complainant his jacket and money and asked him to leave. Officer 2 stated that Complainant continued to yell about his food and tried to reenter the restaurant. When he was prevented from reentering the store, Officer 2 stated that Complainant began yelling about friends that are Minneapolis Police Officers. Officer 2 stated that he was told to leave multiple times, and when he would not, he was handcuffed by Officer 1.

Officer 2 stated that once in the squad car, Complainant continued to yell about his connections to MPD officers and complained about his sandwich. Officer 2 stated that Complainant stated he was having a panic attack and “was cutting his wrists on his handcuffs.” Officer 2 stated that he opened the squad door to check on Complainant and Complainant attempted to get out of the vehicle. Officer 2 stated that he put his hand on Complainant’s chest and used the opposite door to check Complainant’s wrists which had scratches but were not bleeding.

Officer 2 stated that when he got back into the squad, Complainant began retching and stated that he was going to vomit. Officer 2 exited the vehicle and opened the rear door. Complainant vomited clear liquid. Officer 2 asked if Complainant needed an ambulance, and Complainant stated that he did. Officer 2 stated that EMS responded and indicated that Complainant was okay to be transported to jail.

Officer 1 reported that during the trip to jail, Complainant told the officers about the sandwich, how Complainant was going to sue them, and that the officers would be going to hell. Upon arrival at the jail, Officer 2 reported that Complainant again vomited clear liquid. Officer 2 reported that Complainant told the jail staff that he was vomiting blood, had a dislocated elbow, and had a blood clot.

### **MVR Recording**

The recording begins after Complainant was placed in the back seat of the squad car. Complainant is screaming loudly about his dissatisfaction with his sandwich. Complainant then asks Officer 2 to open the door to vomit. When the door is open, Complainant again complains about his sandwich and his living situation with his cousin. Complainant alleges that he has a blood clot in his lung and had a stroke. Officer 2 asks if he is going to vomit, and Complainant states that he will do so soon.

Complainant resumes discussing his dissatisfaction with his sandwich. Officer 2 repeatedly asks if he is okay and whether he has finished throwing up (Complainant has not vomited at this point). Complainant begins coughing and begins vomiting. Officer 2 asks what Complainant has been drinking. Complainant replies that it was not liquor, and Officer 2 states that he “didn’t say it was liquor, [he] was just asking.” Complainant states that he was drinking Gatorade.

Complainant begins complaining about his sandwich and asserts that he purchased it for his diabetes. Officer 2 asks Complainant if he would like an ambulance. Complainant declines, stating that he is having a panic attack, and Officer 2 states that because Complainant is throwing up, he is concerned. Officer 2 asks Complainant his name, and Complainant argues with him about his identification. Complainant begins complaining about his sandwich, outlining what he did not like about it, and Officer 2 again asks whether he would like an ambulance. Complainant states that he would like an ambulance and discusses medication. Officer 2 calls for an ambulance.

Complainant resumes complaining about his sandwich and begins speaking in strange voices. Officer 1 is seen entering the squad recording and picking up Complainant's jacket from the ground and returning it to Complainant.

Officer 2 speaks with Officer 1, stating that Complainant is vomiting clear liquid that smells like alcohol, but states that he isn't sure whether it is alcohol. Officer 1 approaches and states that it smells like cologne. Officer 2 agrees with Officer 1 that it is a possibility. Complainant begins to complain to Officer 1 about his sandwich.

Complainant states that he knows several officers and where they work. Officer 1 states that she is completing the arrest paperwork, and Complainant begins arguing about whether he has done anything wrong. Officer 1 states, "this is the part where it would be beneficial to you to shut up, so shut up, or we will just keep adding charges on." Complainant states that Officer 1 has to read him his rights, and Officer 1 states, "you watch too much TV and you are out of your coconut."

Complainant tells Officer 1 that he had a stroke, and Officer 1 states, "I don't care. You are out of your mind." Complainant states that he is having a panic attack, and Officer 1 states, "What a loser." Complainant states that his family goes to college.

