

Possible Complaint Regarding Squad 410, Officers Weber [REDACTED]

On 10/15/14 at approximately 1200 hours, 13.82 [REDACTED] walked into the 4<sup>th</sup> PCT Station and stated that Squad 410, Officers McDonald (#4558)/Weber (#7612) responded to her residence at MS 299C.46 [REDACTED] regarding a Domestic (CCN 14-366268).

[REDACTED] stated that on 10/13/14 her boyfriend stole her purse (CCN 14-364268) and violated an OFP that was in effect. On 10/15/14 her boyfriend stated that her purse was downstairs near a mattress at 1023 Morgan [REDACTED] stated that she went down to retrieve her purse but found that it was not there. When [REDACTED] returned to her room, her boyfriend popped out the closet brandishing a knife and threatened to stab her 54 times. [REDACTED] screamed and a neighbor called the Police.

[REDACTED] stated that when Officers arrived she told them that her boyfriend had threatened her with a knife and she also presented them with an active restraining order (Court File No. FA 14-2115) against her boyfriend who was present. [REDACTED] stated that her shirt was visibly ripped as a result of the assault. [REDACTED] stated that her boyfriend complained to Officers that Victim [REDACTED] stole his laptop. Officers assisted that Suspect by searching for the laptop and locating it between two mattresses. Officers gave the laptop to the Suspect. Victim stated that she told the Officers that it was her computer and one of the Officers told her that she was lying. Victim [REDACTED] stated that she attempted to show the Officers a receipt indicating that she purchased the laptop but the Officers did not want to see it. Victim presented me with the receipt for the laptop. I told her to keep it for possible Civil Litigation against the Suspect.

[REDACTED] stated that she was upset because the Officers treated her unfairly and called her a liar because she claimed the laptop was hers. [REDACTED] complained that Officers illegally searched her residence and gave away property that belonged to her. [REDACTED] also complained because Officers did not arrest her boyfriend even after she presented them with a restraining order. [REDACTED] also complained that Officers did not complete a report.

[REDACTED] told me that she allowed her boyfriend to move in with her on August 10<sup>th</sup> 2014 and has had multiple restraining orders against him. [REDACTED] admits to not complying with the OFP.

After leaving the PCT, 13.82 [REDACTED] returned and requested to talk to me. [REDACTED] showed me more proof that she purchased the laptop.

I spoke with Officers Weber/McDonald regarding this incident. Officer Weber acknowledged seeing the restraining order and admitted to not arresting the Suspect who was present. Officer Weber stated that he receives many of these calls and the couple ends up getting back together again. Officer Weber stated that Victim [REDACTED] consented to allowing the Suspect to be there and even gave him a key to her apartment. Officer Weber stated that Victim [REDACTED] just wanted the Suspect sent away from her apartment. Officer Weber stated that he only did what Victim [REDACTED] asked him to do

I advised Officers Weber/McDonald and advised them to write a report under CCN 14-366268 documenting their involvement with the incident. I also informed both Officers that SGT Peter will be following up with them on this matter in which he did.

Officer Weber stated that he later drove pass the Victim's home at 13.82 [REDACTED] and observed the Suspect bringing groceries inside the building well after the incident. I asked him was he sure that this was the Suspect and Officer Weber responded by saying that that was the guy that he sent earlier. I asked him why didn't he arrest the Suspect and he responded by saying that he didn't receive a call there.

I followed up by driving to the Victim's apartment. I asked Victim [REDACTED] did she allow the Suspect to return to her home and she stated "No". I asked her who was the guy that was bringing groceries into the building earlier and she stated that was her neighbor Sherrod. There was no one in the Victim's apartment at that time. Victim [REDACTED] stated that she spoke with a Domestic Assault Advocate who assisted her in updating her OFP from "safe house" to her current address at [REDACTED]

## Walters, Jason

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**From:** Halvorson, Henry  
**Sent:** Thursday, November 06, 2014 9:01 AM  
**To:** Walters, Jason  
**Subject:** FW: Weber [REDACTED] Complaint  
**Attachments:** Weber [REDACTED] 13.82 Complaint.docx

Sgt. Walters, here is the original e-mail from Sgt. Lillard regarding the complaint.

