

OFFICE OF POLICE CONDUCT REVIEW

CLOSED CASE SUMMARY

OPCR-21-55



PUBLISH DATE: July 15, 2022

FROM: Office of Police Conduct Review

CASE SUMMARY NUMBER: OPCR-21-55

ALLEGATIONS

	Policy Implicated	MPD Policy Manual Range	OPCR Outcome	PCRP Finding	MPD Outcome
Allegation 1	5-301 Use of Force	A-D	Sent to Review Panel	No Merit	Exonerated
Allegation 2	3-116 Badges	A-D	Sent to Review Panel	No Merit	Unfounded
Allegation 3	5-103 Use of Discretion	A-D	Sent to Review Panel	No Merit	Exonerated

REPORTED DEMOGRAPHICS

Race: N/A

Gender: N/A

Police Precinct: 3rd

SUMMARY OF COMPLAINT

Complaint alleged that while responding to an incident, an officer detained an individual who was in possession of a large machete-style knife. The officer brought the individual to the ground and used body weight on the lower region of the individual’s back to restrain them while putting on handcuffs. It is also alleged Officer covered their badge number intentionally. It is also alleged that Officer failed to use proper discretion when arresting the suspect.

SUMMARY OF INVESTIGATION

1) INTAKE INVESTIGATION

- a) VisiNet report

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i) The “Problem” is listed as “Officer Needs Help”. The call log indicates Multiple officers responded. Indicates there was a bit of a language barrier and caller initially indicated someone was trying to kill their father.

b) Police Report

i) Public Section of the report states officers responded to a carjacking that occurred behind listed address. Victim was robbed at gunpoint and at knife point and was injured during the altercation. Suspects took caller’s phone and keys and then stole his vehicle from the front of the address. Victim was treated by EMS and given a blue card. Vehicle later located by assisting officers and driver was booked at Hennepin County Jail. Vehicle was then towed to a forensic lot. Evidence was property inventoried, photos and BWC uploaded to evidence.com.

c) Other

- i) Initial complainant statements
- ii) Any other documents used to properly identify the officer

2) VIDEO ANALYST REVIEW

a) Body Worn Camera (BWC) Review

i) BWC footage exists for this complaint. The incident scene was chaotic with several civilians surrounding officers as they attempted to secure an aggravated robbery suspect. Through officer’s body worn cameras, civilians are seen walking towards the officers, one civilian within feet of the officers. Officers are heard asking for help on their radios. Officer 1 pushed Civilian 1 back by putting their hands on the upper torso. Civilian 1 took a step backward, then moved towards the officers a second time. Officer 1 requested a “Help Call” over the radio. Officer 2 remains with the suspect.

A Civilian 2 is heard on camera yelling at officers to not put their hands on Civilian 1. Officer 1 notices a long knife affixed to Civilian 2’s outer vest and reminds Civilian 2 that the knife they were carrying was illegal. Officer 1 reminds Civilian 2 over nine times to back up. Officer 1 then pulls out their taser and orders Civilian 2 to back up. Civilian 2 takes a few steps back but continues to yell at officers. Another call over the radio is requested for cars to assist.

At this time, the aggravated robbery suspect was uncooperative and was taken to the ground. The suspect was not in custody and was not secured in handcuffs at this time.

Civilian 2 then walks towards Officer 3 and tells Civilian 2 to get back. Officer 3 pushes Civilian 2 on their upper torso and pushes the civilian back. Civilian 2 then swats Officer 3’s hand. Officer 2 reminds Civilian 2 again to leave and Civilian 2 refused. Officer 2 informed Civilian 2 that they were under arrest. Civilian 2 backs up and

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- Officer 2 grabs Civilian 2 and is taken to the ground. Assisting officers helped in handcuffing Civilian 2.
- ii) Video was reviewed by a Minneapolis Forensic Scientist to examine if the officer attempted to obscure their badge during the incident. Examiner reviewed in detail 2 BWC videos along with a YouTube video of officer and their actions. Examiner broke down scene by scene and determined they did not see anything that indicated that the officer was covering their badge. It was also observed that the officer arrested the individual in question after refusing to comply with officer's commands.

b) Squad Video Review

- i) Squad video was not active at the time of the incident.

3) *CASE REVIEW & JOINT SUPERVISOR ROUTING*

- a) After reviewing the relevant and available evidence collected during intake, the Joint Supervisors agreed the complaint warranted an administrative investigation.
- b) The case was assigned to an MPD investigator.

4) *ADMIN/PRELIM INVESTIGATION*

Summary of the following:

- a) Complainant Statement
- b) Witness(s) Statement
- c) Focus Officer(s) Statement
- d) Additional Evidence (i.e., video analysis, etc.)

CASE OUTCOME

5) *OFFICE OF POLICE CONDUCT REVIEW*

- a) An administrative investigation was completed and forwarded to panel.

6) *POLICE CONDUCT REVIEW PANEL*

- a) Review panel found no merit on Allegation 1: Use of Force
- b) Review panel found no merit on Allegation 2: Badges
- c) Review panel found no merit on Allegation 3: Use of Discretion

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7) *MINNEAPOLIS POLICE DEPARTMENT*

- a) The Chief of Police followed up in a letter indicating that Officer 1 was exonerated regarding Allegations 1 and 3. Allegation 2 was unfounded.