

provide 13.82 [REDACTED] with the opportunity to correct and return her transcribed statement, copies were sent to her at the [REDACTED] address. This package did not, however, forward to her new address. Instead, it was returned to this investigator as unable to forward. A copy of the returned package will be provided with the uncorrected statement in this case file.

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Officer Roderic Weber Statement

Officer Roderic Weber was interviewed in the Internal Affairs office on 03/25/2014. He was accompanied by his union representative, Sgt. Ron Stenerson. This interview was recorded and taken under Garrity. Here is a non-chronological summary of the interview.

Officer Roderic Weber was asked about the events on 10/15/2014 regarding a domestic call at 13.82 [REDACTED] Officer Roderic Weber stated that they were actually dispatched on a disturbance call not a domestic. He stated that they arrived and sent the male half from the upstairs apartment. He did not recall the CAD remarks related to the call.

Officer Roderic Weber stated that upon arriving, they met with Stephen DeLong who told them that both tenants in the upstairs apartment were having a verbal argument which was a frequent occurrence, that they both live there, and that they frequently disturb the rest of the building's tenants.

They then walked upstairs and could hear yelling between the occupants of the apartment regarding some money. Upon knocking on the door, they met a male and female inside the apartment. The female was still yelling at the male saying that he owed her money. They separated the male and female; Officer Daniel McDonald was with the male (Marvin Penn), and Officer Roderic Weber was with the female [REDACTED]

Officer Roderic Weber asked [REDACTED] what was going on, and she said that they were arguing over money that he owed her. Officer Roderic Weber asked [REDACTED] what she wanted done, and [REDACTED] handed her an Order for Protection. As Officer Roderic Weber

began to look at the Order for Protection in his hand, Marvin Penn started walking towards him. Officer Roderic Weber looked up towards Marvin Penn, and 13.82 grabbed the Order for Protection out of Officer Roderic Weber's hand. Officer Roderic Weber had only had time to see that it was an Order for Protection, but he only saw the front page with their names and a date. He stated that he was going to start reading it when he was distracted by Marvin Penn and 13.82 took the Order for Protection out of his hand. He stated, "I never had a chance to actually open it up and read it."

Officer Roderic Weber stated that 13.82 was short with him the entire time he was there, and this worsened as they were leaving the building. He stated that it was obvious to him that she didn't want them there in the first place. Officer Roderic Weber stated that she had been free to leave, but she stayed in the apartment and argued (prior to officers' arrival). He also stated that he remembered seeing cell phones in the apartment, yet 13.82 never called 911 during the ten minutes it took them to get there.

13.82 said that she wanted Marvin Penn sent and that she just wanted him gone. Officer Roderic Weber asked 13.82 if it were ok if Marvin Penn gets clothes and leaves, and 13.82 said yes. Officer Roderic Weber reiterated that 13.82 kept telling him that she just wanted Marvin Penn out of there and gone. Officer Roderic Weber stated that he told Marvin Penn to just go stay somewhere for a night or two until they could both calm down, be rational, and figure it out in a couple of days. When Officer Roderic Weber asked 13.82 if she wanted Marvin Penn arrested, she responded no, I just want him gone. Officer Roderic Weber later in the interview stated that 13.82 was begging him saying that she just wanted Marvin Penn gone but not arrested. Officer Roderic Weber mentioned several times during the interview that 13.82 did not want Marvin Penn arrested, she just wanted him sent from the residence. At one point, Officer Roderic Weber said, "...she even made a comment that said that she-, that she-, that she loved him."

Officer Roderic Weber asked Marvin Penn if he lived there, and Marvin Penn said yes. Officer Roderic Weber said that all of Marvin Penn's clothes were in the closet, and he could see mail with Marvin Penn's name on it on the floor of the apartment. One letter was from Hennepin County addressed to Marvin Penn at the 13.82 stated that Marvin Penn had only lived there two months. Officer Roderic Weber asked if Marvin Penn had keys to the place, and he said yes. These keys were given to 13.82 upon her request.

