

Patrick, Ryan P

From: no-reply@minneapolismn.gov
Sent: Sunday, October 06, 2013 6:40 PM
To: Police Review
Subject: Office of Police Conduct Review Complaint

City of Minneapolis

First Name * DONALD
Last Name * HOLMES
Email websterwipd@gmail.com
Phone (715) 919-0276
Phone Type Cell
Phone 2
Phone Type 2
Address * po box 275
Apt/Suite
City webster
State WI
Zip 54893
Location of Incident * webster wisconsin
CCN WEBSTER PD CASE # W13-0574
Date * 10-05-2013
Time * 956
AM/PM PM
Description of Incident * On Saturday October 5, 2013 while working in a marked squad for the village of Webster I was operating stationary radar. My vehicle was facing east. My position was about 100 feet west of Lakeland Avenue South on Alder Street West. At about 9:50pm a vehicle turned right off of Lakeland Avenue South onto Alder Street West. The vehicle passed me and continued west. Rear stationary radar speed was 39mph. The vehicle was around the Pike Avenue South intersection when it reached that speed. At about that intersection is a 25mph speed limit sign that is posted. There were no other vehicles on Alder Street West. I turned around and caught up with the vehicle. I stopped it about 100 yards west of Old 35 on Fairgrounds road at 9:56pm. I radioed in my location and the license plate of the vehicle. I approached the vehicle and seen a male driver and female passenger. The driver gave me his driver's license and told me the insurance for the vehicle was through a public school and that it belonged to that school. He opened his wallet and attempted to show me a police ID card for the City of Minneapolis. I told him the reason I stopped him was for his speed. I told him to wait in the vehicle until I returned. While in the squad car the

driver exited his vehicle and walked towards me. I asked him what he wanted and he gave me his new driver's license and I told him to stay in the vehicle. I issued him a citation for his speed (V211085-0) and walked back to his vehicle. When I told him the citation was for speed he became upset and began to argue the speed limits in the village. I calmly told him the speed didn't change until he left village limits which were after the school. He still was angry and yelled at me about the speed other things. I remained calm and ended the contact with him. He yelled out the window that he would see me in court and that I should never come down to Minneapolis. During the interaction I had a ride along who was standing outside of the squad car right next to it. He said that he could even hear the yelling coming from the driver. No charges for disorderly conduct have been filed. The entire traffic stop was recorded with audio and video. This is all the information I have at this time. Donald Holmes, Webster Police Department

Officer Name	ROBERT GREGORY SCHNICKEL
Badge#	UNKNOWN
Squad#	UNKNOWN
Witness	
Witness Phone	
Witness Phone Type	
Witness Address	
Witness Apt/Suite	
Witness City	Minneapolis
Witness State	MN
Witness Zip	
Investigator Preference *	None
Gender	Do not wish to disclose
Date of Birth	
Race	
Signature:	_____



This is an email generated from the City of Minneapolis website. * Required fields are indicated with an asterisk.

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CITY OF MINNEAPOLIS

OFFICE OF POLICE CONDUCT REVIEW

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
13-23559	NA	W13-0574	October 05, 2013	09:56 PM	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
		Webster 54893		October 07, 2013	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Holmes, Donald			Male	{?}	{?}
Home Address		City/State/Zip		Primary Telephone	
PO Box 275		Webster, WI 54893		(715) 919-0276	
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
6223; Schnickel, Robert		OPCR Ord. § 172.20(8) - Violation of the P&P Manual			
		OPCR ORD § 172.20(2) - Inappropriate Attitude			
		MPD P&P § 5-102 Code of Ethics			
		MPD P&P § 5-105.15 Professional Code of Conduct			
;		OPCR Ord. § 172.20() - Harassment			
		MPD P&P § -			
ALLEGATION SUMMARY					
<p>It is alleged that on October 5th of 2013 at approximately 2156 hours, Officer Schnickel was stopped by the Webster Wisconsin Police Department. He was stopped while driving, MN 131-HTL, a vehicle registered to the Minneapolis Public Schools. Officer Schnickel was issued a citation for speeding. Officer Holmes of the Webster Police Department alleged that Officer Schnickel was issued a citation for speeding. Officer Holmes of the Webster Police Department alleged that Officer Schnickel was rude and made derogatory and threatening comments to him after he issued him the citation. It is alleged that Officer Schnickel was driving MN 131-HTL in violation of the agreement he signed with the Mpls. Public Schools in regards to the appropriate usage of said vehicle.</p>					
SUPERVISOR ASSESSMENT					
MEDIATION <input type="checkbox"/> Refer to Mediation COACHING <input type="checkbox"/> Refer to Precinct INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation: Investigator <input type="checkbox"/> Admin Investigation: Investigator			DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate		
FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel					
IAU Commander				Date	
				7-29-14	
Director - Office of Police Conduct Review				Date	
				7.29.14	

CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW

Complaint Form #3401

COMPLAINT INFORMATION					
Case Number	Ward	Precinct	CCN	Date	Time
IAU 13-23559				10-05-2013	2156 hours
Location of Incident				Date of Complaint	
Alder Street W./Pike Ave. S., Webster, Wisconsin				10-05-2013	
Complainant's Name (Last, First, Middle Initial)			Sex	Race	DOB
Commander Granger					
Home Address		City/State/Zip		Telephone	
POLICY INFORMATION					
Policies Alleged to be violated: 5-102 Code of Ethics, 5-105.15 Professional Code of Conduct					
SUBJECT EMPLOYEES					
Name/Badge: Officer Robert Schnickel #6223					
ALLEGATIONS					
<p>It is alleged that on October 5th of 2013 at approximately 2156 hours, Officer Schnickel was stopped by the Webster Wisconsin Police Department. He was stopped while driving, MN 131-HTL, a vehicle registered to the Minneapolis Public Schools. Officer Schnickel was issued a citation for speeding. Officer Holmes of the Webster Police Department alleged that Officer Schnickel was rude and made derogatory and threatening comments to him after he issued him the citation. It is alleged that Officer Schnickel was driving MN 131-HTL in violation of the agreement he had signed with the Mpls. Public Schools in regards to the appropriate usage of said vehicle.</p>					
Recommendation					
<p>DISMISS</p> <p><input type="checkbox"/> Reckoning Period Expired Before Complaint was Filed</p> <p><input type="checkbox"/> No Basis/Failure to State a Claim</p> <p><input type="checkbox"/> Closed Pending Further Information/Failure to Cooperate</p> <p><input type="checkbox"/> Exceptionally Cleared (resignation, death, military duty)</p> <p><input type="checkbox"/> Policy Failure</p> <p>COACHING</p> <p><input type="checkbox"/> Refer to Precinct with Coaching Documentation</p> <p>MEDIATION</p> <p><input type="checkbox"/> Refer to Mediation</p> <p>INVESTIGATIONS</p> <p><input type="checkbox"/> Preliminary Investigation: Investigator</p>					
IAU Commander <i>DeChristopher Granger</i>				Date 1-13-14	
Assistant Civil Rights Director				Date	

Office of Police Conduct Review Investigative Report

Note: This document is included in the investigative file for the sole benefit of the P C O C Review Panel.

Complaint Number: 13-23559

Investigator: Sgt. Michael Heyer

Officer(s): Officer Robert Schnickel

Jurisdiction: M.C. O. §§ 172.20

Date of Incident: October 5th, 2013

Complaint Filed

CASE OVERVIEW

This case resulted from Officer Donald Holmes, a police officer with the Webster, Wisconsin Police Department filing a complaint on the City of Minneapolis web site. In the complaint, it is alleged that on October 5th of 2013 at approximately 2156 hours, Officer Robert Schnickel was stopped by the Webster Wisconsin Police Department. Officer Robert Schnickel was stopped while driving, MN 131-HTL, a vehicle registered to the Minneapolis Public Schools. Officer Robert Schnickel was issued a citation for speeding. In the complaint, Officer Holmes of the Webster Police Department alleged that Officer Robert Schnickel was rude and made derogatory and threatening comments to him after he issued him a citation. It is alleged that Officer Robert Schnickel was driving MN 131-HTL, in violation of the agreement he had signed with the Minneapolis Public Schools in regards to the appropriate usage of said vehicle.

SUMMARY OF ALLEGATIONS

Allegation:

It is alleged that on October 5th of 2013 at approximately 2156 hours, Officer Robert Schnickel was stopped by the Webster Wisconsin Police Department. Officer Robert Schnickel was stopped while driving, MN 131-HTL, a vehicle registered to the Minneapolis Public Schools. From interviewing Officer Holmes of the Webster Police Department, Officer Holmes believed that Officer Robert Schnickel attempted to show him his police identification. Officer Holmes believed this may have been to gain preferential treatment.

