
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #2

November 2014

OVERVIEW

Complainant 1 is Complainant 2's father. Complainant 2 was walking to school, and was approximately 30 minutes late. Complainant 2 was stopped by Officer 1. Complainant 2 was allegedly searched, handled roughly, handcuffed, and transported to the Juvenile Supervision Center. Complainant 1 was not contacted during the arrest.

THE COMPLAINT

1. Harassment: Complainant 2 was stopped walking to school approximately 30 minutes late, was allegedly search, handled roughly, and handcuffed.
2. Violation of MPD P&P Manual: Complainant 1 was not contacted during the arrest, and Complainant 2 was transported to the Juvenile Supervision Center.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(3) – Harassment
2. OPCR Ord. § 172.20(8) – Violation of the MPD P&P Manual
3. MPD P&P § 8-302 JUVENILE MISDEMEANORS AND STATUS OFFENSES - OVER 10: Officers may issue a Hennepin County Juvenile Citation (tag) to juveniles over the age of 10 for non-traffic misdemeanors, petty misdemeanors and status offenses, The juvenile shall be released to a parent or legal guardian. If the juvenile cannot be released to a parent or legal guardian, he/she shall be brought to the Juvenile Supervision Center. For every Juvenile Citation issued, officers shall complete a corresponding CAPRS report including documentation of whom the juvenile was released to and the citation number. The court copy of the citation shall be forwarded to the Juvenile Unit.

COMPLAINT PROCESSING

Complainant 1 filed a complaint online. The complaint underwent intake investigation, and was presented to the joint supervisors. The joint supervisors determined that the complaint should receive a preliminary investigation. After the preliminary investigation, the complaint was returned to the joint supervisors with an investigative report. The complaint was dismissed for no basis.

EVIDENCE

1. A complaint was filed online.
2. A Visinet report was obtained.
3. Interview with Complainant 2.
4. OPCR Preliminary Investigative Report.

SUMMARY OF EVIDENCE

Complaint

Complainant 1 filed a detail complaint online. According to Complainant 1, his son (Complainant 2) was walking to school 30 minutes late due to an illness. According to Complainant 1, Officer 1 stopped Complainant 2 and searched him. Officer 1 then proceeded to roughly handle and handcuff Complainant 2. Complainant 1 states Complainant 2 asked the Officer to use his phone to call his father, but Officer 1 did not comply. Complainant states Complainant 2 was transported to the Juvenile Supervision Center for truancy. Finally, Complainant 1 states he was not contacted by the police department and learned about the incident at dinner.

VisiNet

A VisiNet report indicates that at around 9:30 AM Officer 1 encountered Complainant 2.

Complainant 2 Interview

The investigator interviewed Complainant 2 to complete the preliminary investigation:

Complainant 2 stated he was heading to school an hour late because he had been sick that morning. Complainant 2 stated he was exhausted so he sat down to rest. Officer 1 saw him and asked why he was not in school. Complainant 2 stated he told Officer 1 he had been sick. According to Complainant 2, Officer 1 then told him to approach the squad and put his hands on the car. Complainant stated Officer 1 patted him down and checked his pockets. Officer 1 then handcuffed him too tight, and yanked him around while putting Complainant 2 in the squad. Complainant 2 stated that he asked Officer 1 to call Complainant 1 and inquired into where he was being taken, but Officer 1 did not respond.

According to Complainant 2, Officer 1 brought him downtown to a place called "The Link." Complainant 2 stated Officer 1 did not remain with him the whole time he was at "The Link." Complainant 2 stated after meeting with a social worker, another officer transported Complainant 2 to school.

INVESTIGATION

OPCR Preliminary Investigative Report

After a preliminary investigation, an OPCR Investigation Report was completed. The Investigative Report addressed the allegations of Complainant 2 being handcuffed, searched, and transported to the Juvenile Supervision Center. According to the report, MPD policy addressed these allegations. MPD P&P § 8-204 TRUANCY, states that juveniles detained for truancy shall be taken to the Juvenile Supervision Center. MPD P&P § 8-106 JUVENILE SEARCH AND SEIZURE, authorizes the officer, for officer safety reasons, to pat search and handcuff juveniles transported in a squad car in the same manner as an adult.

Next, the report addressed the allegation that Complainant 2 was roughly handled. Complainant 2 did not state he received any cuts, marks, or other symptoms associated with tight handcuffs. Additionally, Complainant 2's statement about "being kind of yanked around" was vague and did not describe any unreasonable force or other misconduct. Finally, the report addressed Complainant 1's allegation about never receiving a phone call about the incident. According to the report, the investigator spoke with the Juvenile Supervision Center. According to the center, when an officer brings in a truancy, the officer fills out a form with the juvenile's information.

Once the form is complete, the officer's responsibility is complete. The Juvenile Supervision Center takes over control of the juvenile, and has the responsibility to contact the parent within 24 hours. Officers usually do not make this call.