Lt. Henry Halvorson  
Minneapolis Police Department  
Internal Affairs Unit  
350 South 5<sup>th</sup> Street -Room 112  
Minneapolis, MN 55415  
(612)-673-3634  
[Henry.Halvorson@minneapolismn.gov](mailto:Henry.Halvorson@minneapolismn.gov)

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**From:** Lillard, Richard  
**Sent:** Wednesday, October 22, 2014 3:23 PM  
**To:** Police - IAU  
**Subject:** Weber [REDACTED] Complaint

**Non-public and /or Privileged and/or Confidential and/or Private Information:**

This electronic message may contain investigative data which is non-public pursuant to Minnesota Statutes section 13.82 subdivision 7, or personnel data which is non-public pursuant to Minnesota Statutes section 13.43 subdivision 4.

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## Office of Police Conduct Review Investigative Report

Complaint Number 14-22048

Investigator Sgt. Jason Walters

Officer Officer Roderic Weber, Badge #7612  
Officer Daniel McDonald, Badge #4558

Jurisdiction M.C. O. §§ 172.20

Date of Incident 10/15/2014

Complaint Filed 10/15/2014

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### CASE OVERVIEW

On 10/15/2014 at 0752 hours, Officer Roderic Weber and Officer Daniel McDonald were dispatched to a Domestic Abuse In Progress call at 13.82 [REDACTED]. The caller, Stephen Delong, was reporting this domestic between [REDACTED] and Marvin Penn. When officers arrived, the suspect, Marvin Penn, was still on scene. Officers cleared this call after sending Marvin Penn from the residence; no arrests had been made, and no reports were written.

Within a few hours, 13.82 [REDACTED] went to the 4<sup>th</sup> Precinct Station and made a complaint about the incident to Sgt. Richard Lillard. 13.82 [REDACTED] was upset that Marvin Penn had not been arrested; she alleged that she had told the officers that Marvin Penn had threatened her with a knife, and she had shown officers an active Order for Protection that she had against Marvin Penn. She was also upset that officers had searched for, located, and gave her laptop computer to Marvin Penn. 13.82 [REDACTED] also alleged that when she told the officers that the laptop was hers, one of the officers told her that she was lying.

Sgt. Richard Lillard addressed the matter with Officer Roderic Weber and Officer Daniel McDonald. Sgt. Richard Lillard forwarded 13.82 [REDACTED] complaint to the Internal Affairs Unit.

### SUMMARY OF ALLEGATIONS

#### **Allegation: Professional Code of Conduct**

1. **Language:** It is alleged that Officer Roderic Weber called 13.82 [REDACTED] a liar during the incident at [REDACTED]

#### **Allegation: Domestic Abuse Protocol and Procedures**

1. **Failure to properly investigate alleged domestic assault:** It is alleged that Officer Roderic Weber [REDACTED] did not thoroughly investigate allegations of domestic violence and take appropriate actions.
2. **Failure to properly investigate violation of Order For Protection:** It is alleged that Officer Roderic Weber [REDACTED] did not aggressively utilize the arrest powers granted by the State Legislature when notified of a violation of an active Order for Protection. Criminal laws will be enforced without regard to the relationship of the parties involved.

#### **Allegation: Removing Personal Effects**

1. **Disputed property:** It is alleged that Officer Roderic Weber [REDACTED] searched for, located, and allowed Marvin Penn to take possession of a laptop computer even though the ownership of this property was disputed.

### **EVIDENCE**

- **Statements**

13.82 [REDACTED]  
13.43 [REDACTED]  
13.43 [REDACTED]  
d) Officer Roderic Weber (Badge #7612)  
13.43 [REDACTED]

- **Records**

- a) Memorandum written by Sgt. Richard Lillard regarding [REDACTED] 13.82 complaint
- b) Order for Protection MS 299C.46
- c) VisiNet Report of 14-366268
- d) CAPRS CCN 14-366268
- e) Workforce Director records – schedule and officers’ photographs
- f) MECC audio of Stephen Delong’s 911 call
- g) Dispatch audio files
- h) VisiNet Reports with AVL data
- i) CAPRS Reports regarding history of Marvin Penn and [REDACTED] 13.82
- j) Criminal charges – Marvin Penn
- k) MSS 518B.01 Domestic Abuse Act

### **CASE INVESTIGATION**

This matter was brought to the attention of the Internal Affairs Unit, and this investigator was assigned to the case on 11/04/2014.



## Correspondence

Sgt. Richard Lillard wrote a memorandum documenting 13.82 complaint and his involvement thereafter. He emailed this memo to the Internal Affairs Unit on 10/22/2015.