Officer Robert Schnickel was issued a citation for speeding. In a recorded statement, Officer Holmes stated to me that Officer Schnickel was rude and made derogatory and threatening comments to him after he issued him the citation.

It is alleged that Officer Robert Schnickel was driving MN 131-HTL, in violation of the agreement he had signed with the Mpls. Public Schools in regards to the appropriate usage of said vehicle. Officer Robert Schnickel later acknowledged in a recorded interview that he had used the vehicles in violation of the signed agreement.

If these allegations are found to be true, Officer Schnickel could be in violation of the following Department policies:

5-102 CODE OF ETHICS: All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department.

- Using a Minneapolis Public Schools vehicle in violation of signed agreement.
- Identifying oneself as a police officer with the intent to gain special consideration.

5-105.15 PROFESSIONAL CODE OF CONDUCT: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.

- Making derogatory and threatening comments to a police officer.

EVIDENCE

1. Statements

- a) Officer Robert Schnickel
- b) Officer Donald Holmes
- c) Witness/Austin Reed

2. Records

- a) Webster Police Department report
- b) Webster Police Video of traffic stop
- c) Mpls. Public Schools Use of Vehicles Agreement
- d) Vehicle mileage and fuel data

SUMMARY OF EVIDENCE

On 11/12/13, I received this case as an IAU preliminary case. The case number was 13-26137. The case was later changed to an Office of Police Conduct Review (O.P.C.R.) case and given the number 13-

23559. At the time notification letters and interviews were conducted, the case number 13-26137 was being used. That is the reason for differing case numbers being referenced at varying points in the investigation.

I was given the narrative portion of an offense report written by Officer Donald Holmes of the Webster, Wisconsin Police Department. In the narrative, Officer Holmes states that on 10/05/13, he was working in uniform and in a marked squad. At approximately 2150 hours, Officer Holmes while using a Department issued radar gun, clocked a passing vehicle going 39 m.p.h. The posted speed limit at that location was listed as 25 m.p.h.

The license plate of the vehicle was not listed in the narrative. The driver of the vehicle was identified as Officer Robert Schnickel of the Minneapolis P.D. Officer Holmes stated that he approached the vehicle and Officer Schnickel gave him his driver's license and informed him that the insurance for the vehicle was through a public school and that the vehicle belonged to the school. Officer Holmes stated that Officer Schnickel opened up his wallet and attempted to show him a Minneapolis Police identification card.

Officer Holmes informed Officer Schnickel that the reason he had stopped him was for speeding. Officer Holmes instructed Officer Schnickel to wait in the vehicle until he returned. Moments later, Officer Schnickel exited his vehicle and walked back towards Officer Holmes's squad car. Officer Holmes exited his squad and met Officer Schnickel. Officer Schnickel gave him some additional paper work.

Officer Holmes issued Officer Schnickel a citation for speeding. Officer Holmes stated that Officer Schnickel became upset and began to argue with him about the posted speed limits in the area. Officer Holmes stated that as he was walking back to his squad car, Officer Schnickel yelled out his window that he would see him in court and that he should never come down to Minneapolis.

On the night in question, Officer Holmes had a "ride along," named Austin Reed. I was given a statement that was typed out by Mr. Reed, describing what he observed and heard during the traffic stop involving Officer Schnickel. Austin Reed stated that after Officer Holmes gave Officer Schnickel a ticket, he could hear Officer Schnickel yelling at Officer Holmes.

On 11/12/13, I called the Webster P.D. and left a message on their voice mail system to be contacted about this investigation.

On 11/18/13, I spoke with Chief Spafford of the Webster Police Department. He stated that I could interview Officer Holmes about this investigation. I asked him if he could provide me with a copy of the offense report and the squad video of the traffic stop. He faxed me a copy of the report immediately and told me he would attempt to locate the video footage of the incident. He stated that he would contact me either way about the video.

On 11/18/13 at approximately 1310 hours, I spoke with Officer Donald Holmes. I recorded our

conversation. I informed him that he was being questioned as part of an official investigation into a complaint of misconduct. The incident in question occurred on 10/05/13 at approximately 2150 hours, in Webster, Wisconsin. The incident involved Officer Schnickel of the Minneapolis P.D.

