
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #3
August, 2016

OVERVIEW OF THE COMPLAINT

Complainant contends that, after her husband lied to Officers 1 and 2 about his name and left the premises during a medical emergency (person found dead in neighboring apartment), Officer 2 told her to, "Shut the hell up," cussed at her, and also swore while uttering her husband's name, leading her youngest son to get upset. Further, Complainant alleges that the officers began searching rooms despite being told by Complainant that they did not have a warrant to search the premises. Complainant alleges that, after a fruitless search, Officers 1 and 2 informed her that she would be charged with "harboring a fugitive" and proceeded to arrest her. During the arrest, Complainant alleges that she was thrown down, leading to a shoulder injury. In response to the pain, Complainant contends that she asked the officers to remove her cuffs, but they initially refused. Complainant also alleges that she requested to be taken to the hospital, but was rebuffed by the officers who told her that she would have to go "by herself." Upon being checked by EMS present, Complainant contends that EMS personnel instructed the officers that Complainant "needs to be seen" by an emergency room, of which she was taken to subsequently. At the hospital, Complainant contends that the injury to her shoulder was confirmed. Lastly, Complainant alleges that her husband did not have a warrant out for his arrest and that the officers refused to give their badge numbers when requested; she also states that she was told at jail that she was arrested for "interfering with an arrest."

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(1) – Excessive Force
2. OPCR Ord. § 172.20(8) – Violation of The Policy & Procedure Manual
3. OPCR Ord. § 172.20(2) – Inappropriate Language And Attitude
4. OPCR Ord. § 172.20(1) – Violation of The Policy & Procedure Manual

5. MPD P&P § 5-300 – Use of Force: Based on the Fourth Amendment’s “reasonableness” standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.
6. MPD P&P § 9-201 (II) – Search and Seizure: Minneapolis Police Department employees shall conduct searches in as minimally intrusive a manner as possible, adhere to all MPD policies and to the rights given to persons under the United States Constitution and the Minnesota State Constitution.
7. MPD P&P § 5-105 (A) (5) – Professional Code of Conduct: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department.
8. MPD P&P § 5-105 (A) (4) –Professional Code of Conduct: Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

COMPLAINT PROCESSING

The complaint was received by way of the online system. Shortly after receipt of the complaint, the matter was put before the joint supervisors, who dismissed it for “no basis.”

EVIDENCE

1. Complaint
2. VisiNet
3. CAPRS

SUMMARY OF EVIDENCE

Complaint: Complainant called 911 due to a suspected dead person—a roommate—in the home. According to Complainant, officers arrived at the scene and were abrupt with her and her family. Complainant states that when officers requested the name of her husband, her husband became upset and gave a false name. When asked for her name, Complainant alleges that she gave officers her name but not that of her husband. Complainant alleges that Officer 2 became upset and asked “where is the F----- person who gave me the false name,” also swearing and using the husband’s name and cussing at Complainant. Complainant alleges that led to her son to become upset. Further, when Complainant attempted to explain to officers that she had called them, she contends that officer told her to “SHUT THE HELL UP”.

Next, Complainant contends that officers began to search the home and refused to leave a particular room. After refusing to leave, Complainant asserts that an officer “threw her down” to the floor and handcuffed her, hurting her shoulder in the process. After being handcuffed, the officers told her that she was going to be charged with harboring a fugitive. After being handcuffed, Complainant alleges that she asked the officers to loosen her cuffs when being inspected by EMS. After the officers released her cuffs, Complainant contends that she asked to be taken to a hospital for pain in her shoulder. In response, Complainant alleges that the officers told her she would have to go by herself. However, Complainant states that, when EMS inspected her, they told the officers that Complainant “needs to be seen”. After being inspected by medical personal at the hospital, Complainant asserts that she was diagnosed with “pulled” muscles.

Complainant also asserts that she was later booked at the jail for “interfering with an arrest” though her husband had no warrants outstanding. Further, Complainant contends that officers refused to give their badge numbers. Lastly, Complainant asserts, as proof of the severity of her injuries, that she was excused from work by her doctor for a week.

VisiNet: In the report, the call is designated as “Assist EMS Personnel”. In the report, the records of the husband, son and wife were run. There is also included medical information in regards to the dead person found at the house.

CAPRS: In the Public Data section the following is noted:

Officers were dispatched to the listed address in regards to ASSIST EMS PERSONNEL...Two of the individual were uncooperative with officers and were identified as AP1 and AP2. AP1 was cited for misdemeanor false name and AP2 booked at [omitted] for obstruct without force...