### Possible Complaint Regarding Squad 410, Officers Weber/McDonald

On 10/15/14 at approximately 1200 hours, 13.82 walked into the 4<sup>th</sup> PCT Station and stated that Squad 410, Officers McDonald (#4558)/Weber (#7612) responded to her residence at (GCN 14-366268).

stated that on 10/13/14 her boyfriend stole her purse (GCN 14-364268) and violated an OPP that was in effect. On 10/15/14 her boyfriend stated that her purse was downstairs near a mattress at 1023 Morgan. stated that she went down to retrieve her purse but found that it was not there. When returned to her room, her boyfriend popped out the closet brandishing a knife and threatened to stab her 54 times screamed and a neighbor called the Police.

stated that when Officers arrived she told them that her boyfriend had threatened her with a knife and she also presented them with an active restraining order (Court File No. FA 14-2115) against her boyfriend who was present. stated that her shirt was visibly ripped as a result of the assault. stated that her boyfriend complained to Officers that Victim stole his laptop. Officers assisted that Suspect by searching for the laptop and locating it between two mattresses. Officers gave the laptop to the Suspect. Victim stated that she told the Officers that it was her computers and one of the Officers told her that she was lying. Victim stated that she attempted to show the Officers a receipt indicating that she purchased the laptop but the Officers did not want to see it. Victim presented me with the receipt for the laptop. I told her to keep it for possible Civil Litigation against the Suspect.

stated that she was upset because the Officers treated her unfairly and called her a liar because she claimed the laptop was hers. complained that Officers illegally searched her residence and gave away property that belonged to her. also complained because Officers did not arrest her boyfriend even after she presented them with a restraining order also complained that Officers did not complete a report.

told me that she allowed her boyfriend to move in with her on August 10<sup>th</sup> 2014 and has had multiple restraining orders against him admits to not complying with the OPP.

After leaving the PCT, returned and requested to talk to me showed me more proof that she purchased the laptop.

I spoke with Officers Weber/McDonald regarding this incident. Officer Weber acknowledged seeing the restraining order and admitted to not arresting the Suspect who was present. Officer Weber stated that he receives many of these calls and the couple ends up getting back together again. Officer Weber stated that Victim █████ consented to allowing the Suspect to be there and even gave him a key to her apartment. Officer Weber stated that Victim █████ just wanted the Suspect sent away from her apartment. Officer Weber stated that he only did what Victim █████ asked him to do

I advised Officers Weber █████ and advised them to write a report under CCN 14-366268 documenting their involvement with the incident. I also informed both Officers that SGT Peter will be following up with them on this matter in which he did.

Officer Weber stated that he later drove pass the Victim's home at █████ 13.82 █████ and observed the Suspect bringing groceries inside the building well after the incident. I asked him was he sure that this was the Suspect and Officer Weber responded by saying that that was the guy that he sent earlier. I asked him why didn't he arrest the Suspect and he responded by saying that he didn't receive a call there.

I followed up by driving to the Victim's apartment. I asked Victim █████ did she allow the Suspect to return to her home and she stated "No". I asked her who was the guy that was bringing groceries into the building earlier and she stated that was her neighbor Sherrod. There was no one in the Victim's apartment at that time. Victim █████ stated that she spoke with a Domestic Assault Advocate who assisted her in updating her ODP from "safe house" to her current address at █████ 13.82 █████

### MECC – 911 Call and Dispatch Audio

This investigator captured the 911 call placed by Stephen Delong on 10/15/2014 regarding the Domestic Abuse In Progress at █████ 13.82 █████ In this call, Stephen Delong requests Police and reports, "It's ahh, the lady that lives here, she got a guy that has a restraining order, he's beating her up right now." Stephen Delong reports that the suspect is Marvin, a black male in his 50s, and the victim is █████. Stephen Delong also reports, "She's screaming, you better hurry up." Delong also stated that the domestic was occurring "in their room" on the second floor.

This investigator also captured the audio files of Squad 410 (Officer Roderic Weber and Officer Daniel McDonald) being dispatched to this call at 13.82 [REDACTED]. On the first audio file, the dispatcher clearly stated "Squad 410, address 13.82 [REDACTED] the caller's roommate is being assaulted by her boyfriend there, I'm waiting for more information." Squad 410 acknowledged the call. On the second audio file, dispatch updated Squad 410 with the suspect's description and location; Squad 410 did not acknowledge this information. On the third audio file, dispatch checked on the status of Squad 410, to which Squad 410 responded that they were Code 4.