Officer Holmes stated that he was running "radar" in the area of Alder St. W. He stated that a vehicle drove by him traveling west bound. He clocked the vehicle going 39 m.p.h. in a posted 25 m.p.h. area. A traffic stop was initiated and the vehicle, MN 131-HTL, was stopped near Alder St. W. and Pike Ave. S., Webster, Wisconsin.

Officer Holmes informed Officer Schnickel why he was being stopped and asked him for his driver's license and proof of insurance. He stated that the driver, later identified as Officer Robert Schnickel, retrieved a wallet and opened it up. Officer Holmes could clearly see a Minneapolis Police identification card in the wallet. He felt that Officer Schnickel held the wallet in a manner that displayed the police identification for several seconds. Officer Holmes stated that he did not acknowledge the police identification. Officer Schnickel then retrieved his driver's license from the wallet. Officer Schnickel gave Officer Holmes his MN. driver's license.

Officer Holmes stated that he and Officer Schnickel discussed the speed limit in the area the violation had occurred. Officer Holmes instructed Officer Schnickel to stay in his vehicle and then returned to his squad. While in his squad car, Officer Schnickel exited his vehicle and was walking back towards the squad car. Officer Holmes exited his squad and approached Officer Schnickel. Officer Schnickel handed him some paper work. Officer Holmes was not certain what the paper work was, but believed it may have been a more current insurance card for the vehicle.

Officer Holmes filled out a citation for Officer Schnickel. Officer Holmes walked up to Officer Schnickel's vehicle and gave him the citation and returned his driver's license and proof of insurance. Officer Holmes explained to Officer Schnickel that the citation was for speeding and what his options were for handling the citation.

Officer Holmes stated that at this point, Officer Schnickel became very upset. He stated that Officer Schnickel argued with him about the speed limit in the area in question. He informed Officer Holmes that he had been coming up to this area to his cabin for many years. Officer Holmes stated that he felt that Officer Schnickel continued to belittle him by stating things such as; "this isn't right," "you should check this off your career," "you should feel good about yourself," "I'll see you in court" and "don't come down to Minneapolis."

Officer Holmes did not argue back with Officer Schnickel. Officer Holmes stated that later that night, he went to the City of Minneapolis Web site and completed an on-line complaint on Officer Schnickel.

I asked Officer Holmes if Officer Schnickel ever verbally identified himself as a police officer. He stated that he did not remember, but that he did not think so. I asked him if Officer Schnickel ever physically removed his police identification from his wallet and handed it to him. Officer Holmes stated that he did not. I asked Officer Holmes if Officer Schnickel ever asked him for preferential treatment because

he was a fellow police officer. Officer Holmes again stated that he did not.

I asked Officer Holmes if Officer Schnickel ever mentioned to him who the vehicle he was driving, belonged to. Officer Holmes stated that he was informed that it belonged to the Mpls. Public Schools.

I asked Officer Holmes if he identified the female passenger that was riding with Officer Schnickel that night. He stated that he did not. I asked him if he could describe her. Officer Holmes stated that he did not get a good look at her, but believed she was approximately the same age as Officer Schnickel, with glasses and curly hair. He stated that she did not speak to him.

I asked Officer Holmes if he had a ride-along on the night in question. He stated that he did. The ride-along was named Austin Reed. Officer Holmes stated that he would get me a phone number as soon as possible so that I could contact him about this investigation. Officer Holmes informed me that Austin Reed told him that he heard much of the exchange between Officer Holmes and Officer Schnickel.

I asked Officer Holmes if there was squad video of the traffic stop. He stated that there was. He informed me however, that his external microphone was not working at the time, so the only audio is from inside the squad car.

The interview was concluded shortly thereafter.

On 12/05/13, I mailed Officer Holmes, two copies of our recorded interview. Enclosed was a letter asking him to review the statement for accuracy and to make any corrections. On 12/30/13, I received a signed copy of Officer Holmes's statement.

On 12/06/13, I was able to contact Austin Reed by telephone. I informed him who I was and why I was contacting him. Reed agreed to give me a recorded statement over the telephone. I asked him about the evening of Saturday, October 5th, 2013.

Reed stated that on that day, he was doing a ride-along with Officer Holmes of the Webster Police Department. Reed stated that the squad was parked and that Officer Holmes was running stationary radar. Officer Holmes clocked a vehicle that was speeding in a posted 25 m.p.h. zone. The vehicle was stopped and Officer Holmes exited the squad and approached the driver. Reed stated that he exited the squad and stood near the front, passenger side bumper of the squad. Reed believed he was approximately 20 to 30 feet away from Officer Holmes.

