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# POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #9

January 2016

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## OVERVIEW

Complainant alleged she was arrested and was questioned without her Miranda Warning. Complainant was arrested again for violation of an OFP that had been placed on her while jailed on the prior arrest. Complainant alleges officers gave her home away and their repeated actions of arresting her cost her job. Complainant alleges had Officer 1 done his job, she wouldn't be in the situation she is in. Complainant alleges Officer 1 complained to her that he was tired of coming to the property and threatened to take her to jail for sitting at another property.

## THE COMPLAINT

Professional Code of Conduct - Complainant alleged she was arrested and was questioned without her Miranda Warning. Complainant was arrested again for violation of an OFP that had been placed on her while jailed on the prior arrest. Complainant alleges officers gave her home away and their repeated actions of arresting her cost her job. Complainant alleges had Officer 1 done his job, she wouldn't be in the situation she is in. Complainant alleges Officer 1 complained to her that he was tired of coming to the property and threatened to take her to jail for sitting at another property.

## ALLEGED VIOLATIONS

OPCR § 172.20(8) – Violation of the P&P Manual

MPD P&P § 5-105(2) – Professional Code of Conduct

## COMPLAINT PROCESSING

Complainant filed a complaint with the Minnesota Board of Peace Officer Standards and Training (MBPOST). However, MBPOST determined that they lacked jurisdiction over the complaint and forwarded it to the Minneapolis Police Department (MPD). Following receipt of the complaint by MPD, an investigator was assigned and preliminary investigation begun. The matter was then brought before the joint supervisors for review who determined that the case be dismissed for “Failure to Cooperate.”

## EVIDENCE

1. Forwarded Complaint from MBPOST
2. VisiNet Report
3. CAPRS 1
4. CAPRS 2
5. MNCIS of Complainant

## **SUMMARY OF EVIDENCE**

*Forwarded Complaint:* In the complaint, Complainant alleges that her arrests, order for protection (OFP) and convictions, resulted from the inability of Officer 1 to evict her “boyfriend”—later Complainant’s victim—then currently staying at her apartment. Complainant claims that the inability of Officer 1 to evict the boyfriend resulted in an even further inflamed domestic situation. Complainant mentioned she was extremely upset that the apartment she had worked hard for would eventually be occupied by her boyfriend. Complainant also alleged that Officer 1, after an order for protection had been placed against her, threatened to take Complainant to jail when Complainant was “at another property,” despite the OFP’s lack of guidance regarding distance.

*VisiNet Report:* VisiNet confirms that Officer 1 was the first to arrive at the scene of a “civil matter” at Complainant’s apartment. In the VisiNet report, it is noted that the boyfriend was the caller. Further, the boyfriend stated in his call that he was in a verbal argument with his girlfriend, and that he was missing items after she had thrown them outside. No one was arrested. The incident recorded in VisiNet occurred prior to subsequent CAPRS reports.

*CAPRS 1:* Officers responded to a domestic abuse in progress involving Complainant and the boyfriend. At the scene, the boyfriend showed the officers a bump he had received from an unknown object allegedly thrown by Complainant. The boyfriend also alleged that Complainant had threatened him on other occasions. Upon being shown the bump, the officers arrested Complainant.

*CAPRS 2:* Officers were notified by the boyfriend that Complainant was violating the order for protection against her. Upon arrival at the scene, the officers identified Complainant and arrested her for violating her OFP. Complainant contended that she was confused as to why she could not go back to her old apartment.

*MNCIS of Complainant:* A register of actions—dispositions—from Complainant’s domestic assault and violation of order for protection charges resulting from her domestic incidents with her former boyfriend.

## **INVESTIGATION**

The investigator attempted to contact Complainant without success. As such, no statement could be obtained by Complainant. The investigator noted that Officer 1 had no legal right to evict the person who Complainant would later assault (the boyfriend) as he was in his residence. The investigator reviewed all documents in the file, including the complaint, and CAPRS and VisNet reports. Without Complainant’s statement, the case lacked evidence to proceed.