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## POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #9

June, 2016

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### OVERVIEW OF THE COMPLAINT

Complainant alleges officers shot his dog during a raid, kicked him in the face, told him and his mother to "shut the f\*\*k up," accused Complainant's mother of promoting gun violence, and broke the family's T.V.

### ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(1) – Excessive Force
2. OPCR Ord. § 172.20(2) – Inappropriate language or attitude
3. OPCR Ord. § 172.20(8) – Violation of P&P Manual
4. MPD P&P § 5-303 – Authorized Use of Force.
5. MPD P&P § 5-105(C)(1) - PROFESSIONAL CODE OF CONDUCT: Employees shall not use derogatory, indecent, profane or unnecessarily harsh language in the performance of official duties or while representing the MPD.
6. MPD P&P § 9-200(C)(2)(d) Search and Seizure. If damage to property or occurs during the course of a search and/or the resulting arrest or property seizure: A supervisor shall be notified; Photographs taken to document any known damages.

### COMPLAINT PROCESSING

An agency in custody of a juvenile was notified of a potential complaint by the mother of the juvenile. Upon speaking with the juvenile and being told by the juvenile that he wished to file a complaint, a supervisor in charge of the facility sent a signed cover letter along with a statement from the juvenile and pictures of alleged injuries to Internal Affairs, who then in turn sent the complaint to the joint supervisors. Upon reviewing the matter, the joint supervisors determined that a preliminary investigation be completed. However, as neither the juvenile nor his guardian responded to the investigator's requests to speak with him, the investigator recommended that the complaint be dismissed for "failure to cooperate."

### EVIDENCE

1. Notification of Complaint
2. Facility Incident Report
3. Statement/Complaint of Juvenile
4. Photographs
5. VisiNet
6. CAPRS
7. MNCIS – Register of Actions

### SUMMARY OF EVIDENCE

Notification of Complaint: In the memo, the supervisor of the facility states that a "resident" of the facility was going to file a complaint—included with the report was Incident Report, statement/complaint from the juvenile, and two pictures of the juvenile's alleged injuries.

Facility Incident Report: Within the narrative of the report it is stated that the mother of juvenile inquired as to whether a "Police Maltreatment" report had been filed by the supervisor. According to the supervisor, the supervisor told the mother she would "follow up" with the

juvenile to see if he wished to file a complaint. According to the supervisor, the juvenile declared to her that he did wish to file a complaint.

Complaint/Statement from Juvenile: In the complaint, the juvenile states that he was sitting on a couch when police raided his residence. Prior to entering the residence, the juvenile asserts that police threw a “grenade” into the residence. After the grenade exploded, the juvenile claims that his dog was shot by entering officers while the dog was rushing to his side. The juvenile contends that he was next told to put his hands in the air and get on the floor. After being handcuffed, the juvenile alleges that he was kicked in the face while turning his head to look at his dead dog, simultaneously being told to “stay down.” The juvenile alleges his was again kicked in the head upon turning his head in the direction of siblings who were being led down nearby stairs.

After being kicked a second time, the juvenile claims that he asked the officer why he had been kicked, to which the officer replied, “Shut the f\*#k up!” Shortly after, the juvenile asserts that his mother asked the officers “What’s going on,” to which an officer again retorted “Shut the f\*#k up!” Further, the juvenile also claims that an officer accused his mother of supporting “gun violence” upon seeing a picture of the juvenile and his siblings with guns. According to the juvenile, his mother replied that they were just toy guns and the picture was taken at the Mall of America.

Next, the juvenile contends that officers kicked in a secondary door to his mother’s bedroom that was being blocked by a shelf and television, destroying the television in the process. While the mother attempted to tell the officers that the room belonged to her, the juvenile claims that the officers told her again to “shut up.”

VisiNet: In the report, the “Problem” is noted as “High Risk Warrant Entry.” The following is also noted: “W/JUV – WEAP – ROB UNITS...NO NOISE EXPECTED...ETA 15 MINS...REQ AC..FOR A DOG THAT WAS DISPATCHED...ROBERRY IS STILL ON THE SCENE.”

Photographs 1 and 2: The first photograph is a frontal picture of the juvenile’s face. In the picture, a 1 and a half inch by half inch abrasion can be seen from the left side of the juvenile’s face. Also, his left and right eyes look slightly reddened. The second picture is a close up of the left side of the juvenile’s face. In the second photo, the abrasion and reddened eyes are more noticeable.

CAPRS: Under the public data section all that is noted is that “A search warrant was executed as part of an ongoing investigation” done by CID.

*Supplement 1:* All the officer states in the notes is the word “robbery”.

