

**MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS COMPLAINT FORM #3401**

COMPLAINT INFORMATION

INTERNAL AFFAIRS CASE NUMBER: 14-14903	CCN: 14-210241	DATE OF INCIDENT: 06/20/2014	TIME OF INCIDENT: 12:14
LOCATION OF INCIDENT: 818 Lowry Av N	DATE OF COMPLAINT 07/02/2014	REFERRAL METHOD: Memo	
COMPLAINANT'S NAME (LAST, FIRST MIDDLE) 13.43 - Personnel Data	SEX M <input type="checkbox"/> F <input type="checkbox"/>	RACE:	DATE OF BIRTH:
HOME ADDRESS:	CITY / STATE / ZIP:	TELEPHONE:	

POLICY INFORMATION

POLICIES ALLEGED TO BE VIOLATED:

10-401 Responsibility For Inventory Of Property And Evidence

ACCUSED EMPLOYEE(S)

NAME/BADGE:

Officer Eric Lukes, #4259

COMPLAINT ALLEGATIONS

It is alleged that on 06-20-2014 Officer Eric Lukes was working squad 424 Able when he was dispatched to a report of shots fired at Star Foods, 818 Lowry Av N. Remarks to the call stated "753-GMU, SHOTS FIRED, UNK IF ANYONE HIT, WHI CAD, LS WB." In his added remarks to the call Officer Lukes noted, "Small Cal .380," and stated in his remarks that he collected seven discharged cartridge casings, (DCC's).

On 07/01/14 Sgt. House, assigned to the Weapons Investigation Unit, emailed Officer Lukes asking the whereabouts of the DCC's. Officer Lukes responded that the DCC's were in his mail box. Officer Lukes completed an offense report and inventoried the DCC's on 07-02-14.

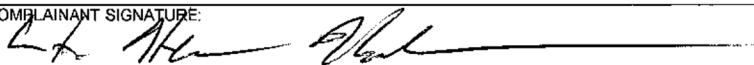
A search warrant executed at the residence the suspect vehicle, 753-GMU, listed to, resulted in the recovery of a .380 Cal. Handgun. The DCC's collected by Officer Lukes and the recovered .380 handgun were subsequently linked by way of the IBIS system to a homicide, CCN 14-132907.

RECOMMENDATION

(Preliminary Cases Only)

- ☐ Reckoning Period Expired Before Complaint was Filed
- ☐ No Basis for Complaint
- ☐ Closed Pending Further Information
- ☐ Refer to Precinct with Coaching Documentation
- ☐ Exceptionally Cleared
- ☐ Policy Failure
- ☐ Other

COMPLAINANT SIGNATURE:



DATE

8-15-14

COMMANDER REVIEW:

DATE



MINNEAPOLIS POLICE DEPARTMENT

Internal Affairs Unit

Administrative Case #14-014903

Sgt. Michal

CASE BACKGROUND

On 06-20-2014 at 1215 hours, Officer Eric Lukes, working squad 424 Able, was dispatched to a report of shots fired at Star Foods, 818 Lowry Ave N. Remarks to the call stated, "753GMU...SHOTS FIRED, UNK IF ANYONE HIT, WHI CADI...LS WB."

Officer Lukes and other officers arrived. No victim was located. Squad 424, Officer Lukes, entered remarks to the call at 12:21, "SMALL CAL .380." And then at 12:27, "RECOVERED 7 EMPTY CASINGS."

Hennepin County VOTF executed a search warrant on the residence of the registered owner of the vehicle listed in the remarks to the call. The warrant was based on the information contained in the call. A .380 Cal. firearm was recovered.

Hennepin County VOTF then contacted Sgt. House asking where the shell casings were.

On 07-01-14, Sgt. House emailed Officer Lukes inquiring where the shell casings [REDACTED] 13.43 - Personnel Data [REDACTED] as he had been unable to locate [REDACTED]

Officer Lukes responded to Sgt. Houses email that there had been no victim or suspect on the call, and the casings were in his mailbox.

On 07-02-14, Officer Lukes [REDACTED] inventoried the shell casings.

The recovered firearm was subsequently linked by way of the IBIS system to the .380 shell casings recovered by Officer Lukes, and to .380 shell casings recovered at the scene of a Minneapolis homicide, CCN 14-132907. A copy of the IBIS report is included with this report.