Officer Roderic Weber said that he had learned from 13.82 that she had called up Marvin Penn and told him where she was living, invited him to come live with her, and gave Marvin Penn keys to the apartment.

As Marvin Penn was collecting his clothes, he started talking about a laptop. He said that he needed his laptop. 13.82 said that there were no laptops in the apartment. They started yelling at each other about the laptop, and Officer Roderic Weber was in the middle. Officer Roderic Weber asked what the laptop looked like, and Marvin Penn described it as black with a silver top. Marvin Penn began looking around for the laptop. Officer Roderic Weber was standing right next to the bed, and he lifted up the mattress and found the laptop. Marvin Penn claimed this laptop as his. 13.82 stated that Marvin Penn wasn't taking the laptop. Officer Roderic Weber asked if

13.82 [REDACTED] had any proof that the laptop was hers, and 13.82 [REDACTED] said no. Officer Roderic Weber told Marvin Penn to grab the laptop because he had described it, knew exactly what it looked like, and said that he bought it at a pawn store or something.

Officer Roderic Weber was asked if he is familiar with the policy that says if there's any disputed property, it remains on the premise where it's at. He responded, "Actually, no, I'm not." Officer Roderic Weber was then shown Minneapolis Police Department Policy and Procedure 7-317 Removing Personal Effects, and in particular, the line that reads "If the ownership of the property is disputed, it shall remain on the premise." Officer Roderic Weber was again asked if he was familiar with this policy. It was at this time that Officer Roderic Weber's Federation Representative, Sgt. Ron Stenerson, requested a break. This investigator had Officer Roderic Weber answer this question before any break, and Officer Roderic Weber answered, "No, I wasn't until now when you just showed it to me." A follow-up question directly related to this line of questioning was then asked:

Q: OK. And are you familiar with the policy that says you are responsible for being familiar with the policies?

A: Yeah, I am, but policies change all the time, so...and I don't sit down and read policies on a daily basis, so...

The requested break in the interview was granted. It should be mentioned that upon receiving the corrected and returned copy of this transcribed interview back from Officer Roderic Weber, this investigator noted that Officer Roderic Weber wrote, "Coercion Dictated On This Page!" and "At this point I felt coerced by the investigator!" These quotes were written at the point in the interview where Sgt. Stenerson requested a break.

Upon returning from the break, Sgt. Stenerson asked that that Officer Roderic Weber be allowed to respond to the previous question that this investigator "asked him twice." Officer Roderic Weber was given this opportunity, and he stated, "OK. Back to the laptop situation, clearly -- as I explained to you earlier -- when I asked her or she had made reference numerous times that there was no laptop in this apartment, then I find this laptop. Did she lie? Yes. Is that evident? Yes. Did he describe his laptop to a 'T' before I found it? Yes. There shouldn't be any dispute on who the ownership of that laptop is. That's clearly his. He's able to describe it. He told me he bought it at a pawn shop. When I asked if she could provide any documentation for ownership of that, she could not. So, is there any violation by him taking that laptop? Absolutely not. It was his laptop. It was his property, so he's entitled to keep it."

As they were walking out of the apartment and down the stairs, a pile of clothes came down over the top of the stairs raining down on them. [REDACTED] was yelling at Marvin Penn to get the "T" outta here, I don't wanna see your ass, and don't come back. Officer Roderic Weber stated that he told [REDACTED] "You're acting like an ass. I said don't be juvenile. I said you're a grown adult. You need to calm down. He's leaving. He'll calm down. Maybe down the road you guys can sit and try to figure what's going on here." Officer Roderic Weber stated that he did instruct Marvin Penn to bring police if he needed to retrieve any more property from the residence.

Officer Roderic Weber remembered that Stephen Delong was standing downstairs by the front door as they left, and Stephen Delong "might've said something like, huh, he'll be back. They go through this a lot."