Supplement 1: Officer 1 states that he was “self-assigned” the scene after receiving the call of a young male undergoing cardiac arrest due to a possible overdose. Officer 1 contends that he and Officer 2 were the first to arrive at the scene. After arriving at the scene, Officer 1 claims that he and Officer 2 were ushered upstairs, where they found the young male “unresponsive and not breathing.” After attempting to assist the male, Officer 1 asserts that EMS arrived and assisted the male, eventually pronouncing the male dead. During this, Officer 1 states that a syringe along with some drug paraphernalia was found near the male’s feet.

Supplement 2: Officer 2 states that he was called to the scene and, after entering the home, was directed upstairs to room of the male by Complainant’s husband. Upon entering the room, he noticed officers administering CPR to the male.

Afterwards, Officer 2 states that he noticed Officer 3 taking names of individuals downstairs. While doing so, Officer 3 contends that Complainant's husband became "mad and argumentative," telling Officer 3, "This is my f***ing house! You don't need my name" and that the situation was the male's and not his. Officer 2 also contends that he witnessed the husband tell Officer 3 that he "owned the residence." Officer 2 asserts that after repeated attempts by officers to calm down, the husband moved to the front porch, and was eventually told by officers to return to the inside of the house. The husband, Officer 2 claims, sat down in the living room, stating to officers that he had already identified himself.

After leaving the residence for a "short time" to ID everyone inside the home, Officer 2 contends that Officer 3 returned to the home and told him that everyone had been identified in exception for the husband. After being notified of this, Officer 2 states that he entered the kitchen in an attempt to find the husband but was met by Complainant who blocked the kitchen door. After asking her to move, Officer 2 contends that Complainant told him no and "started yelling and screaming at [him] that [he] was not going to search her home." While trying to bypass Complainant, Officer 2 states that he saw Complainant's son in the kitchen, crying and stating that he was "going" to "beat" Officer 2's "a**" and that he was going to "kill [him]." After taking a few steps into the kitchen, Officer 2 claims that he told Complainant to move, upon which she replied by shoving him backwards "toward the dining room doorway obstructing legal process by preventing" him from "performing his duties." After this, Officer 2 contends that his partner, Officer 4, was able to grab a hold of Complainant and that he was able to place her son in handcuffs.

After placing the son in custody, Officer 2 asserts that the son "immediately calmed down" and told him that he was "emotionally upset" over the death of the male. After this, Officer 2 claims that he put the son in the back of the squad car till medical examiners were done at the scene. While talking to the son, Officer 2 claims that the son told him the name of Complainant's husband, and left a citation in the husband's room for false name—a misdemeanor. Further, Officer 2 states that Complainant was transported to jail and booked for "obstructing legal process."

Supplement 3: After arriving at the residence, Officer 3 states that he and Officer 1 were directed upstairs where they observed the male lying on his bed. After observing signs of asphyxiation, Officer 1 asserts that began CPR and other medical procedures on the male to no avail.

After this, Officer 3 claims that he went downstairs to speak to residents of the home. Officer 3 contends that the husband was uncooperative and did not provide much information. While talking to the husband, Officer 3 asserts that the husband "stormed off into his bedroom and stated why "I'm treating him like a criminal."

Next, Officer 3 asserts that attempted to speak to Complainant in order to gather more information regarding the male and the identity of her husband, but she declined to provide any information.

Officer claims that he next asked the son who told him that he was a friend of the male and that he last spoke to male earlier in the evening. Officer 3 also states that the son told him that he discovered the male's body.

After the initial questioning of son, husband and Complainant, Officer 3 alleges that he did record-checks of all the parties involved and was unable to identify the husband. After questioning Complainant about the husband's identity, and she failing to provide any information, Officer 3 asserts that he tried to calm down Complainant and her son, eventually assisting officers in apprehending both son and Complainant when they became "hostile".

After this, Officer claims that Complainant was transported to the hospital and then to jail for processing.

Supplement 4: Officer 4 states that he arrived at the scene with Officer 2 and, after being directed upstairs, found Officer 3 doing medical procedures on the male. Shortly after, Officer 4 states that EMS and firefighters arrived to handle the matter.

Supplement 5: Officer 5 contends that he was the second squad to arrive at the scene. He also claims that he followed Officer 1 and 3 up the stairs and assisted them by holding a door shut with a dog behind. Later, Officer 5 alleges that he saw Complainant arguing with other officers and become “more agitated and aggressive.” Officer 5 further alleges that officers attempted to calm her down and lead her outside when Complainant pulled her arm away and began to step “into” an officer before he was able to take her down to the ground. After this, Officer 5 claims that he went back upstairs to hold the dog behind the door.

DISMISSAL

After reviewing the complaint, the joint supervisors dismissed the complaint as the officers had a legal right to be at the residence due to the death of the male and also to inquire as to the identity of the residents. Further, the joint supervisors noted that the officers had followed proper protocol when apprehending Complainant and took her to the hospital when she complained of injury. As such, the joint supervisors dismissed the case for “no basis.”