Sgt. House forwarded his email exchange with Officer Lukes to Fourth Precinct day watch Lt. McGinty, who in turn forwarded the emails to IA Lt. Halvorson. Lt. Halvorson signed an IA form 3401.

13.43 - Personnel Data

The shell casings were inventoried by badge 4259, Officer Lukes, under CCN 14-210241, PI# 22065, on 07-02-14. A screenshot of the CAPRS inventory page is included with this report.

Summary of Allegations:

13.43 - Personnel Data

Allegation # 2 It is alleged that on 06-20-14, Officer Eric Lukes did not immediately inventory evidence in the form of shell casings. If this allegation were found to be true it would violate the following:

10-401 RESPONSIBILITY FOR INVENTORY OF PROPERTY AND EVIDENCE (12/14/07)

(A-D)

Definitions:

- Property – any material object of value, however slight, tangible or intangible to which an owner has a legal right.
- Evidence – documentary or oral statements and material objects admissible as testimony in a court of law.

All MPD employees taking possession of property, whether evidentiary or non-evidentiary, shall place such property in the custody of the Property and Evidence Unit and complete the inventory prior to the end of their shift. The inventory shall include all evidence seized regardless of whether an arrest has been made. This includes sworn employees working off-duty employment. (04/01/93) (02/19/02) (12/14/07)

Case Investigation:

Statement of Sgt. Christopher House

On 09-10-14 I took a recorded statement from witness Sgt. Christopher House in the IA office. It is summarized as follows:

Sgt. House said he read a Daily Intelligence Brief, (DIB), (Dated 06-20-14 and included in the exhibits) about a shots-fired incident at Star Foods. Sgt. House made note of the incident because it is one of his duties to enter a work order to have recovered shell casings processed once they are inventoried.

Sgt. House received a call from Hennepin County VOTF asking for his assistance. They had drafted and executed a search warrant based on the information contained in the call. They were asking where the Shell casings were from the Star Foods shots fired incident. They wanted to conduct testing on the shell casings to compare them to the .380 handgun recovered in the warrant.

Sgt. House checked CAPRS and was unable to find

13.43 - Personnel Data

inventory of the shell casings

Sgt. House sent Officer Lukes an email on 07-01-14 asking about the shell casings.

Officer Lukes responded on 07-02-14 that there was no victim or suspect and the shell casings were in his mailbox.

Sgt. House responded that the license plate of the suspect vehicle was listed in the first line of the remarks to the call, that the suspect had been arrested twice in the last three weeks while in possession of a gun, and that the shell casings needed to be inventoried as soon as possible for comparison to the gun recovered in the warrant.

Sgt. House said the license plate listed in the call was part of the probable-cause used in obtaining the search warrant.

Sgt. House said the delay in inventorying the shell casings may have affected the investigation. "There's a possibility that Hennepin County and Minneapolis Homicide investigators could have coordinated their investigation or their interviews with the suspects that were present when the gun was recovered differently had we had a little timelier information."

Statement of Officer Eric Lukes

On 09-25-14, I interviewed Officer Eric Lukes in the IAU office.

I asked Officer Lukes what happened on call and he responded, "I can't even tell you what happened on that call. Basically, a shots fired call. I went there. Nobody was there, so I went into the store, talked to people in the store. They said they didn't see anything. They all ran in the store when they heard the shooting."

"And also, I'm walking around. I see one shell casing, and I just walked down the street and found eight others, or I can't remember exactly how many I saw."

I asked if Officer Lukes had noticed the vehicle license listed in the call. "By the time I got the call of shots fired, I wasn't looking at the call I was just going to the area."

Officer Lukes agreed he had collected shell casings and, "I put them in a brown-, little paper bag and I put them in my mailbox."

I asked when he inventoried the casings and Officer Lukes responded, "Later on. I can't tell you the date. You have the dates, I know." He agreed that 07-02-14 sounded right. "I guess. Like I said, I can't tell you the date." "It could be, yes."

When asked why he didn't inventory the casings right away, Officer Lukes said, "I forgot. That's why I put them in my mailbox after my shift was over... instead of throwing them away. Like, we can go through the trash cans at any of the precincts and I bet you there's evidence all in there, but I put 'em in my mailbox...with a CCN on them. So, I forgot. Just busy doing other things."