When asked if 13.82 had ever told him that Marvin Penn had threatened to stab her, Officer Roderic Weber stated, "She made a comment that...she said he threatened...or he threatened her, and when I was starting to ask her, then he started getting in...he came walking up to her and goes how did I threaten you and this and that. So, at that time, I had to split them up and we never got back to how the threat was made or what was said. I said...I do remember asking I said is anybody even hurt. There's... Nobody was hurt and they both said no." Officer Roderic Weber did not remember 13.82 ever saying anything about a threat to stab her 54 times.

When asked if 13.82 ever brought a knife to his attention, Officer Roderic Weber stated, "You know, I spoke to Officer McDonald... Oh, she said something about he could have...he's got a knife on him. Well, then Dan was dealing with him, so I don't know if there was ever a knife on him or not. I didn't check him. I didn't search him. That was Dan's deal. I was dealing with her." When asked if 13.82 pointed out a kitchen or butcher knife in the apartment, Officer Roderic Weber stated, "Not to me she didn't." When asked if he saw a knife, Officer Roderic Weber stated, "I didn't even look over to see if Dan was... I... You're right, poor officer safety. I didn't look over to see if Dan was searching the guy. I was dealing with her."

Sgt. Richard Lillard later called Officer Roderic Weber and Officer Daniel McDonald into the precinct after 13.82 had made her complaint. Sgt. Richard Lillard gave Officer Roderic Weber a copy of the Order for Protection and ordered Officer Roderic Weber to write a report. Officer Roderic Weber wrote a report.

When asked why he didn't write a report after the call, Officer Roderic Weber answered, "It was a simple verbal argument between what I thought at that time was a husband and wife. Um, clearly, there was no criminal, uh, conduct committed. She wanted him off the premise till they both cooled down. Dealt with thousands of domestics like this where they just want the other half to go until things cool down. We don't do reports on things like that, and it was just a simple argument at this point, so." Officer Roderic Weber stated that he did not feel that there were any allegations of domestic violence.

Officer Roderic Weber was asked to explain why he chose not to arrest Marvin Penn on the Order for Protection violation. He stated, "Well, number one, I mean he's been living there for two months. I hadn't even read the stipulations to the OFP. You know, there's different types of OFPs, but I didn't even know if it was an active one. I didn't get a chance to check. She's begging me just...she wanted him sent." Further questioning on this matter was as follows:

Q: Do you feel that you have discretion when it comes to an order from the court, such as an OFP?

A: If I don't get the chance to read it, yes.

Q: Do you feel that it's your responsibility to take the time to read it and make the time to read that?

A: In this situation by him staying there, I, I don't feel that I had that chance. I felt the best thing was just to get him out of there cause these two kept bickering, yelling at each other. I figured the sooner I got him out of there the better. Things would calm down and not just for those two, but everybody else in the building.

Q: OK.

A: If it would've been more of a calm situation, yeah, then I could have had time to sit and actually read it.

Officer Roderic Weber mentioned several times during this interview that he did not have a chance to read the Order for Protection, so he was asked the following line of questions:

Q: I guess I'm gonna have to ask since you've said it so many times, um, that you didn't have a chance to read it because everything was happening and, uh, he came walking towards you, she grabbed that out of your hand. Is it not your responsibility to make that situation under control and take the time to properly investigate, so that you, uh, you follow our policies and procedures, uh, specifically, specifically 5-105 Code of Conduct that says "you shall at all times take appropriate action within your jurisdiction to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and to enforce all federal, state and local laws and ordinances?"

A: Yes.

Q: So, is it your responsibility to make the time to read that?

A: It, it was my responsibility at that time since these two were still kind of in a verbal heated argument, yelling back and forth. My safety. Their safety. My thing was right then and there is get everybody separated. OK. We're in a confined area. Um, it's a small apartment. I'm not about to start a fight with somebody. These two are going back and forth yelling at each other about some money issue. They're pointing fingers at each other, swearing. In a situation like that, I don't think it's conducive for me to sit and read an OFP when I gotta worry about these two going at it and I gotta use common sense. I'm not gonna be a robot, and try to read something, and deal with these two going at it. I just wanted to mediate, and separate 'em, and get one out of there.