This 911 audio file and the dispatch audio files will be burned to disc and included in this case file.

### **VisiNet Reports**

The VisiNet report related to 14-366268 documents:

- Squad 410, Officer Roderic Weber and Officer Daniel McDonald, were dispatched to a Domestic Abuse – In Progress on 10/15/2014 at 0752 hours.
- Remarks in the call stated, "HSE.....CLR ROOMMATE BEING ASLTD BY HER BOYF—F ALSO HAS RESTRAINING ORDER AGAINST HIM\*\*\*\*\*#1 UNK LAST NAME/MARVIN BM 50'S/BRO COMPLX/505-06/THIN BUILD/WRG UNK\*\*\*\*\*#2 VICT- 13.82 [REDACTED] /WRG UNK BOTH INS BED ON 2<sup>ND</sup> FLR"
- Squad 410 arrived at 0804 hours.
- Remarks added by Squad 410 at 0822 hours were "caller allowed boyfriend to enter her residence and he had a set of keys for the apartment. She did not want him arrested but just sent from this location."
- Squad 410 was cleared from this call at 0822 hours with the disposition of "Sent."

VisiNet reports including automatic vehicle location (AVL) data also show that Squad 410 drove southbound on Morgan Ave past [REDACTED] at 1337 hours.

### **CAPRS Reports**

The CAPRS Report related to the domestic call at [REDACTED] on 10/15/2014 is CCN# 14-366268. This report was written by Officer Roderic Weber at 1600 hours on 10/15/2014; Officer Daniel McDonald is the assisting officer. The offense code is DASLT5. Sgt. Richard Lillard is the approving supervisor. Supplement #1 is authored by Officer Roderic Weber, and it was entered at 1632 hours. Here is Supplement #1.



## Case Supplement

Minneapolis Police Department

CCN: MP-14-366268

Supplement Number:

1

Author:

007612 - Roderic Weber

Date Printed:

May 1, 2015

Supplement of Off R.Weber #007612 on 10/15/2014 16:32

We were dispatched to the 13.82 on a disturbance in the upstairs apartment. We arrived and met the 911 caller, STEVEN BELONG, who also arrives at this apartment building which is a safe house of some sort. He stated both tenants of Apartment 2 are inside having a heated verbal argument. I asked if this is a frequent occurrence and he said they have arguments all the time and it disturbs the rest of the tenants in the building. I asked if both parties live in this apartment and he said they did.

We went to this apartment, knocked and were allowed entry. Both parties listed as others in this report were present in this apartment. 13.82 started commenting immediately how her boyfriend was yelling at her and she wanted him to leave the residence. She then presented an OFP (Court File MS 299C.46 with her as the petitioner and Mr Penn (Other 1) as the respondent. It was dated and signed April 7th, 2014 and signed off by a judge.

I told her we would arrest him for the violation of the OFP and she became upset and told us she did not want him arrested. I asked her what she would like us to do and she said "I need for him to leave for now and not come back". I read further into his OFP and noticed that the respondent shall not go to or enter the residence of the petitioner at the SAFE HOUSE. I asked her how the respondent knew her residence.

She told me that immediately after she had the OFP signed she called up the respondent and told her where she lived. She requested him to come over and live with her. She gave him two keys for the apartment door which was proved by the respondent taking the keys from his pants pocket and handing them to us.

I asked her why she wanted him to live with her and she said she loved him. I then asked the respondent if he resided here and he said he has for over two months. He had all his clothes in the closet and I noticed a letter laying on the ground with his name and this address on it definitely indicating he does live here.

Mr Penn was retrieving his clothes to depart and asked 13.82 for his cell phone. She had taken it and would not give it back to him. He then asked for his Toshiba Laptop and she didn't initially answer but after me asking twice she told me it was not in the apartment.

As I stood next to the bed I raised the mattress up and observed this laptop laying on the boxspring between the two. She had hidden it there and also lied about it. Mr Penn took the laptop and left the residence with some of his clothes. We informed him that before he comes back for the rest of his clothes he would have to contact the police to assist him retrieve his property 13.82 became upset and said that is my laptop. I asked if she could provide proof at which time she said she could not. I could not dispute that it was hers simply because she had lied about it and could not provide documentation.

