
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #9

September, 2015

OVERVIEW

Complainant alleges his employee was harassed by an off-duty officer when the employee was canvassing at the officer's home. It is alleged that the officer then followed the employee around, until the employee requested the off-duty officer call the police.

THE COMPLAINT

1. Impartial Policing: Complainant alleges an off-duty officer harassed his employee and followed the employee around.

THE OPCR AND MDP POLICIES

1. OPCR Ord. § 172.20(3)- Harassment
2. MPD P&P Manual § 5-104- Impartial Policing: All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for a pedestrian or vehicle stop, investigative detention, arrest, non-consensual search or property seizure.

COMPLAINT PROCESSING

An online complaint was filed. The complaint underwent intake investigation, was reviewed by the joint supervisors, and sent to a preliminary investigation. A preliminary investigation was conducted and the complaint was returned to the Joint Supervisors, who sent the complaint to the precinct for coaching. Completed and approved coaching documents were returned to OPCR.

EVIDENCE

1. Complaint
2. Statement of Employee
3. Statement of Witness
4. VisiNet Report

SUMMARY OF EVIDENCE

Complaint

Complainant alleges his employee was harassed by an off-duty officer when the employee was canvassing at the officer's home. It is alleged that the officer then followed the employee around, until the employee requested the off-duty officer call the police.

Statement of Employee

Employee 1 stated that while canvassing for his workplace, he knocked on the door that was answered by an individual who told Employee 1 that she was not interested and slammed the door shut. Employee 1 continued his canvass of the neighborhood. Employee 1 then observed a vehicle following him as he continued to another residence. The vehicle stopped in the middle of the street, the driver, whom Employee 1 observed to be the same individual who had shut the door on him, yelled from the vehicle, asking what he was doing in her neighborhood. Employee 1 started to approach the vehicle and explained he was canvassing the neighborhood. The individual told Employee 1 to stop and not come any closer to her vehicle, she yelled "No you can't do that here," and "get out of my neighborhood". She also told the employee she was a Police Officer. Employee 1 observed the individual reaching down for what he assumed to be a weapon. The individual asked the employee for identification and his permit. Employee 1 responded he did not need a permit, and asked the individual to see her badge, which she flashed at him. Employee 1 then asked the Officer if she was off-duty and she responded, "This is my neighborhood and I'm never off duty". Employee 1 told the Officer he wanted her to call a uniformed Police Officer and proceeded to call his Supervisor and walk towards his employee van. While at the van, the employee explained the incident to his a manager. A short time passed and two (2) uniform Minneapolis Police Officers arrived. The Officers checked IDs and told the group to continue with their canvassing efforts.

Employee 1 stated that he told the Officers he thought he was being racially profiled to which the Officers appeared defensive and stated that the female Police Officer was just protecting the neighborhood because there had been a number of burglaries. Employee 1 stated he was so upset by the situation that he stopped canvassing that night. Employee 2 advised the Officer was very aggressive and rude and that he felt physically threatened by the Officer's behavior.

Statement of Witness

The witness was another employee, Employee 2, canvassing the same neighborhood with the Employee 1. Employee 2 was not with Employee 1 when he interacted with the individual at her home or following the incident with the vehicle but got a call from his supervisor regarding the incident and arrived at the scene prior to uniformed officers arriving. Employee 1 recounted the encounter with the individual to Employee 2.

Employee 2 did speak with uniformed officers who arrived at the scene and noted their speaking in defense of the individual who had allegedly followed Employee 1.

VisiNet Report

The VisiNet report shows the individual described by the Complaint and Employee 1, a Police Officer, noting pursuit of a man knocking on doors for an unknown reason and uniformed officers later arriving at the scene.

COACHING

The complaint was sent to the precinct where it was reviewed by a supervising officer. The supervising officer attempted to contact the Complainant multiple times, leaving one voicemail

and another time leaving his name and contact information with another employee, but Complaint never returned the calls. The supervising officer reviewed evidence collected and spoke to the Officer in question. Based on that review and conversation, it was determined that a policy violation had not taken place since the officer had observed suspicious behavior and called uniformed officers to investigate the scene.

Even though no policy violation was found, the officer was coached on off-duty actions, to observe and report. Coaching documents were signed and returned to the OPCR.