I asked Reed if he could hear what was being said between Officer Holmes and the driver of the vehicle, Officer Schnickel. Reed stated that he could hear Officer Holmes explain why he had pulled the vehicle over and heard him ask the driver for his driver's license and other paper work. I asked Reed if he could hear the driver say anything to Officer Holmes. He stated that he did not.

I asked Reed if he ever saw Officer Schnickel show or give his Mpls. Police identification to Officer

Holmes. He stated that he did not.

I asked Reed if he ever heard Officer Schnickel ask for preferential treatment because he was a police officer. He stated that he did not.

I asked Reed if he saw anyone else in the vehicle with Officer Schnickel. He stated that he could see someone in the passenger seat, but did not actually see the person nor could he describe him or her.

Reed was asked if the driver, Officer Schnickel ever exited his vehicle. Reed stated that when he and Officer Holmes were back in the squad after the initial contact, Officer Schnickel exited his vehicle and approached the squad. Reed believed he gave Officer Holmes an updated registration card, but was uncertain.

Reed was asked if he heard the verbal exchange between Officer Holmes and Officer Schnickel when Officer Holmes gave him the citation for speeding. Reed stated that he heard the driver yelling at Officer Holmes. Reed believed the driver was saying something along the lines of, "I'm an officer from Minneapolis, don't come down there." I asked Reed if the driver's statements sounded threatening and he stated that they did.

Reed stated that when he and Officer Holmes were in the squad car, Officer Holmes informed him that the driver of the vehicle had identified himself as a Minneapolis police officer. Reed believed that Officer Holmes informed him that the driver had shown him a badge and was angry about receiving a ticket.

I informed Reed that I had received a typed letter that was signed with the signature of Austin Reed. The letter contained his observations and opinions of the traffic stop. Reed informed me that he had written the letter approximately one week after the incident and he gave it to the Webster Police Dept. I asked Reed if the letter was an accurate account of what he observed on the night in question. Reed stated that it was. A copy of the letter will be included in the case file.

I asked Reed if there was anything he would like to add to this statement. He stated that there was not. I asked him if this was a true and accurate statement. He stated that it was. The interview was concluded.

I mailed Reed two copies of his transcribed statement. I did not receive a signed copy back from him.

On 11/18/13, I contacted Sgt. Robert Berry, the sergeant in charge of the School Resource Officer's and Officer Schnickel's immediate supervisor. I asked Sgt. Berry to send me a copy of the vehicles assigned to his officers. The vehicle assigned to Officer Schnickel was listed as a 2012, Chevrolet Malibu, MN 131-HTL. This is the same vehicle that Officer Schnickel was stopped in by Officer Holmes.

I also received an agreement for the use of vehicles provided by the Minneapolis Public Schools. The agreement was signed by Officer Robert Schnickel and was dated 9/04/13. In the agreement it states

that the vehicle assigned to Officer Schnickel; a School Resource Officer (S.R.O.) for Washburn High School, shall be used for the performance of S.R.O. duties including transportation between home and work. The vehicle can also be used for transportation to and from after school activities outside normal school hours. The agreement states that the School District will provide maintenance and service for the vehicle; including up to 40 gallons of gasoline per month.

On 11/22/13, I contacted Jason Matlock, the Director of Emergency Management, Safety & Security for the Minneapolis Public Schools. I informed Matlock that Officer Schnickel may have used the vehicle he had been assigned by the Minneapolis Public Schools, MN 131-HTL, in violation of the agreement he had signed. Matlock stated that he would attempt to gather the mileage and fuel history for this vehicle since it had been assigned to Officer Schnickel and e-mail it to me.

On 11/25/13, I received a CD from the Webster Police Department. The CD contained the traffic stop involving Officer Schnickel. I viewed the video on my desk computer. The video shows Officer Holmes stopping a white, Chevrolet Malibu, MN 131-HTL. I was able to hear Officer Holmes inform dispatch that he was making a traffic stop. He gives his location and the license plate of the vehicle. There is no additional audio after this.