Officer 1 resumes talking to Officer 2, stating, "Did I hear you call EMS for him, he is fine." Officer 1 states that rather than EMS coming, he should go to jail. Officer 2 states that he called for EMS so that Complainant could be checked out before they bring him to jail. Officer 1 states that Officer 2 is smart. Officer 2 tells a story about an incident with someone with diabetes, concluding that "it never hurts to check them."

Officer 2 attempts to confirm Complainant's home address, and Complainant argues with him, stating that his address is on the card. Officer 2 explains that sometimes addresses on IDs are incorrect and that he is attempting to confirm the address. Complainant provides the address and resumes his discussion about his sandwich. Officer 2 states that he is going to place Complainant's items, (presumably his ID), in his coat.

Complainant states that he is going to vomit again, and Officer 2 opens the door for him. Once the door is open, Complainant describes the medication he takes for his ailments. Complainant tells Officer 1 that he has a prescription in his wallet, but that he hasn't taken his medicine for two days. Complainant again discusses his dissatisfaction with his sandwich. Complainant starts naming officers that he knows that work at various bars and restaurants but returns to a discussion of his interaction with restaurant staff and that he would like to contact the "area manager." Complainant states that he has psychiatric problems, and that he told officers that right when they "came in."

EMS arrives and Officer 2 discusses Complainant's medical issues with the driver, stating that there may be an "EDP kind of thing going on." Complainant tells EMS that he is going through withdrawal from several of his medications. Complainant begins discussing his sandwich and interaction with restaurant staff with EMS, and Officer 2 tells Complainant that EMS needs to know his medical situation.

EMS checks Complainant's legs. Complainant tells them that he has brain damage in his throat and that he is supposed to go to work. Complainant tells EMS about all the officers he knows. Officer 2 tells him to stay on track. EMS tells Complainant that their involvement isn't going to change the outcome of what happens. EMS tells Complainant that he is not having a medical emergency, just anxiety. Complainant argues with EMS. Officer 2 states that they are going to book Complainant. EMS leaves.

Complainant states that he will have his attorney look into how the officers refused him medical attention and begins discussing the officers that he knows. Officer 1 calls for the booking van. Complainant states that the officers are bullying him and reiterates that the officers he knows will be witnesses for him. Complainant is informed that he is being recorded. Complainant

explains that he bought a sandwich with his credit card, complained, and asked the manager to refund his money. Complainant states that he didn't want the money to be refunded to his credit card or gift card.

Complainant tells the officers that they will be sued and lose their job because they don't know who his is. Complainant tells the officers that he hopes they will die soon and "rot in hell." Complainant resumes his discussion of the officers he knows while making threats to sue Officer 1 and 2. Complainant begins making fun of Officer 2. Officers 1 and 2 ignore him and discuss badge numbers and employee ID issues. Complainant begins retching and states that he will spray it on the officers. The squad arrives at Hennepin County Jail.

Officer 2 describes to HCJ staff Complainant's behavior. Complainant continues to retch and gag. HCJ staff takes control of Complainant. HCJ staff takes Complainant's jacket and property from the squad car. Complainant tells HCJ staff that he is vomiting blood, and Officer 2 tells them that this is not correct. Complainant tells HCJ staff about the officers he knows, and they ask him about his medical history. The video concludes.

## **COACHING**

Coaching documents were sent to the precinct supervisor to resolve. The supervisor reviewed CAPRS, but had issues with the squad MVR. The case was returned to the OPCR to request that a copy of the squad recording be provided, and the case was returned to the supervisor with a copy of the recording.

The supervisor attempted to contact Complainant by mail, noting that the Complainant's phone number was not working. The supervisor discussed the incident with Officer 1 and stated that Officer "informed [him] the Complainant was arrested for drinking what the Officer believed to be cologne." Officer 1 stated that "she understands that she must be respectful to citizens that she arrests."

The supervisor recommendation states that he "advised the Officer to be aware of EDP situations and be respectful of their mental illness." The supervisor concluded that a policy violation occurred and noted that the officer was coached. No further information was provided.