13.43 - Personnel Data

They were in my, when they told me to properly inventory the shell casings I went to my mailbox there was the shell casings. Like I said, if it was anything else, I'd have thrown them away... if I didn't think they were important, but they were sitting in my [inaudible] in a brown-, in a correction envelope with the case control number on them. So, it wasn't the fact that I was trying to hide anything. I recovered 'em

I asked Officer Lukes if he was familiar with MPD policy Policy 10-401, which states in part "all MPD employees taking possession of property whether evidentiary or not evidentiary shall place such property in the custody of the Property & Evidence Unit and complete the inventory prior to the end of their shift."

He responded, "Like I said before, that doesn't happen. They're just using that now. That doesn't happen cause I could take you to the Fourth Precinct lot right now in the garbage can and I can show you all kinds of property from drugs to everything else. "Knives and the whole nine yards." "But I didn't throw it away. I put in my mailbox with a CCN"

13.43 - Personnel Data

I asked Officer Lukes if he had anything further to add to his statement, "No, not at all."

I advised Officer Lukes of MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN YOUR FEDERATION OR UNION REPRESENTATIVE OR ATTORNEY.

I asked if he understood and he responded: "As I said, that's not gonna happen either. That's not gonna happen. I'm not-, I'm not saying I understand that either. Cause that-, you know just like I do, somethin's been discussed all day long with everyone and I'm not signing that just to say that. So, I'm saying no. Asked again if he understood what I had read to him, he responded, "I'm not even gonna answer that question."

Investigative facts:

- On 06-20-14 at 1215 hours Officer Eric Lukes, squad 424 Able, was dispatched to a report of shots fired at Star Foods, 818 Lowry Ave N. Remarks to the call listed a suspect vehicle, MN [REDACTED]. Officer Lukes entered remarks to the call: "SMALL CAL.380" and "RECOVERED 7 EMPTY CASINGS."
- In his statement officer Lukes said he placed the shell casings in an envelope and placed the envelope in his mailbox.
- Weapons Investigator Sgt. House saw a DIB Sgt. House said he read a Daily Intelligence Brief, (DIB), (Dated 06-20-14 and included with this report) about a shots-fired incident at Star Foods. Sgt. House made note of the incident because it is one of his duties to enter a work order to have recovered shell casings processed once they are inventoried.
- Sgt. House received a call from Hennepin County VOTF. They had executed a search warrant based on the Shots-fired call and recovered a .380 handgun. The VOTF investigators were asking where the shell casings were that had been recovered by Officer Lukes.
- Sgt. House was unable to locate a CAPRS report of the incident or the shell casings in inventory.
- On 07-01-14, Sgt. House emailed officer Lukes asking about [REDACTED] 13.43 - Personnel Data the shell casings he recovered.
- Officer Lukes responded on 07-02-14 that there was no victim and no suspect and the casings were in his mailbox. Later that day Officer Lukes [REDACTED] 13.43 - Personnel Data inventoried the casings.

- When the casing were compared through the IBIS system they were found to be a match to the gun recovered by Hennepin county VOTF in their warrant, and to also match shell casings recovered at the scene of a Minneapolis Homicide, CCN 14-132907.
- During his interview, Officer Lukes said the reason he didn't inventory the casings right away was because, "I forgot. That's why I put them in my mailbox after my shift was over... instead of throwing them away. Like, we can go through the trash cans at any of the precincts and I bet you there's evidence all in there, but I put 'em in my mailbox... with a CCN on them. So, I forgot. Just busy doing other things."

13.43 - Personnel Data

- [REDACTED] They were in my-, when they told me to property inventory the shell casings I went to my mailbox there was the shell casings. Like I said, if it was anything else, I'd have thrown them away... So, it wasn't the fact that I was trying to hide anything. I recovered 'em, [REDACTED]
- When I asked Officer Lukes if he was familiar with MPD policy 10-401, which states in part "all MPD employees taking possession of property whether evidentiary or not evidentiary shall place such property in the custody of the Property & Evidence Unit and complete the inventory prior to the end of their shift." He responded, "Like I said before, that doesn't happen. They're just using that now. That doesn't happen cause I could take you to the Fourth Precinct lot right now in the garbage can and I can show you all kinds of property from drugs to everything else. "Knives and the whole nine yards." "But I didn't throw it away. I put in my mailbox with a CCN"

13.43 - Personnel Data

- Sgt. House said the delay in inventorying the shell casings may have affected the investigation. "There's a possibility that Hennepin County and Minneapolis Homicide investigators could have coordinated their investigation or their interviews with the suspects that were present when the gun was recovered differently had we had a little timelier information."

