
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #7
May 2018

OVERVIEW OF THE COMPLAINT

Complainant claims that her sister was hitting her and gave police officers who responded an "old non[-]enforceable court order." Complainant states that the order is non-enforceable because it involves her daughter and her sister, who does not have custody of her daughter. Despite her attempts to tell the police of the non-enforceable, Complainant asserts that the police came to her home and arrested her. She also claims that an officer accused her of touching the officer.

ALLEGED VIOLATIONS

1. MPD P&P § 7-314 (IV)(A)(6) -- DOMESTIC ABUSE – PRELIMINARY INVESTIGATION: Officers shall follow the MPD's Domestic Abuse Incident Response Protocol [7-314 (B), generally] when responding to all domestic abuse related calls.
2. MPD P&P § 7-314 (IV)(C)(6) – ARRESTS FOR VIOLATION OF DOMESTIC ABUSE NO CONTACT ORDER: Officers shall complete a CAPRS report and supplement entitled "Violation of a Domestic Abuse No Contact Order" (VDNCO). Include the Hennepin County Jail SILs number (HCJ's computer ID# of the arrestee) and the original charge which the arrestee had been previously booked on and released.

COMPLAINT PROCESSING

After receipt of the complaint, an intake investigation was conducted and the matter was brought before the joint supervisors, who sent the matter to a preliminary investigation. After completion of the investigation, the joint supervisors sent it to coaching.

EVIDENCE

1. Complaint
2. VisiNet
3. CAPRS
4. Body cam of Officers 1 and 2:

SUMMARY OF EVIDENCE

Complaint: Complainant claims that her sister was hitting her and gave police officers who responded an "old non[-]enforceable court order." Complainant states that the order is non-enforceable because it involves her daughter and her sister, who does not have custody of her daughter. Despite her attempts to tell the police of the non-enforceable, Complainant asserts that the police came to her home and arrested her. She also claims that an officer accused her of touching the officer.

VisiNet: The Problem is listed as "Emotionally Disturb Person" and Complainant is listed as a person of interest. The caller listed in the report is Complainant's sister. It is unclear but it appears that Complainant may have also called in as there is a second phone number listed not attributed to Complainant's sister.

Further, the VisiNet notes state the following:

CLR DOESN'T MAKE MUCH SENSE. STATING THAT EVERYONE/ALL OF HER CHILDREN/THEN ONE CHILD FIGHTING. CLR SOUNDS LIKE EDP. PREVIOUS CALL...POTENTIALLY THE SAME CLR..WAS FOUND TO BE INTOX 10-31 UNWANT SITUATION[.] CLR IS AGITATED. NOT MAKING SENSE... MKE/MN PROTECTION ORDER. PERMANENT PROTECTION ORDER SERVED. DO NOT ARREST SOLELY ON THIS RECORD – CONFIRM ALL HITS...WT CONFIRMED [Minnesota] CO

CAPRS: The Public Data section states that “Officer were dispatched” in order to deal with an “emotionally disturbed person” and also remarked that the caller was not making much sense. The section also states that officers initially encountered the Victim (Complainant’s sister) and she presented an order for protection against Complainant. Accordingly, the section states that officers arrested Complainant for violation of the order for protection and also for a warrant for domestic abuse out of another county. According to the Incident Details section of the report, Complainant was charged with Violate Domestic No Contact Order and additionally arrested for an outstanding warrant.

There are no supplements provided in the report.

Body cam of Officers 1 and 2: Upon seeing the officers, Complainant’s sisters tells the officers that Complainant refuses to leave her house and that she has hit her; she also notifies the officers that Complainant has an order for protection against her and also that she “fears for her life.”

When questioned by officers, Complainant’s sister admits to letting Complainant into her home. Complainant’s sister also tells the officers that Complainant jumped on her and scratched her. Officer 2 next interviews Complainant, who is in a room next to her niece, flipping through some papers. Officer 1 asks Complainant for her birthday, and eventually after some time tells the officers her birthday. Meanwhile, Complainant sister blurts out that Complainant is not on her medication. Next, arguing from numerous individuals ensues.

While speaking to Complainant, Officer 2 tells Complainant that she may have to go to jail if the order and warrant are valid. Complainant responds by telling officers that they are violating Title XVIII (title dealing with federal crimes and procedure) and international law. Officer 1, who had previously gone to her squad to confirm the warrant and order, returns into the home and instructs Officer 2 that both are indeed valid.

Next, Officer 2 asks Complainant to put on her shoes and she complies; he also informs her that she needs to be handcuffed, and though Complainant is initially reluctant, she eventually acquiesces. Complainant is next taken to the squad and the officers promise to bring some of her things with them.

COACHING

According to the supervisor, both officers were coached in relation to 7-314 (IV) (C) (6) and (A) (6) respectively. Further, policy violations were found for failure to follow the general protocol under 7-314, this despite claims from the officers that there “did not appear to be a threat present/and or occurring” and also that Complainant’s sister had entrapped Complainant in order to have Complainant arrested.