The video shows Officer Holmes approach the driver's side window of MN 131-HTL and speak with the driver. Officer Holmes then returns to his squad. After several minutes, Officer Schnickel exits the driver's side door of his vehicle. He then walks to the driver's side of the squad car and is out of view of the squad for a few moments. Officer Schnickel then walks back to his car and enters the driver's side door. Minutes later, Officer Holmes can be seen walking up to the driver's side window of Officer Schnickel's vehicle. Officer Holmes hands him a citation and gives him back his driver's license and insurance. Officer Holmes walks back to his squad. Officer Schnickel can be seen driving away.

On 12/03/13, I went to the Mpls. Public Schools building, located at 1250 W. Broadway Ave. N. and met with Jason Matlock. Matlock showed me a spread sheet that contained the vehicles assigned to S.R.O.'s. In November of 2012, Officer Schnickel was issued vehicle number 950, P#7493, by the Mpls. Public Schools. The vehicle was a 2005, Chevrolet Malibu. The spread sheet also listed vehicle number 996, P#7493, which was the vehicle assigned to Officer Schnickel in August of 2013.

A copy of the spread sheet, detailing the fuel records of the City vehicles assigned to Officer Schnickel, will be included in the case file.

Officer Schnickel's listed home address in Workforce Director was [REDACTED] I used Google Map's and put in Officer Schnickel's home address and 201 W. 49th St., Mpls., MN.; the address for Washburn Senior High School. Depending on which of the three listed routes that Officer Schnickel may drive to the school, the distances listed ranged from 6.8 miles to 7.7 miles.

Officer Schnickel's listed address on his MN driver's license was [REDACTED] I used Google Map's and put in this address and the address for Washburn Senior High School. Depending on which of the two listed routes that Officer Schnickel may drive to the school, the

distances listed ranged from 14.7 miles to 18.8 miles.

I checked on WhitePages.com for a possible listing for Officer Schnickel's cabin. The web site had a cabin listed for a Robert Schnickel at [REDACTED] I again used Google Map's and put in the address of [REDACTED] for Officer Schnickel's home address and the address for his cabin. Depending on which of the three listed routes that Officer Schnickel may drive to the cabin, the distances listed ranged from 104 miles to 110 miles. The print outs of this information will be included in the file.

I used Google Map's and put in the address of [REDACTED] for Officer Schnickel's home address and the address for his cabin. Depending on which of the three listed routes that Officer Schnickel may drive to the cabin, the distances listed ranged from 93.4 miles to 99.5 miles. The print outs of this information will be included in the file.

On 12/04/13, I e-mailed and sent Officer Schnickel a hard copy of his Notification Letter. I requested an interview with him on 12/12/13.

On 12/12/13 at approximately 1130 hours, Officer Schnickel came to the Internal Affairs Unit to give me a statement in regards to IAU case #13-26137. Officer Schnickel was accompanied by his Federation Representative, Lt. Robert Kroll. Officer Schnickel read and signed the Data Practices Advisory; Tennessen Warning. In a recorded statement I advised Officer Schnickel about Garrity and he stated he understood.

I advised Officer Schnickel that the purpose of this interview related to an internal investigation about him possibly violating MPD Policy 5-102 CODE OF ETHICS: All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. 5-105 PROFESSIONAL CODE OF CONDUCT: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.

I again informed Officer Schnickel that it was alleged that on October 5th of 2013 at approximately 2156 hours, he was stopped by the Webster Wisconsin Police Department. That he was stopped while driving, MN 131-HTL, a vehicle registered to the Minneapolis Public Schools. That he was issued a citation for speeding. Officer Holmes of the Webster Police Department alleged that he was rude and made derogatory and threatening comments to him after he issued him a citation. It was alleged that he was driving MN 131-HTL in violation of the agreement he had signed with the Mpls. Public Schools in regards to the appropriate usage of said vehicle.

I attempted to show Officer Schnickel and Lt. Kroll the video of the traffic stop that I obtained from the Webster Police Department. The laptop computer I was using could not read the CD to allow us to view its contents. I did explain to Officer Schnickel and Lt. Kroll what I heard and observed when I

viewed the video.

I asked Officer Schnickel if on the evening of October 5th, 2013, he was driving MN 131-HTL, a white, 2012 Chevrolet Malibu. He stated that he was. He was asked if this vehicle was the property of the Mpls. Public Schools. Officer Schnickel stated that it was.

Officer Schnickel was asked if he was assigned this vehicle because he is currently assigned as a School Resource Officer (S.R.O.) at Washburn High School. He stated that this was correct.

