
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #10
September, 2016

OVERVIEW OF THE COMPLAINT

Complainant alleges she had a sexual relationship with officer. The complainant alleges officer drove her to a hotel in an undercover squad car.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(8)—Violation of the P&P Manual
2. MPD P&P § 4-401 VEHICLE RESPONSIBILITY. Employees who are authorized to drive MPD vehicles are responsible for the proper use and parking of vehicles assigned to them
3. MPD P&P § 5-102 CODE OF ETHICS. All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. Employees shall abide by the City’s Ethics in Government Policy, Chapter 15.
4. MPD P&P § 2-106 COMPLAINT INVESTIGATIONS - GARRITY DECISION. All employees shall answer all questions truthfully and fully render material and relevant statements to a competent authority in an MPD investigation when compelled by a representative of the Employer, consistent with the constitutional rights of the individuals.

COMPLAINT PROCESSING

The complainant emailed the contacted a member of the MPD administration via email to report the officer’s behavior. The correspondence was then forwarded to MPD Internal Affairs. The complaint was assessed by the Joint Supervisors and assigned the matter to Investigation. Following the investigation, the case was sent to the Review Panel, who reviewed the case and found the allegations to have merit. The case was then forwarded to the Chief who issued discipline in the form of termination from the Minneapolis Police Department.

EVIDENCE

1. Complainant Correspondence/Statement
2. Two Statements from Focus Officer
3. Statement from another Witness Officer
4. Weather Report for the day of the Alleged Incident
5. Photographs
6. Motel Registration Information
7. The Focus Officer’s Employee Access Card Information
8. Workforce Director Schedule Information

SUMMARY OF EVIDENCE

Complainant Correspondence: In her email correspondence with an MPD supervisor, Complainant asserted that she became acquainted with an officer (Officer 1) who shared social and cultural experiences with her. According to Complainant, she was currently going through “set-backs/challenges in [her] personal relationship” and sought the officer’s advice, leading to a “friendship.”

Afterward, Complainant contends that Officer 1 invited her to “lunch and/or dinner in order to assist me with [her] current personal situation.” During these get-togethers, Complainant contends that the “details of [her] personal situation...as well as logistics or other similar scenarios” were discussed with the officer.

In addition, Complainant asserts that she discussed with Officer 1 that she was looking for employment and needed help with an upcoming interview. According to Complainant, the officer told her that he had experience in conducting mock interviews and offered to assist her. After the discussion, Complainant contends that a meeting was scheduled and a mock interview conducted. After the interview, Complainant alleges that Officer 1 offered to take her to lunch in order to “debrief”, to which she agreed; Complainant contends that she accompanied the officer to lunch in an unmarked squad car.

During the lunch, Complainant alleges that the communications, which had begun as friendly, had taken a more “flirtatious turn.” In particular, Complainant asserts that Officer 1 had, “made some implications about getting to know [her] better through an inn.” In reply, Complainant claims that she had told the officer that “it could be a possibility if he wasn’t married,” and thought of it personally as a “senseless topic that [they] had allowed themselves to dwell on.” According to Complainant, the conversation ended with discussion about Officer 1’s family and children.

However, Complainant contends that when Officer 1 and her entered the car upon leaving the restaurant, the officer “kept implying about the inn and making advances to [her],” leading her to joke in reply. According to Complainant, she was “amazed” when the officer pulled up to a motel and checked out a room. Complainant asserts that she told Officer 1 that she did not want to go in, but that, “he told [her] it[']s okay and for [them] to go inside to talk and get to know each other better.”

According to Complainant, upon entering the room the officer took off his “coat, badge and handcuffs” and put them on a side table. Following, Complainant asserts that the officer began to engage in “intimate conduct” with her by taking off his clothes and attempting to remove her clothes. However, Complainant alleges that she kept “putting” her clothes back on, telling the officer that as they move forward they should be mindful of “his profession/position of authority as well as his obligation to his family,” to which the officer replied that “everything should be fine as long as [they] kept [it] between” them. Complainant contends that when she put her clothes back on, Officer 1 did the same and began to use “guilt and shame tactics” on her, stating that Complainant had put him in this situation in order to “mock” him or make “sport” of him.

Complainant asserts that after trying to calm down the officer, he “again engage[d] in intimate contact with [her]” and again removed her clothes. Complainant states that she indicated to the officer that she did not “think it was right for [them] to be” engaging in this intimate interaction but the officer kept persuading her by telling her that this was “his way of showing his love and concern for” Complainant. Complainant contends that she eventually gave way to the officer’s advances as he was much bigger and stronger than her.

Afterward, Complainant contends that she rendezvoused in sexual with the officer one other time at the same motel.

Lastly, Complainant noted that she would provide pictures of the squad car, motel, cell phone log, and text messages and that she had permanently changed her number so as to terminate her relationship with the officer.