She started yelling at me about this matter and I informed her that I served this matter the way she wanted it handled. As I left the apartment the caller was standing downstairs and he said they will be back together by the end of the day.

Sgt Lillard requested us to his office. He informed us 13.82 came to the precinct to file a complaint. She told him that we refused to arrest Mr Penn. A total twist from our account with her. She told him we would not enforce the OFP when she did not want any action taken and felt that the OFP was a mistake. Sgt Lillard requested a report be made.

Once we left his office we went back on patrol and proceeded south on Morgan Avenue and as we came past 13.82 North I observed Mr Penn walking to this address and up the front walk with two bags of groceries back to this apartment building. Apparently he was welcomed back to the apartment where he lives. I spoke with Sgt Lillard and told him this. He informed me over the phone he would go to this address and talk to 13.82. Mr Penn had his apartment keys taken from him as I gave them to 13.82 initially when I was there. The only way into this secure building for him now would be that 13.82 would let him in. I did look back as we were half a block past and observed the front door open to this apartment building.

13.82 made the initial contact after she got the OFP by calling Mr Penn and not only giving her the address she was living at but inviting him to come live there with her and also giving him keys to the building and her apartment.

End of Supplement report for case MP-14-366268. Print ID: 72f19a58-3808-449d-9a7b-bfe46a2e6b76

Further CAPRS research into the relationship between 13.82 [REDACTED] and Marvin Penn revealed the following:

- A Domestic Assault 5<sup>th</sup> Degree report was written on 04/06/2014. CCN 14-110030.
- A Domestic Assault/Strangulation and Violation of Order for Protection report was written on 10/13/2014. This report documented that [REDACTED] had been abused by Marvin Penn between 02/14/2014 and 10/13/2014. The assigned investigator is Sgt. Sharon Carpenter. CCN 14-364105.
- A Violation of Order for Protection report was written on 10/13/2014. This report documents Marvin Penn stealing [REDACTED] purse from [REDACTED] on the evening of 10/13/2014. CCN 14-364268.
- A Violation of Order for Protection report was written regarding an incident on 10/24/2014. This report documents that Marvin Penn had gained access into [REDACTED] van in downtown Minneapolis and laid in wait for her inside the van. He was in possession of a screwdriver and duct tape. When [REDACTED] arrived at the van, Marvin Penn jumped out. [REDACTED] managed to run away. CCN 14-378912.
- An Arson, Violation of Order for Protection, Damage to Property, and PC Pick-up report was written on 10/26/2014. This report documents that Marvin Penn attempted to burn down [REDACTED] where [REDACTED] lived at the time. CCN 14-380774 and related CCN 14-418113.

### Order for Protection (OFP)

OFP MS 299C.46 [REDACTED] was effective on 04/07/2014. This order forbids Respondent Marvin George Penn from having any contact with Petitioner [REDACTED]. Specifically it states in part [sic]:

- 1) The Respondent **shall not commit acts of domestic abuse against the Petitioner.** This specifically includes: committing any act of physical harm, bodily harm, bodily injury, assault or causing fear of imminent physical harm; making terroristic threats; engaging in criminal sexual conduct; interfering with an emergency phone call.
- 2) The Respondent **shall not have any contact** with Petitioner whether in person, by or through other persons, by telephone, letter, electronic means such as a pager, cell phone, email or in any other way.
- 3) The Respondent **shall not go to or enter the residence** of the Petitioner at Safe Place or any future residence of the Petitioner. This means that Respondent shall stay away from Petitioner's residence except as allowed by Paragraph 4 herein. Respondent must not enter or stay at Petitioner's residence for any reason, even if invited to do so.

This OFP is in effect until 04/07/2016. See full OFP in this case file for further details.

Complainant [REDACTED] was interviewed in person at the Minneapolis Police Department Internal Affairs Unit on 2/2/2015.

In her formal statement, [REDACTED] gave a background of her relationship with Marvin Penn. She also mentioned several recent incidents where Marvin Penn victimized her. Here is a timeline of that history.

