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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #18-10-01  
December 2018

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**OVERVIEW**

Complainant alleges that he got into a verbal altercation with his grandson who then threatened to shoot him. He claims that she called the police but that his grandson did likewise, claiming that he had pulled a knife out on him. When officers arrived, Complainant asserts that he was arrested by police though all he wanted to do was go to bed. While being placed in handcuffs, Complainant contends that he professed his innocence to the officers and also told them that his handcuffs were too tight and that he has diabetes. After the incident, Complainant, who asserts he is elderly, contends that he still has bruises and scars from the handcuffs.

**THE COMPLAINT**

7-314(IV)(A)(3) – Domestic Abuse Protocol

Arrests for domestic abuse, based on probable cause, are expected if any of the following circumstances exist:

- Signs of injury or impairment;
- Dangerous weapon involved;
- Alleged assault - no signs of injury;
- Victim alleges to be in fear of immediate bodily harm;
- Terroristic threats (Minn. Stat. §609.713 sub.1) (07/01/95) (03/14/12);
- Criminal sexual conduct (refer to Minn. Stat. §609.342, 609.343, 609.344, 609.345) (07/01/95) (03/14/12)

*4-602 – Report Writing*

All police reports shall include the following:

- All principal and relevant data fields on the CAPRS report pertaining to the case at hand shall be completed.
- All principal and relevant individuals involved in the incident shall be listed in the case.  
\* This includes making a proper identification and documentation of all involved and/or associated individuals.
- A short public narrative statement describing the offense or incident. No names, addressees or anything that identifies a victim or witness shall be included in the public narrative.
- A probable cause statement in felony arrests.
- A description of the incident that occurred and documentation of the necessary elements related to the crime or basis for arrest.

- Documentation of reason(s) for an in-custody arrest versus issuance of a citation.
- A comprehensive individual statement in all felony arrests when an officer has information that is important to the case and in all other incidents where statements are required. (In critical incidents, this statement will generally be taken by an investigator in a question and answer format.)
- All principal and relevant information available to the officer at the time of the report shall be included in the report.

## **COMPLAINT PROCESSING**

Joint supervisors reviewed the complaint and determined that the officer who decided to arrest complainant retired shortly after the incident. As such, allegations against that officer were cleared by exception. Allegations against the other officer present were dismissed - no basis.

## **EVIDENCE**

1. *Complaint*
2. *Visinet Report*
3. *CAPRS Report*
4. *Body Worn Camera Recording*

## **SUMMARY OF EVIDENCE**

### *Visinet Report*

The 911 caller stated that his grandfather pulled a knife on him and that the caller threatened to shoot him. The caller states that he does not have a gun. A second caller from the resident called 911 to state that the grandfather had a knife but put it down. That caller states that the grandson did not have a gun. Officers arrive and the last note is that one male is being booked for domestic assault 5.

### *CAPRS Report*

In the CAPRS report, officers note that upon arrival, V1 (the grandson) told them that A1 (the grandfather) threatened him with a knife. V1 stated that the argument started after A1 yelled at him for not helping around the house. V1 accused him of drinking too much too frequently. The argument escalated, and A1 grabbed a large kitchen knife and advanced on V1. V1 called 911 and threatened to shoot A1. V1 went outside and waited for officers to arrive.

Upon arrival, officers noted that A1 was very intoxicated and uncooperative. A1 stated that he didn't do anything. He was handcuffed and brought to the squad car. When questioned, A1 stated that V1 threatened to shoot him.

A witness at the scene (the second 911 caller), confirmed that A1 was threatening V1 and that V1 threatened to shoot A1 if he continued to threaten him. W1 stated that she did not see any gun or knife. Officers did not locate any weapons.

Officers completed the domestic violence supplement, medical release form, and notified the domestic hotline. They read A1 his Miranda rights, and he chose not to respond. A1 was not on

the PC enhancement list (for prior offenders). V1 was given a blue card, and officers brought A1 to jail for booking.

### *Body Worn Camera Recording*

Body camera recordings captured all of the interactions officers had with V1, A1, and W1. The recording confirms the officers' description of their actions in the CAPRS reports. A1 appears extremely intoxicated and uncooperative when he is handcuffed. He complains that the arrest hurts his arms, but the technique used by officers is standard. He does not appear to complain about the tightness of his handcuffs during the arrest, but he is having difficulty communicating.

### **Dismissal**

As there appeared to be no policy violations against the assisting officer, the joint supervisors found no basis to proceed. The officer who made the decision to arrest complainant retired soon after the complaint was made, and allegations against that officer were exceptionally cleared.