
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #3
December 2013

OVERVIEW

Complainant was campaigning for election. Complainant alleged that Officer 1 attempted to remove him from a multiunit apartment building after a resident called police. Complainant alleged that Officer 1, after learning of the statute allowing Complainant to conduct his activities, stated, "if [you] stay, if anything goes missing in the building today, [you] will be a suspect and [I] will drag [you] into the station." Complainant alleged that he was allowed to stay, but Officer 1 would not shake his hand.

THE COMPLAINT

1. Inappropriate Attitude: that Officer 1 threatened to "drag" Complainant to the station if a theft occurred in the incident area after he encountered Complainant lawfully conducting political activities.
2. That Officer 1 would not shake his hand.

OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(2) Inappropriate Attitude
2. 5-105(14) PROFESSIONAL CODE OF CONDUCT: Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person.

COMPLAINT PROCESSING

Complaint was submitted directly to the Office of the Chief who referred it to the precinct inspector for coaching.

EVIDENCE

1. Email submitted by Complainant to the Office of the Chief.
2. Visinet records of the incident.
3. No police report was created concerning the event.
4. No squad camera recordings were available.
5. Coaching documents were returned to the OPCR by the precinct supervisor.

SUMMARY OF EVIDENCE

The Complaint

Complainant was inside a large apartment complex knocking on doors to register new voters. Complainant encountered a resident who stated that he was not allowed in the building. Complainant stated that "[he] was running [for office] and that [he] had a legal right to be in the building." The resident called police.

Complainant alleges that Officers 1 and 2 arrived. Complainant alleges he tried to shake Officer 1's hand while explaining the state statute that allowed him to be in the building. Complainant alleges that Officer 1 told him that "it was private property and [he] was not allowed there without permission, and that [he] needed to leave." Complainant was escorted out of the

building but looked up the state statute that permitted him access. Complainant showed Officer 1 the statute, and Officer 1 asked for his identification.

Complainant alleges that Officer 1 took his identification and spent ten minutes on the phone. Complainant alleges that Officer 1 asked for proof that Complainant was a registered candidate, and Complainant pulled up his campaign registration on the Hennepin County website. Officer 1 acknowledged he could stay, but stated, “if [he] stay[ed], if anything goes missing in the building today, [Complainant] will be a suspect and [Officer 1] will drag [him] to into the station.” Complainant alleges that he again tried to shake Officer 1’s hand and he refused. Complainant alleges, however, that Officer 2 shook his hand and was polite throughout the encounter.

Visinet Records

Visinet records show that Officer 1 spent 24 minutes at the apartment complex. The logs identify the caller that requested Complainant be escorted out of the building. Complainant’s information was entered into the system, confirming his identity. The notes end by stating, “Per SGT let him stay.”

COACHING

Coaching documents were forwarded to the appropriate supervisor. The supervisor noted that he spoke with Complainant for full details, but the conversation was not described. The supervisor reviewed the Visinet report, and discussed the incident with Officer 1.

The supervisor first stated that Officer 1 recalled the incident in detail. Officer 1 stated that “he was concerned about the complainant’s identification and claims to be a political candidate due to the fact the complainant had somehow gained entry into a locked, secure apartment building.” A resident “did not like the idea of people in the building soliciting, even if the complainant and his associate were asking people to register to vote.”

Officer 1 stated that “he does not shake people’s hand unless he knows them well, and this is his normal practice. Officer [1] explained he is a right handed shooter and believes shaking someone’s hand compromises his officer safety and ability to draw and/or protect his weapon.”

The supervisor read the quotation from the Complainant alleging that Officer 1 made comments about ‘dragging him to the station’ if there was a theft. The supervisor stated that Officer 1 “spontaneously interrupted [the supervisor] and told [the supervisor] that was not what he said.” Officer 1 “continued without hesitation,” claiming he said, “if anything is missing, you will likely be listed as the suspect.” The supervisor stated that Officer 1 told him “that he was sorry if the complainant felt something he said was inappropriate.”

The supervisor “used this opportunity to follow up with Officer [1] to remind him that it is all in the delivery; it’s not what you say, but how you say it.” The supervisor concluded by stating that “Officer [1] was receptive to what [he] had to say and displayed a positive attitude and was honest about the situation.”