I confirm that the information I provided in this case is true to the best of my knowledge.

Respectfully Submitted,

Sgt. Joseph T. Michal
Sgt. Joseph Michal

Internal Affairs Unit

MINNEAPOLIS POLICE DEPARTMENT

Internal Affairs Unit

Addendum to Administrative Case 14-014903

Lt. Halvorson

CASE CONTINUATION

After a preliminary review of this case, it was determined that several follow up steps were necessary to conclude this investigation. I assisted the primary investigator, Sgt. Michal, with those steps. Prior to Sgt. Michal's retirement, he was unable to conclude the summary. This continuation of the investigation is the information gathered during the follow up investigatory steps.

CASE INVESTIGATION

Statement of Officer Steven Otteson:

On 12-19-14 Sgt. Michal took a recorded statement from Officer Steven Otteson. It is summarized as follows:

Officer Otteson is currently assigned to the Strategic Information Center for the MPD. Part of his duties at the Strategic information center is to manage the Daily Information Brief (DIB) and to monitor the dispatched calls to squads along with collecting any possibly video from City of Minneapolis cameras relating to incidents.

Officer Otteson stated that on (06-20-14) he completed a DIB regarding this specific incident [CCN 14-132907]. He stated he heard a call dispatched on the Northside [Precinct 4] of shots fired call at Star Foods which is at 818 Lowry. He knew that there were cameras near this location which may have captured the incident on video.

He also heard that dispatch air more information regarding this call. They had stated that a white Cadillac was possibly involved and that a plate number to this vehicle had been aired. He then checked the camera which was near the business (Star Foods) and saw a white Cadillac pulled into a parking lot about a block away. He then saw the vehicle pull out of the parking lot and speed away.

Officer Otteson ran the plate number which was aired during the call and it came back to a listing of a Cadillac. Another squad which was assigned to the call had added information that this Cadillac was involved in a shots fired call at this same address about 3 weeks prior. (This information is in the Visinet documentation, the squad was 8420). Officer Otteson then added the information he had seen on the video to the call for any further necessary follow up. He also made a copy of the video and placed it in a secure computer drive used by his unit.

13.43 - Personnel Data

He also wanted to make a copy of the video to property inventory the incident for any possible future criminal prosecution. He kept a copy of the video on the M drive which is used by their unit.

2nd Statement of Officer Eric Lukes:

On 01-08-15 Sgt. Michal and I conducted a second interview with Officer Lukes. It should be noted that at the beginning of the interview Officer Lukes did not understand and agree with some of the advisory content. After a short discussion he was able to understand these advisory statements.

We attempted to get further clarification from Officer Lukes regarding the Shots call he responded. He recalled that he was the first squad to arrive on scene and that he spoke to potential witnesses. He spoke to a male who was on the street when the incident occurred but he told Officer Lukes that he did not see anything. Officer Lukes also spoke to people that were inside a business but they also told him that they did not see anything from the incident. He believed that the business was called the Lowry Market. Officer Lukes did not ask the owner if he had any cameras which may have recorded the incident. Officer also was unable to recall if other officers had arrived on scene with him. He did not remember if he spoke to any other officers on this scene.

Officer Lukes was unsure as to how many shell casings he recovered from the scene. He also did not remember how he secured the casings. He was only able to recall that he used a brown envelope typically used to recover evidence. Officer Lukes remembered receiving an e-mail from Sgt. House asking him about the shell casings regarding this incident. He then remembered that he had placed them in his mailbox. Officer Lukes again stated that he simply forgot to inventory the recovered shell casings when he placed them in his mailbox. He did not believe that this mistake would have a potential to affect any further criminal proceedings regarding this evidence.

13.43 - Personnel Data

13.43 - Personnel Data

During our interview, Officer Lukes produced 3 MPD Property Inventory sheets. These property inventory sheets corresponded with a MPD Recovery Property report which Officer Lukes also completed. The report and property inventory sheets are included with this case file.