I asked him if he remembered where he had been stopped on the night of October 5th, 2013. He stated that he believed it was near Adler, maybe 500 feet west of old 35. I asked him if he knew why Officer Holmes had pulled him over. He stated that he did not. I asked him if Officer Holmes had issued him a traffic citation. Officer Schnickel stated that he was issued a citation for speeding. Officer Schnickel informed me that he had paid the fee for the citation.

Officer Schnickel was asked if when he was stopped by Officer Holmes if he used his police identification or badge to try to influence the stop. He stated that he did not. Officer Schnickel explained to me how his wallet was set up. He stated that when it was opened, his police identification could be seen through a clear plastic covering. His license was located on the opposite side of the wallet. He stated that Officer Holmes may have observed his police identification when he opened his wallet to retrieve his driver's license. Officer Schnickel stated that if Officer Holmes happened to see the police identification, it was not his intention for him to see it in order to be given preferential treatment.

Officer Schnickel was asked if he ever made any comments to Officer Holmes that he was a police officer. He stated that he did. He stated that when Officer Holmes asked about the insurance for the vehicle, he informed him that the vehicle belonged to the Mpls. Public Schools and that he was a police officer that had been issued the vehicle.

I asked him if at any time during the encounter with Officer Holmes if he made any attempts to use his status as a police officer to influence the outcome of the traffic stop. Officer Schnickel stated that he did not.

Officer Schnickel was asked if he ever exited his vehicle during the traffic stop. He stated that he did. He did this to bring Officer Holmes his current paper work for his new MN. driver's license.

I asked Officer Schnickel if there had been anyone else in his vehicle with him at the time of the traffic stop. He stated that his wife, Dawn Schnickel was riding with him at the time.

Officer Schnickel was asked if he had argued with Officer Holmes during the traffic stop. He stated that when Officer Holmes came back to give him a citation for speeding, he questioned it. Officer Schnickel did not believe he was speeding. He believed he was not speeding in the area in which Officer Holmes claimed to have clocked him. I asked him if he made any derogatory comments or

threats to Officer Holmes. He stated that he did say he would see him in court. He believed he told Officer Holmes that that was not the way officers would treat him in Minneapolis and that he did not believe that Officer Holmes could work there.

I showed Officer Schnickel the report that had been filed by Officer Holmes and asked him if he disputed any of the information in the report. He stated that he disputed the location of the offense and the speed he was clocked at.

I asked Officer Schnickel if the vehicle he was driving on the night in question, MN 131-HTL, was the vehicle he had been issued by the Mpls. Public Schools. He stated that it was. I showed him the agreement with the Mpls. Public Schools that he had signed for the use of the vehicle. He acknowledged that it was his signature on the bottom of the cover page. The document was dated September 4th, 2013.

I informed Officer Schnickel that in the agreement, under the Vehicle Use Restrictions, it stated under subsection A, that during the School Year, vehicles provided by the District to the MPD's School Resource Officers shall be used for:

1. The performance of School Resource Officer duties including transportation to and from after school activities outside normal school hours and
2. Transportation of the School Resource Officer between home and work.

Subsection C, states that the District vehicle shall not be used by the officer for the transportation of unauthorized persons including, but not limited to, family members of the S.R.O. whether on or off duty.

I asked Officer Schnickel if he remembered reading these conditions. He stated that he did not read the agreement. He did acknowledge that he had heard that family members were not supposed to be riding in the vehicle.

I asked Officer Schnickel if he had used this assigned vehicle in violation of the contract that he had signed with the Mpls. Public Schools. Officer Schnickel stated that he had. He was asked how he had used the vehicle in violation of the contract. He stated that he had driven it to "his home," meaning his cabin in Wisconsin. He had used the vehicle to make stops on his way home from the school. "Stops," such as places like a grocery store or Life Time Fitness.

He was asked if he could recall how many times he may have used the vehicle in a manner that was in violation of the contract. He stated, "no, I can't." "Verbatim, I don't know." I asked him if he could give me an approximation. He did not.

I then showed Officer Schnickel a spread sheet obtained from the Mpls. Public Schools that showed the vehicle, date, time, mileage and the amount of fuel obtained for the vehicles in question. The spread sheet was for vehicles 950 and 996, while they were assigned to him. I calculated the miles the vehicles were used in between fuelling's. Some of the mileage was extremely high and the gallons of fuel did not correlate with the mileage the manufacturer listed for said vehicles.