Statements of Focus Officer:

Interview 1: In the initial interview, the officer affirmed that he knew Complainant personally and that they had grown up in the same area. Officer 1 asserted that his interactions with Complainant revolved around an Order for Protection she sought assistance with against

her former husband. Further, Officer 1 claimed that Complainant was “seeking new partners” and “suggested...that [they] sleep together.”

At the motel, the night of the second intimate encounter, Officer 1 asserted that there was a “run-in” with Complainant’s former husband and he was forced to call another police department—not MPD—to enforce the protective order. The officer asserted that when other members of his community got wind of the conflict between him, Complainant and her former husband, a resolution was handed down and he was forced to pay a settlement.

After the signing of the resolution, Officer 1 stated he had not had contact with Complainant. However, the officer contended that Complainant had violated the resolution by attempting to contact Officer 2, which was eventually mediated.

In reference to the confrontation with the former husband, Officer 1 hypothesized that her husband was able to track her through her phone. At the scene, Officer 1 contended that the former husband told him that Complainant was his wife—in contradiction to what Complainant had told him.

Also, according to the officer, the date of the mock interview and the day he and Complainant went to the motel were different.

Officer 1 alleged that he met with Complainant for the mock interview at a training center (center) during hours set aside for “community engagement”. After meeting at the center, the officer alleges that Complainant and he did not meet for lunch nor go to a motel.

However, on a day following the interview, Officer 1 stated that he and Complainant met at a restaurant. The officer contended that, while at the restaurant, Complainant “offered numerous times to...sleep” with him. Following her advances, Officer 1 asserted that they went to the motel and “made out.” Further, the officer stated that he paid the motel in cash and that he and Complainant arrived at the motel in separate cars, which should be evidenced by video. The officer also denied using an unmarked car to drive to the motel.

Upon being shown a picture with Complainant in the passenger side of a vehicle assigned to the Community Engagement Team, Officer 1 denied using the vehicle the night of their first intimate encounter. Instead, the officer contended he was using a personal vehicle when he drove to meet Complainant. Further, the officer alleged that Complainant was never a passenger in his vehicle and that he could not conceive of how Complainant was able to get the squad number. Also, the officer postulated that Complainant may have entered one of his vehicles when he went to check in to the motel and that a squad identification number (P number) may have been captured when he and another officer transferred Complainant to the training center on a previous date.

Further, the officer alleged he and Officer 2 may have driven Complainant around twice to “show her around the city” and again denied ever using a city vehicle in his intimate encounters. The officer also asserted that people were present when he conducted the mock interview for Complainant and that the interview took place before his first intimate encounter with Complainant.

Also, Officer 1 agreed when asked that “no force” or “coercion” was used to get Complainant to agree to the sexual encounter, and that the encounter began with her “suggestion.” When asked about being in uniform or “pseudo-uniform” the day of the intimate encounters, the officer contended that he was not in uniform but, as he always carries them with him, had his badge and gun with him. At the motel, Officer 1 agreed he and Complainant had intercourse during their first intimate rendezvous, and left in separate vehicles afterwards.

When pressed by the investigator regarding what vehicle the officer drove, Officer 1 again asserted that he drove a personal vehicle and that motel video would confirm that. However, the officer admitted to the dates he rented the rooms, the room numbers, and amount paid.

Lastly, the officer alleged that Complainant “directed the whole relationship” and lied about his interactions with her to members of his community and others and that she has been known to make false accusations in the past, doing so “out of frustration or anger.”

Interview 2: Complainant agreed, after being shown a worksheet by the investigator which showed he was off, that he was off on the two days of his intimate encounters with Complainant. Further, Officer 2 asserted that he did not work off-duty the day of the encounters either. When asked if the officer had been at the training center the day of the first encounter, the officer recanted his prior statement that he went to the training center on a different date, stating, “I went back and, uh, and rethought the whole event on that, uh, that...about that day...and either” came in for a community event or for the mock interview. He also stated the mock interview occurred early in the morning. Also, the officer agreed, when shown when his access card was used on that date at the center, that it was used three different times—twice in the morning and once in the late afternoon.

When pressed by the investigator if the officer was “untruthful” when providing a different date for the use of the training center, he contended he was not untruthful and merely “couldn’t recall.” However, Officer 1 claimed that “after looking at pictures, going back and looking at [his]” two cars, he realized he was mistaken. Also, the officer asserted that he drove his personal vehicle to the training center the day of his first intimate encounter with Complainant, but failed to remember which exact parking lot he parked in or what car drove—even going so far as to suggest that he may have used a relative’s vehicle.

After further being pressed by the investigator, Officer 1 admitted to using a city vehicle, stating “it was stupid of [him.]” to do so. The officer also stipulated that the keys to vehicle were given to him by Officer 2 and that he did not have authorization or proper permission to use the vehicle.