- [REDACTED] met Marvin Penn on 1/17/2014 at Catholic Charity Opportunity Center.
- They began to date.
- On 4/7/2014, [REDACTED] got an Order for Protection against Marvin Penn because he was physically abusive towards her. At this time, [REDACTED] was homeless, so the Order for Protection showed her residence as "Safe Place" which would stand for anywhere she might be seeking shelter. [REDACTED] had mentioned three Orders for Protections but later clarified that these were only copies of the same Order for Protection from 4/7/2014.
- [REDACTED] started dating Marvin Penn again, and she believed that Order for Protection was no longer valid because she had taken Marvin Penn back. [REDACTED] stated that she was vulnerable and homeless because her husband had died a year earlier, so she clung onto Marvin Penn even though he was abusive.
- [REDACTED] said that she had Marvin Penn arrested for domestic assault sometime during the summer while at Our Savior on Chicago Ave S.
- It wasn't until she went to Harriet Tubman and the Domestic Abuse Service Center in June of 2014 that she learned the Order for Protection was still valid and good for one year.
- [REDACTED] moved into the rooming house at 13.82 [REDACTED] on 8/8/2014.
- Marvin Penn had been living at The Exodus in downtown Minneapolis, but he was evicted.
- [REDACTED] took Marvin Penn back and informed him of her new address on approximately 8/10/2014.
- At the time of his eviction in September of 2014, Marvin Penn moved in with [REDACTED] without [REDACTED] consent. [REDACTED] stated that Marvin Penn spent the night and never left. He insisted that she make him a set of keys for the apartment, which she did. Marvin Penn moved all of his clothes into [REDACTED]. [REDACTED] Marvin Penn spent every night in [REDACTED] room, but he never received mail there.
- On 10/13/2014, [REDACTED] planned to figure out a way to get a copy of her Order for Protection from the Domestic Abuse Service Center. She was being held prisoner by Marvin Penn in her room at the rooming house and wanted it to stop. Marvin Penn forced her to go to a doctor's appointment with him at HCMC. While there, she told Marvin Penn that she had to go get the address on her driver's license changed, but in reality she was going to go to the Domestic Abuse Service Center. As she was leaving HCMC, she spotted two Sheriff Deputies. She went straight to them for help. As she was talking with the deputies, Marvin Penn came back, saw her, and disappeared. The deputies walked [REDACTED] as far as they could, which was the end of the hospital. [REDACTED] then made it the rest of the way to the Domestic Abuse Service Center. Afterwards, police drove [REDACTED] home to [REDACTED]. They checked her room, but Marvin Penn was not there.



- Later on 10/13/2014, Marvin Penn came into [REDACTED] room. [REDACTED] called 911, but Marvin Penn left with her purse before police arrived. A report was filed under CAPRS CCN 14-362268.

[REDACTED] was asked about the events of 10/15/2014. For clarification purposes, [REDACTED] was shown Workforce Director photographs of Officer Roderic Weber (labeled as #1) and Officer Daniel McDonald (labeled as #2). When [REDACTED] was shown the two photographs of Officer Roderic Weber and Officer Daniel McDonald, she pointed to Officer Roderic Weber's photograph and stated, "That was the mean one, I believe." She also identified Officer Daniel McDonald as "the one that had the knife" and had the Order for Protection.

[REDACTED] described the events of 10/15/2014. She stated that Marvin Penn had called her and stated that her purse (which he had stolen two days earlier) was outside behind a mattress on the side of the building. [REDACTED] went to look for the purse. When she got back, Marvin Penn was hiding in the closet in her room, but [REDACTED] was unaware he was there. Marvin Penn stayed there for about 45 minutes as [REDACTED] talked on the phone with her sister; they were talking about [REDACTED] first love who she had recently found on Facebook. Marvin Penn then jumped out of the closet "looking like a mad man, a monster." She said that Marvin Penn had a butcher knife in his hand. [REDACTED] screamed and urinated on herself. Her phone went flying. Marvin Penn made [REDACTED] find the phone and tell her sister that everything was okay and that she'd call her later. Stephen Delong heard [REDACTED] scream, and he called 911.

It was at this point that Marvin Penn told [REDACTED] that he was going to stab her 54 times. [REDACTED] had just turned 54 years old. According to [REDACTED] Marvin Penn also stated that he was going to stab her 54 times starting in her legs, and as Marvin Penn was standing over her, he said, "I should stab you in your neck, but I'm gonna kill you. You, you gonna die today. I'm gonna kill you." [REDACTED] believed Marvin Penn. Marvin Penn ripped the red shirt that [REDACTED] was wearing.

