
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #5
August 2018

OVERVIEW OF THE COMPLAINT

Complainant alleges that he was placed on an emergency hold without cause.

ALLEGED VIOLATIONS

1. 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

Complainant submitted a handwritten complaint form to the Office of Police Conduct Review; shortly after, an intake investigation was conducted and the matter presented to the joint supervisors, who assigned it to coaching.

EVIDENCE

1. Memo
2. VisiNet
3. BWC video

SUMMARY OF EVIDENCE

1. Complaint: The complaint was transcribed by a staff member with the Office of Police Conduct Review at Complainant's request. In the complaint, it is stated that Complainant called the police to tell of them of "listening devices" planted in his home by a neighbor. However, when the officers arrived, they took Complainant to the hospital.
2. VisiNet: The report lists the problem as "Emotionally Disturb Person." The Comments section notes that, "WHEN CLR LEAVES PPL COMES INS HSE AND THREATEN CLR/THEY HID INS NBRS HSE AND STAND IN WINDOW." Later, the call notes state that Complainant was transported to the hospital.
3. Body worn camera of Focus Officer 1: The video begins with the officers approaching Complainant's home. After knocking on the door, which opens slightly, the officers are met by Complainant's mother, who lets them in to the living room. Next, Complainant enters the living room, introduces himself to the officers and shakes their hands. Complainant tells the officers that someone is "harassing" him and that he needs "help." He further elaborates that he keeps finding listening devices and that the suspects are hiding in the vicinity.

Complainant's brother appears by a room doorway and Complainant introduces him to the officers, and also mentions that the woman sitting on the couch—who let the officers in—is his mother. After this, Focus Officer 2 calls Complainant's brother outside so he can talk to him about Complainant's condition; they return a minute later. After this, Complainant tells Focus Officer 1 that he recently chased away a suspect from his home and that he is worried about his safety and security; he also informs the officer that he

has met with officials from the offices of former President Obama and former Senator Franken.

When asked by Focus Officer 1 about whether Complainant is seeing a doctor or taking medication, Complainant replies that he is not seeing a doctor or taking medications. Later, Focus Officer 1 asks Complainant if he wishes to speak to “paramedics,” and Complainant responds that he is “fine.” Instead, Complainant insists that officers investigate the alleged invasion of privacy and trespassing.

After this, one of the officers tells Complainant, “Think you should go down and talk to somebody” about the incidents and also asks Complainant if he is hearing any voices. Complainant responds that he is not “hearing anything.” Next, Focus Officer 1 asks the family—who are seated on or next to the living room coach—if Complainant is “alright.” The brother responds that Complainant is “not feeling well.” Focus Officer 1 also asks if it is Okay for Complainant to stay in the home and the brother responds “yeah.” The brother also comments that Complainant is just “worried about this thing.”

Focus Officer 1 asks Complainant if he has been sleeping, to which Complainant contends that he has been “sleeping well.” Focus Officer 2 then turns to the family and asks them what they “want,” and in reply the brother states that, “He’s fine here but is worried about this thing.” Focus Officer 1 next asks the family if it “will be Okay if [the officers] leave [Complainant]” at the home. The mother, who has the brother translate for her, states that she doesn’t see any problem but that the son keeps complaining.

Complainant then brings the officers pictures of plate numbers and suspects. Focus Officer 1 then asks the brother if Complainant has been diagnosed with any medical conditions, to which the brother states “no.” Complainant protests that he is “fine” and has lived in Minnesota for seventeen years.

Next, Focus Officer 2 tells Complainant, “I really think you should come with me and talk to somebody about it.” Complainant retorts that, “No, I’m fine, sir. If I wanna go to the doctor, I’ll go to the doctor.” Complainant repeats several more times after this that he is “fine.”

Later, Focus Officer 2 tells Complainant, “How about we call an ambulance,” and they check you out, “otherwise, we’ll have to put a hold on you; or you can go voluntarily.” Complainant next asks what a hold is. Focus Officer 1 then replies that he’d “rather that [Complainant] do it on [his] own.” Complainant then states that he will go see a doctor. Focus Officer 2 then tells Complainant that he will call an ambulance and Complainant responds, again, “No, sir, I’m fine.”

Later, when Complainant again expresses his desire not to go to the hospital, an officer tells him that it is “mandatory.”

4. *Body worn camera of Focus Officer 2:* Generally, the video is the same as that of Focus Officer 1. The video does, however, capture the conversation between the brother and Focus Officer 2 that occurred outside. During the conversation, brother tells the officer that Complainant believes that people are following him. When asked what the family wants done with Complainant, the brother states that he “doesn’t know” and that it was his brother that called the police. They then go inside to further talk to Complainant.

COACHING

After reviewing the videos associated with the incident, the supervisor failed to find policy violations for either officer or coach them. Instead, the supervisor noted that the officers spent a

“great deal of time” and were “respectful.” He also noted that a family member had made comments regarding Complainant’s health and that the complainant himself had said that he was “fine with an ambulance.” Also, the supervisor noted that Complainant, when speaking with paramedics, said that “5 quarters” were in a dollar. The supervisor also stated that paramedics agreed that Complainant should go to the hospital.