The property inventoried under this CCN were a small amount of suspected marijuana, jam jars with lids, black handled folding pocket knife and 27 pennies. Officer Lukes stated that he had found all of these items in the squad car he was driving today (on the day of his interview). He was attempting to prove his point that either people do not always inventory items they find during their shift or either forget to inventory them.² After several attempts of discussing the Property Inventory policy (10-401) with Officer Lukes he stated that he knows the policy.

Near the end of the interview Officer Lukes was advised of MPD Policy 5-107.8, prohibiting him from speaking to anyone other than a Federation Rep or Attorney about this case. Officer Lukes stated that this is not going to happen. I attempted to clarify with him if he simply understood the policy however, he would not acknowledge that he understood the policy. He continued to state that this does not happen.

¹ Off. Lukes Stmt. Pg. 11-12

² Off. Lukes Stmt. Pg. 12-13

**MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS COMPLAINT FORM #3401**

COMPLAINT INFORMATION

INTERNAL AFFAIRS CASE NUMBER: 14-14903	CCN: 14-210241	DATE OF INCIDENT: 06/20/2014	TIME OF INCIDENT: 12:14
LOCATION OF INCIDENT: 818 Lowry Av N	DATE OF COMPLAINT: 07/02/2014	REFERRAL METHOD: Memo	
COMPLAINANTS NAME (LAST, FIRST MIDDLE) 13.43 - Personnel Data	SEX M <input type="checkbox"/> F <input type="checkbox"/>	RACE:	DATE OF BIRTH:
HOME ADDRESS:	CITY / STATE / ZIP:	TELEPHONE:	

POLICY INFORMATION

POLICIES ALLEGED TO BE VIOLATED:
10-401 Responsibility For Inventory Of Property And Evidence
13.43 - Personnel Data

ACCUSED EMPLOYEE(S)

NAME/BADGE:
Officer Eric Lukes, #4259

COMPLAINT ALLEGATIONS

It is alleged that on 06-20-2014 Officer Eric Lukes was working squad 424 Able when he was dispatched to a report of shots fired at Star Foods, 818 Lowry Av N. Remarks to the call stated "753-GMU, SHOTS FIRED, UNK IF ANYONE HIT, WHI CAD, LS WB." In his added remarks to the call Officer Lukes noted, "Small Cal .380," and stated in his remarks that he collected seven discharged cartridge casings, (DCC's).

On 07/01/14 Sgt. House, assigned to the Weapons Investigation Unit, emailed Officer Lukes asking the whereabouts of the DCC's. Officer Lukes responded that the DCC's were in his mail box. Officer Lukes completed an offense report and inventoried the DCC's on 07-02-14.

A search warrant executed at the residence the suspect vehicle, 753-GMU, listed to, resulted in the recovery of a .380 Cal. Handgun. The DCC's collected by Officer Lukes and the recovered .380 handgun were subsequently linked by way of the IBIS system to a homicide, CCN 14-132907.

RECOMMENDATION

(Preliminary Cases Only)

- ☐ Reckoning Period Expired Before Complaint was Filed
- ☐ No Basis for Complaint
- ☐ Closed Pending Further Information
- ☐ Refer to Precinct with Coaching Documentation
- ☐ Exceptionally Cleared
- ☐ Policy Failure
- ☐ Other

13.43 - Personnel Data

COMMANDER REVIEW:

DATE
8-15-14

DATE

March 22, 2016

Officer Eric Lukes
Fourth Precinct
Minneapolis Police Department

RE: IAU Case Number #14-14903
Notice of Suspension (20 hours suspension without pay)

Officer Lukes,

The finding for IAU Case #14-14903 is as follows:

MPD P/P 10-401 Responsibility for Inventory/Evidence.....SUSTAINED (Category C)

13.43 - Personnel Data

As discipline for this incident you are suspended for 20 hours without pay.

This case will remain in IAU files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge from employment.

Sincerely,

Janee Harteau
Chief of Police



By: Kristine Arneson
Assistant Chief

Page 2
Officer Lukes
Suspension Letter

I, Officer Eric Lukes, acknowledge receipt of this
Notice of Suspension.

Eric K. Lukes 20160408
Officer Eric Lukes Date of Receipt

M. D. Freistleben 4-8-2016
Inspector Friestleben Date

CC: Personnel
Inspector Freistleben
IAU