Another resident of this rooming house, Stephen Delong, heard [REDACTED] scream. He, along with all of the other residents, was aware of the ongoing problem that [REDACTED] had with Marvin Penn. They all had been alerted to call police if any disturbance was heard in #2. Stephen Delong called 911.

When the officers arrived, they knocked on the door. Marvin Penn put the knife down and told [REDACTED] not to say anything, be calm, and tell them that they are okay. [REDACTED] told Marvin Penn okay, but the minute the door was opened, she told the Police that she had an Order for Protection and Marvin Penn was not supposed to be there. Marvin Penn jumped up and told the officers that he lived there and had all of his clothes in the closet. [REDACTED] stated that Officer Daniel McDonald "especially" believed Marvin Penn and that Officer Daniel McDonald was the quiet one. She also said that Officer Roderic Weber "immediately took an offense to me and went on Marvin's side." Marvin Penn was telling the officers that he didn't have a knife and wasn't threatening to stab her. He was saying, "That's TV stuff."

When asked if she pointed out the knife to the officers, [REDACTED] stated, "You know, I was wondering where the knife was, but the officer was holding the knife. I don't know how he got it,

but the officer had the knife in his hand." She stated that the officer holding the knife was Officer Daniel McDonald. She also stated that she gave the Order for Protection to Officer Daniel McDonald. 13.82 [REDACTED] said that Officer Daniel McDonald didn't have much to say at all and that it was Officer Roderic Weber who was the one that had everything to say.

[REDACTED] said that she told the officers that Marvin Penn had her keys and she wanted them back. Marvin argued that he lived in the apartment, but [REDACTED] told the officers to call the landlord to verify that he does not live there. She told officers that Marvin Penn was not on the lease. Officer Roderic Weber said that calling the landlord wasn't necessary. [REDACTED] called the landlord, and one of the officers did speak with this landlord over the phone. [REDACTED] said that she did admit to the officers that she had given these keys to Marvin Penn. When asked if she told the officers that she had given these keys to Marvin against her will, she stated, "I don't remember. I, I wanna say no."

Marvin Penn then said that he wanted his computer. Not wanting Marvin Penn to leave with her laptop computer, [REDACTED] said that the computer wasn't in the apartment. Officer Roderic Weber lifted up the mattress and found the laptop computer. [REDACTED] told Officer Roderic Weber that she had a receipt that she could show him proving that she had purchased this computer, but Officer Roderic Weber didn't want to see the receipt. When [REDACTED] was asked how Officer Roderic Weber responded, she said "that he don't believe nothing I say and I'm a liar." [REDACTED] stated that Officer Roderic Weber called her a liar because she had lied about the computer not being in the apartment.

[REDACTED] was asked if she told the officers that she wanted Marvin Penn arrested.

Q: OK. At any time that the officers were there in your apartment, did you state exactly that you wanted him arrested? You wanted Marvin arrested?

A: No, not that I can remember. I just was telling him that I have a... I was trying to get them to understand I have a order of protection. He's not supposed to be here.

Q: Did you or Marvin tell the officers that, yes, Marvin had in fact been staying there?

A: Marvin did.

Q: Did you? Did you confirm that?

A: I kept telling them he's not on the lease. He's not supposed to be here.

Q: But in fact, we've already figured out that he had been staying there whether you were allowing it or not he had been sleeping there every night-

A: Right.

Q: -and he had established residency there cause he had been sleeping there for two months?

A: Yes, I guess so. But I was trying to point out that he was not on the lease.

Q: I understand. I understand.

A: I was telling the officers that.



Q: I'm just trying to get the facts.

A: Yeah. I was telling the officers that, that he was not supposed to be here. I have a order of protection against him.

Q: OK.

A: I didn't say that he lived there. I said he not supposed to be here. Marvin said I live here. I got clothes in the closet. Obviously, Marvin knows the law better than me.

Q: Did any-... At any time, did the officers ever explain to you why they chose not to arrest Marvin?

A: Only Steve told me that, uh, it was their discretion as to, um -- how did he put that -- that they, they, they can choose to arrest him or not. That's what Steve told me.

Q: Mm-hmm (indicating yes).

A: That that's what he said is their-, up to them.

Q: And Steve also told you, you mentioned earlier that he said, uh, Marvin would be back within a few hours anyway right?

A: Uh, Marvin told me that.

Q: Oh, Marvin.

A: Oh, wait a minute.

Q: That-, that's probably what you said.