Officer Schnickel was asked if he had used the vehicles to drive to destinations that were in violation of the contract he had signed with the Mpls. Public Schools. Officer Schnickel stated that he had. I asked Officer Schnickel if he could remember how many times he may have used the vehicle to go to his cabin. He stated that he had not done it that often.

One of the week's I showed him was the week of February 15th, 2013 to February 22nd, 2013. The mileage logged for that week was 661 miles. Officer Schnickel believed that he used the vehicle to travel to Duluth, MN for a police hockey tournament.

Another week I showed him was the week of October 4th, 2013 to October 11th, 2013. The mileage logged for that week was 614 miles. He acknowledged that he probably used it to travel to his cabin during that time frame.

I informed him that the contract stated that maintenance and services were provided for the vehicle. This included up to 40 gallons of gasoline per month. I asked him if he used fuel from the City of Mpls. to drive in violation of the contract. He stated that he did not.

I asked him if he purchased fuel from gas stations to fuel the vehicle for the extra miles he was using the vehicle for. He stated that he did.

Officer Schnickel was asked if he had been assigned a different vehicle by the Mpls. Public Schools back in November of 2012, while he had been assigned as an S.R.O. at South West High School. He stated that he had.

The vehicle was listed as a 2005 Chevrolet Malibu, car #950, MN 783-HWD. Officer Schnickel stated that he had been assigned a different vehicle, but he did not recall the license plate number or the number assigned to it by the fleet. I asked him if he had used this vehicle in violation of the contract he had signed with the Mpls. Public Schools. Officer Schnickel stated, "yes."

Officer Schnickel was asked if there were any facts concerning this incident that he had knowledge of, but had not disclosed. He stated that there were not. He was asked if there was anything he would like to add to this statement that I had not asked him. He stated that there was not. He was asked if this was a true and accurate statement. He stated that it was.

Officer Schnickel was advised that per MPD policy and procedure section 5/107.8, that he was not to discuss this interview or case investigation with anyone other than his Federation/Union representative or attorney. Officer Schnickel acknowledged that he understood. The interview was concluded.

On 12/18/13, I sent a letter to Dawn Schnickel asking her to contact me about this investigation. On 1/10/14, Dawn Schnickel came to the Internal Affairs Unit. She informed me that she did not want to give me a statement in regards to the incident.

Discussion

It is alleged that on October 5th of 2013 at approximately 2156 hours, Officer Robert Schnickel was stopped by the Webster Wisconsin Police Department. Officer Robert Schnickel was stopped while driving, MN 131-HTL, a vehicle registered to the Minneapolis Public Schools. From interviewing Officer Holmes of the Webster Police Department, Officer Holmes believed that Officer Robert Schnickel attempted to show him his police identification during the traffic stop. Officer Holmes believed this may have been to gain preferential treatment. Officer Schnickel explained to me how the items in his wallet were laid out. Officer Schnickel admitted that Officer Holmes may have observed his police identification when he was retrieving his MN driver's license from his wallet.

Officer Robert Schnickel was issued a citation for speeding. Officer Holmes stated to me that Officer Schnickel was rude and made derogatory and threatening comments to him after he issued him the citation. In a recorded statement, Officer Schnickel admitted that he was upset about the traffic stop and subsequent citation. Officer Schnickel stated that he did say he would see Officer Holmes in court. He believed he told Officer Holmes that that was not the way officers would treat him in Minneapolis and that he did not believe that Officer Holmes could work there.

It is alleged that Officer Robert Schnickel was driving MN 131-HTL, in violation of the agreement he had signed with the Mpls. Public Schools in regards to the appropriate usage of said vehicle. Officer Robert Schnickel later acknowledged in a recorded interview that he had used the vehicles in violation of the signed agreement.

If these allegations are found to be true, Officer Schnickel could be in violation of the following Department policies:

5-102 CODE OF ETHICS: All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department.

- Using a Minneapolis Public Schools vehicle in violation of signed agreement.
- Identifying oneself as a police officer with the intent to gain special consideration.

5-105.15 PROFESSIONAL CODE OF CONDUCT: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.

- Making derogatory and threatening comments to a police officer.

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

Sgt. Michael Heyer

Internal Affairs Unit

Sgt. Michael A. Heyer
OPCR Investigator

1/14/14
Date

Internal Affairs Unit

OPCR Investigator

Date

OPCR Supervisor

Date

OPCR Supervisor

Date