Also, the officer stated that he met with Complainant at the training center and that the mock interview took approximately thirty minutes to an hour, leaving the facility by late morning. He further stated that no other person was in the facility when it was used by Complainant and the officer and that he did not have permission to be using the facility.

Afterward, Officer 1 asserted he and the Complainant went to lunch at a nearby restaurant in a city vehicle. Next, the officer stated that he and Complainant went to the motel. At the motel, the officer admitted to going into the motel lobby to rent a room, leaving Complainant in the car. The officer also admitted the pictures taken by Complainant of the officer’s car and the motel were from the day of the first intimate encounter.

This line of questioning and admission prompted the investigator to ask the officer if his contradictory statements regarding the car and whether Complainant rode in the officer’s squad were intentional—if he was lying, to which the officer replied that he “couldn’t add up the events” and that “things started coming back...piece by piece.” Eventually, however, the officer admitted to being untruthful about the statements regarding how Complainant arrived at the motel and the car he drove that day.

The officer also admitted to signing a motel receipt and a vehicle registration slip that did not match either of the vehicles he owned.

When asked again why the officer lied to the investigator, the officer replied that he was “emotional” and that it wasn’t intentional, but he did indicate that Complainant doing “something like this...p***[ed] [him] off.”

When asked by the interviewer why he used a city car, the officer replied:

I used the, City car to go to these community meetings, you know. Um, that wasn’t for community meetings. That’s not gonna be my excuse. I used it just,

just because, you know, I thought it was, you know, we were just gonna grab lunch, come back to [the training center], and be done.

Again, when asked, the officer denied he intended to lie, and instead stated that he was under stress and did not wish to bring problems onto his family.

Statement from Another Witness Officer (Officer 2): Officer 2 admitted to knowing Complainant and having met her at her place of employment for a community meeting. He stated, as well, that their relationship was “professional” in nature. At all of his meetings with Complainant, Officer 2 asserted that they took place at a community meeting and with Officer 1.

Upon first meeting Complainant, Officer 2 alleges that she asked him about his marital status and whether he had kids—questions he deemed of a “personal” nature. After this, Officer 2 stated that Complainant told him that she was “divorced”, separated from her husband for a year, and lived by herself. Officer 2 also asserted that Complainant told him that she had a restraining order against her former husband and that she might need help with it.

Officer 2 also claimed that Complainant asked him out to lunch that day, to which he agreed as a part of his Community Engagement duties. At the lunch, Officer 2 alleged that he and Officer 1 were in attendance. Further, Officer 2 stated that he drove Complainant to the restaurant and that she was riding in the back seat or passenger seat of his car, with Officer 1 also riding in the car. After 45 minutes, Officer 2 contends they left the restaurant. Officer 2 asserts that that was the first and last time he met with Complainant.

Officer 2, when asked, did not recall Complainant taking pictures inside his car. The officer also denied knowing whether Complainant and Officer 1 were in a relationship until months later due to an email sent by Complainant to Officer 2 regarding mediation.

In relation to the squad car, Officer 2 claimed that he would often lend the key to Officer 1 and only asked him to hang it up when he was done using it; therefore, an open car-usage was in place between them. Officer 2 also asserted that only one set of keys existed for each car and that other officers were known to borrow each other’s cars.

Weather Report for the day of the Alleged Incident: Weather of the day of the alleged first intimate encounter.

Photos: in the photos, numerous pictures of the make, model, license, identification number (P number), a motel sign, a speedometer, a parking lot, vehicle VIN, and a change oil tag can be gleaned. In one of the pictures, a sign that says “office” can be seen through and open window.

Motel Registration Form: the form, of the motel brought up in interviews, is printed with the name of Officer 1 and dated on the date of the first intimate encounter with Complainant. The make of the car is also the same of the car used by the Community Engagement Team. The room number, as well, is the same as the one discussed in the interviews with Officer 1. Lastly, the form is signed but the exact signature is indiscernible.

The Focus Officer’s Employee Access Card Information: In the sheet, Officer 1 is shown as using his access card three times on the morning and once in the afternoon of the first intimate encounter. He is also shown having used the card once on the date of the second encounter.

Workforce Director Schedule Information: In the schedule, Officer 1 is listed as on “HOL” and “OFF” for the first and second intimate encounters respectively.

INVESTIGATION

After reviewing all the records—including the photographs, Complainant statement, Officer statements, Motel Registration Form, and other evidence—the investigator concluded that Officer 1 had violated: MPD 5-102: Code of Ethics and 4-401 Vehicle Responsibility by using a city vehicle to transport Complainant to a motel to engage in sexual intercourse; and 2-106 Complaint Investigations – Garrity Decision for providing untruthful answers regarding the vehicle used to transport Complainant to the motel the night of the first encounter, whether Complainant was riding with him that day, and also whether the intimate encounter occurred the date of the “mock interview.”