*Supplement 2:* The investigator asserts that he was assigned to the search due to a “pattern of street robberies [that had] developed over the last thirty days” involving “multiple black males with guns as suspects.” The investigator also notes that there are 4 linked cases— robberies done in similar fashion. He also notes that, during the course of his investigation, eight individuals had been identified as suspects, including the juvenile and another who lived with the juvenile. Prior to the incident, the investigator states that two other warrants had been carried out, yielding the arrest of one suspect and retrieval of weapons. Further, during the investigation, the juvenile and the other suspect were seen on a social media site brandishing a weapon, and had a criminal history consistent with armed robbery.

According to the investigator, based on the aforementioned evidence, the investigator requested and received permission to search the residence of and apprehend the juvenile and the other suspect. The investigator notes that the officers made entry into the residence and “secured all parties.” After receiving word that the scene was safe, the investigator declares he made entry into the home. During the search of the home, the investigator asserts that he found a windbreaker similar to one caught on video during one of the robberies, identification cards

with a slightly different name, several phones, and a “Scream” movie mask in the bedroom of the other suspect. Further, he claims that he found an identification card and phone in the juvenile’s room, despite being told by the juvenile that he did not have a phone.

Also, the investigator claims that: the youth was transported; a gun was recovered; animal control retrieved a dead dog; and that the juvenile admitted to a robbery post-Miranda.

*Supplement 3:* According to Officer 2, he arrived at the front of the property and noticed a “Beware of Dog” sign on the exterior fence. He also asserts that he could hear the dog as he approached the house. Further, Officer 2 asserts that he “rammed” open the door with one hit and yelled, “Police! Search warrant!” After announcing police presence, Officer 2 asserts that he “covered and handcuffed” the juvenile in the living room.

*Supplement 4:* According to Officer 4, a supervisor, a “no knock” warrant was requested and acquired due to there being “reason to believe suspects had violent history and known to carry weapons.” Upon arriving, Officer 4 contends he saw a “Beware of Dog” sign outside on a fence outside of the home. While at the scene, Officer 4 contends that he believed “no knock” was appropriate due to the aforementioned and also because of the presence of a dog. After ramming the door down and announcing police presence, Officer 4 asserts that “a large pit-bull type dog” was encountered and summarily killed. Another, smaller dog fled inside the home. After killing the dog, Officer 4 contends that police announced their presence again and entered the residence, finding the juvenile immediately upon entry into the home and securing him.

During the search for persons, Officer 4 states that several small children, young males and other adults were found in the house. During the raid, Officer 4 asserts that, “No injuries to officers during the entry. No injuries to occupants. I observed each and saw no injury, nor did anyone complain of injury.” Officer 4 did state, however, that there was damage done to the front door, garage door, and a bookcase that had been pushed down.” Officer 4 also contends that photos were taken of the property damage and animal control was called for the dog.

*Supplement 5:* Log regarding the transfer of evidence.

*Supplement 6:* According to Officer 6, he provided cover for the operation and “assisted other officers in securing the entire house.”

*Supplement 7:* Officer 7 asserts that he provided cover for the entry into the house and later assisted in “clearing the main, upper and lower levels.”

*Supplement 8:* Officer 8 states that helped with the ramming of the door but did not initially enter, making way for SWAT to make their way through. Later, Officer 8 contends that he was called to the upper level to help “cuff and remain” with two males till investigators arrived.

*Supplement 9:* Officer 9 asserts that he was called to provide cover for the search. Upon arriving at the scene, Officer 9 contends that he could hear dogs barking. After the door was breached, Officer 9 alleges that a pit-bull and a small dog next to it began running toward him. Officer 9 states that he reacted to the onrushing dogs by shooting the pit-bull. After shooting the dog, Officer 9 claims that he entered the residence and was immediately met by the juvenile in the living room and his mother, who was screaming, in the hallway. During this, Officer 9 states that he had to repeatedly instruct the mother and juvenile to get on the ground. After the juvenile and mother complied with the orders, Officer 9 asserts that he moved upstairs and found two individuals on a couch and instructed them to get on the ground. During his verbal commands, Officer 9 states that one of the individuals “reached his hands down into an area [he] could not see” and believed he may be going for a weapon. After yelling several more times, Officer 9 asserts that the individual complied with his command to get down to the ground.

Supplement 10: Officer 10 asserts that he assisted in searching the residence, including the detached garage.

*Register of Actions:* dispositions and hearings resulting from the aforementioned alleged criminal violations.

## **INVESTIGATION**

In the investigative summary, the in case investigator reviewed the complaint—including the incident report, written statement from the juvenile and photographs of the injuries--, and police reports from the search of the juvenile's residence. The case investigator also contacted the juvenile and his guardian on several occasions, several times by phone and also by certified mail, to no avail.

After reviewing all the evidence in which none of the juvenile's claims were supported, and minus the juvenile's statement, the investigator recommended that all allegations be dismissed for "Failure to Cooperate."