Q: OK.

A: That's what they both wanted.

Later in the interview, Officer Roderic Weber offered more of a statement towards this 5-105 Code of Conduct line of questioning. He stated, "You implied that, uh, I didn't take the time to read the OFP. As I insinuated, though, at that time, yeah, my main job at that time was to deescalate the situation, um, not only for my partner and my own safety, but for the, uh, 13.82 and...or Mr. Penn and 13.82 Um, my main objective at that point was to defuse the situation by that meaning to deescalate their tempers, to get 'em under control. Uh, the only way that was gonna happen at this point was to get somebody out of that building and that was male half. That's what she requested. That's what I did. Uh, you've been prodding at me about not reading this OFP. I'm gonna stick to my guns on this. As I'm leaving and walking him out the front door, she's throwing clothes down on me. She's swearing at me. She's swearing at my partner. She's swearing at her husband. Um, once you get outside the secure door, I guess I could've knocked, try to get back in, but at that point it's futile because she's...her temper is so out of control at this point because he left with that laptop. That was his laptop. That to even to go back in there, she's just gonna sit and swear and I would've had no attempt to even read it. She was gonna... She went... As a matter of fact, I remember when I...when she...when we walked outside, I could hear her slam her apartment

door. She went back in the apartment, so she was still mad, upset, but she was in there by herself which would let her calm down and that was the best situation. That's how it come for this."

Officer Roderic Weber was asked about the allegation that an officer called her a liar.

Q: 13.82 claimed that one of the officers either said she's lying or she's a liar. Uh, do you recall if that was you or your partner?

A: Uh, you know what, I don't think Dan said it, and I, I know for a fact that I didn't say it.

Q: You didn't call her a liar or say she was lying?

A: No.

Q: Even surrounding maybe the circumstances of, uh, when she said the laptop wasn't in the apartment, uh, but it was. Do you think that maybe you...?

A: I know for a fact that I looked at her after I said he could take it. I said did you have anything to do with his laptop. Did I ever once call her a liar? Absolutely not.

Q: OK. And you didn't say you're lying?

A: No, I did not.

Officer Roderic Weber was asked about seeing Marvin Penn back at the residence later in the day. He stated that he did see Marvin Penn carrying bags of groceries into the apartment building (at 13.82 with a smile on his face. Someone let Marvin Penn into the secure building because Marvin Penn's keys had been left with earlier. He notified Sgt. Richard Lillard of this, and he asked Sgt. Richard Lillard if he should arrest Marvin Penn for the Order for Protection violation. Officer Roderic Weber said that Sgt. Richard Lillard told him no and that he would deal with it because didn't want Officer Roderic Weber or Officer Daniel McDonald back at her residence.

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After ending the interview and stopping the recorder, Officer Roderic Weber recalled something that he wished to add to his statement. The recorder was turned back on, and Officer Roderic Weber stated, "Um, I was meeting with my Federation Representative, Sergeant Stenerson, prior to this appointment on today's date and I told Sergeant Stenerson that 13.82 had made a comment to me when we were at that...uh, her apartment regarding this OFP that she had. And clearly, as I stated before, I never had a chance to read it, but she had made a comment about Sharon

Carpenter. That she had went to Sharon Carpenter or was going to go to Sharon Carpenter. She made a comment she was trying to get the OFP dropped and she had spoke to Sharon Carpenter about it. So, obviously, if this wasn't an active OFP, uh, she didn't even want this thing in effect cause she said she had mentioned something about Sharon Carpenter and wanting to go to her or having went to her to get it dropped or dismissed. That she did not want an OFP."