A: Hold up. Yeah, Marvin told me that the officer said go take a walk and come back later.

Later, [REDACTED] was asked if she ever told the officers that she just wanted Marvin Penn gone, she answered, "Yes." [REDACTED] was then asked if she believed that maybe the officers interpreted that as her not wanting Marvin Penn arrested but rather just to leave, she answered, "I wanted them to arrest him that's why I gave them the order of protection." When asked if the purpose for you giving the order for protection to Officer Roderic Weber and Officer Daniel McDonald was to have them arrest Marvin, she answered, "yes." 13.82 [REDACTED] was asked if she ever specifically told the officers that she did not want Marvin arrested, and she answered no. She was upset because she stated that the officers could see the ripped shirt she had on, but they didn't do anything.

As Officer Roderic Weber and Officer Daniel McDonald walked Marvin Penn from the dwelling, Marvin Penn was making threats towards 13.82 [REDACTED] and saying that he needed a jacket. 13.82 [REDACTED] grabbed all of Marvin Penn's clothes and threw them over the railing and said that now he didn't have any reason to come back. [REDACTED] also mentioned that, later that week, she spoke with Marvin Penn who told her that the officers advised him to just go take a walk, cool off, and then come back.

13.82 [REDACTED] was asked if she ever asked Officer Roderic Weber and Officer Daniel McDonald to make a police report regarding the incident on 10/15/2014. She responded, "I was just shocked. I was thrown off by the, the whole-, the way-... I'm like-... I'm, I'm saying to myself I'm victim

here. I got the order of protection. Um, I was just so upset I couldn't wait to put my clothes on to go down to the Fourth Precinct and, and make a report down there to, to the supervisor. I, I went down there after all was said and done."

13.82 [REDACTED] was asked if Marvin Penn came back to her home later in the day, and she answered no.

[REDACTED] was asked if Sgt. Richard Lillard came to her home later in the day to ask if Marvin had returned. She said that Sgt. Richard Lillard did come by around 5pm, looked around, and told her not to let Marvin Penn come back to which she responded, "Believe me he's not." They also possibly talked about Sherrod coming in with some groceries.

[REDACTED] was asked if Stephen Delong had witnessed any of the police actions at [REDACTED] on 10/15/2014; she stated no. [REDACTED] did not believe there were any other witnesses either.

[REDACTED] was asked about Marvin Penn setting fire to [REDACTED] on 10/26/2014. She stated that Marvin Penn had also written [REDACTED] "can't live here" on the door in pen. The fire and this message caused the landlord to want [REDACTED] to move out.

[REDACTED] was asked about CCN 14-364105 in which Sgt. Sharon Carpenter wrote on 11/26/2014 that she received a voicemail from [REDACTED] stating that she did not want to press criminal charges against Marvin Penn and that the investigation wasn't going in the direction she wanted. [REDACTED] remembered leaving this voicemail for Sgt. Carpenter. She stated that she meant that she was frustrated because Marvin Penn hadn't been arrested yet for jumping out of her van with duct tape and a screwdriver on 10/24/2014. (CCN 14-378912) When asked what Marvin Penn was going to do with the duct tape and screwdriver, she said that Marvin had told her what he was going to do; "He told me that he was gonna put the screwdriver to me to my neck and duct tape, no, drive somewhere. I don't know where the somewhere was, but drive, drive somewhere and he was gonna duct tape me, and he kind of just left it at that. I was going to duct tape you." Later, [REDACTED] called Sgt. Carpenter and said that she did want to pursue charges and that the only reason she left the voicemail saying that she didn't want charges was because Marvin Penn was in her van with her and made her leave the voicemail.

[REDACTED] was asked if she is currently in a relationship with Marvin Penn, and she said no. She added that he hasn't called her since he was put in jail for arson and stalking.

When asked if there was anything else she wanted to add to her statement, [REDACTED] stated, "Um, officer number one is a scary man." She also stated, "And I'm afraid of retaliation." When asked if she was afraid of retaliation by the officer, she stated, "By officer number one. With all the killings that's going around, they could easily put some dope and some drugs and say, uh, better take her out, she's a drug dealer, and she had a knife cause she had a weapon. So, I'm actually afraid of him."

\*\* [REDACTED] had stated that she no longer lives at [REDACTED] but she did not want to give her current address other than to say she now lives in [REDACTED]. In an attempt to