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Stephen Delong

Stephen Delong's telephone number (612)913-6970 was found to be out of service on 02/09/2015. He was mailed a letter on 02/09/2015 requesting an interview. It was originally believed that his name was Stephen Belong because of CCN 14-366268. On 02/18/2015, Stephen Delong called this investigator. He stated that he was calling on someone else's phone, so he couldn't do the interview over the phone. Stephen Delong stated that he had court later on 02/18/2015 so he would just stop by Internal Affairs afterwards at approximately 1500 hours. Stephen Delong did not show up, nor did he call to reschedule or give explanation.

On 03/16/2015 at 0955 hours, this investigator went to 13.82 to see Stephen Delong in person. Another male resident answered the front door. He checked the residence but found that Stephen Delong was not home, and he believed Stephen Delong was probably at court. A business card was left with this male resident for Stephen Delong. As of 05/04/2015, Stephen Delong has not contacted this investigator for an interview.

Marvin Penn

According to CAPRS CCN 14-418113, Marvin Penn was arrested on 11/28/2015 on a PC Pick-Up for Arson and Stalking related to CCN 14-380774 where [REDACTED] is the listed victim. Hennepin County Jail records were checked, and Marvin Penn was still in custody. According to MNCIS, Marvin Penn's attorney in this matter is Arthur Martinez of the Hennepin County Public Defender's Office.

A voicemail message was left for Arthur Martinez on 02/02/2015 requesting an interview regarding this administrative matter with his client, Marvin Penn. On 02/03/2015, Arthur Martinez returned the call and stated that he would speak to Marvin Penn at Hennepin County Jail and ask if he'd participate in an interview. Arthur Martinez stated that he would call this investigator back.

As of 02/09/2015, Arthur Martinez had not called back. Another voicemail was left for him on that date, but as of 05/05/2015, he has not responded back.

Video

During the arson investigation (CCN 14-380774), investigators mentioned that the building next door to 13.82 has a video surveillance system. This investigator contacted Candice Davis of PPL Properties at 455-5100 to determine if possible video of the 10/15/2014 events had been captured by their cameras. Davis advised that there is only a one week retention on the video at their property at 13.82 therefore, no video evidence was obtained.

24-Hour Domestic Violence Hotline

This investigator called 13.82 of the Domestic Abuse Project; (612)874-7063 x222. She stated that they took over the 24-hour Domestic Violence Hotline on 01/01/2015. Prior to that, there was a period of time when the phone was not staffed or answered. Upon inquiring with Minneapolis City Attorney Michelle Jacobson, it was confirmed that there was a time when this hotline was not being answered, and this time period probably included 10/15/2014.

SUMMARY OF EVIDENCE

Based on a review of statements and evidence gathered during this investigation, the following occurred:

1. On 10/15/2014, 13.82 and Marvin Penn were having a domestic dispute at 13.82

2. Stephen DeLong heard this dispute, and he called 911.
3. Officer Roderic Weber and Officer Daniel McDonald were dispatched to this Domestic Abuse In Progress call at [REDACTED]
4. Upon arrival, officers encountered both 13.82 [REDACTED] and Marvin Penn in [REDACTED]
5. 13.82 [REDACTED] produced an Order for Protection that she had against Marvin Penn and handed it to Officer Roderic Weber.
6. Officers allowed Marvin Penn to collect his clothing so that he could be sent from the premises.
7. Marvin Penn wanted a laptop computer that he claimed was his. Officer Roderic Weber located this laptop computer under a mattress, and he allowed Marvin Penn to take possession of this laptop.
8. Officers cleared this call after sending Marvin Penn from the residence. No arrest was made, and no report was completed.
9. 13.82 [REDACTED] went to the 4th Precinct Station and complained about the officers to Sgt. Richard Lillard.
10. Sgt. Richard Lillard called Officer Roderic Weber and Officer Daniel McDonald into the station and discussed the matter.
11. Officers were instructed by Sgt. Richard Lillard to write a report about the incident. Officer Roderic Weber wrote a report.
12. Officer Roderic Weber and Officer Daniel McDonald later discussed this incident with Sgt. Charles Peter.

DISCUSSION

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