

Allegation #3: It is alleged that Officer Roderic Weber 13.43 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. If this allegation is found to be true, it would violate the following Minneapolis Police Department's Policy:

7-314 DOMESTIC ABUSE (03/14/12) (A-D)

I. PURPOSE

The purpose of this policy is to establish departmental protocol and procedures for responding to and processing information regarding domestic violence in accordance with Minnesota State Statutes.

II. POLICY

It is the policy of the Minneapolis Police Department to:

- A. Thoroughly investigate all allegations of domestic violence, make appropriate referrals, and take action according to the totality of the information known.
- B. Aggressively utilize the arrest powers granted by the State Legislature. Criminal laws will be enforced without regard to the relationship of the parties involved.
- C. Discourage dual arrests in Domestic Abuse situations, in accordance with Minnesota Statute 629.342.

III. DEFINITIONS

Bodily Harm: Physical pain or injury, illness, or any impairment of physical condition.

Dangerous Weapon: Any gun, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. (01/12/15)

Domestic Abuse: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, terroristic threats, criminal sexual conduct, or interference with an emergency call, when committed between family or household members.

Domestic Abuse No Contact Order: An order issued by a judge in a pending criminal case or during the probationary period following a conviction, prohibiting a defendant

from having contact with a victim or his/her address. The CAPRS code to use for a violation of a Domestic Abuse No Contact Order is VDNCO. (01/12/15)

Domestic Assault in the 1st Degree: Assaulting another and inflicting great bodily harm. The CAPRS code to use is DASLT1.

Domestic Assault in the 2nd Degree: Assaulting another with a dangerous weapon. The CAPRS code to use is DASLT2.

Domestic Assault in the 3rd Degree: Assaulting another and inflicting substantial bodily harm. The CAPRS code to use is DASLT3.

Domestic Assault in the 5th Degree: Assaulting a family or household member by (1) committing an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another. The CAPRS code to use is DASLT5.

Domestic Assault by Strangulation: Intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of a family or household member. The CAPRS code to use is DASTR.

Family and Household Members: Spouses, former spouses, parents and children, persons related by blood (1st cousins or closer), and persons who are presently residing together or who have resided together in the past, and persons who have a child or are currently expecting a child in common regardless of whether they have been married or have lived together at any time, a man and a woman if the woman is pregnant and the man is alleged to be the father regardless of whether they have been married or have lived together at any time, and a person involved in a significant romantic or sexual relationship (10/21/93) (07/01/95) (03/14/12)

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of function of any bodily member or organ or other serious bodily harm.

Harassment/Restraining Order: Violating any term of a Harassment/Restraining Order issued by a judge or referee. The CAPRS code to use for a violation of a Restraining Order is RORDER.

Interference with Emergency Call: Intentionally interrupts, disrupts, impedes, or interferes with an emergency call or who intentionally prevents or hinders another from placing an emergency call. The CAPRS code to use for Interference with Emergency Call is 911INT.

PC Felony Enhanced List: The Minneapolis City Attorney's Office maintains a list of all defendants whom they know to be chargeable with a felony for assault, domestic assault or violation of an Order for Protection, violation of a Harassment/Restraining Order or violation of a Domestic Abuse No Contact Order. The list is on MPDnet and in a physical book at the jail. The CAPRS code to use for an enhanced domestic assault is DOMEN, for an enhanced 5th Degree assault is ASLTEN, and for an enhanced violation of an Order for Protection, Restraining Order or Domestic Abuse No Contact Order is OFPEN.

Primary Aggressor: The following criteria shall be considered as a guideline when attempting to determine the primary aggressor: (10/21/93) (03/14/12)

- Whether one person in the dispute was acting in self-defense;
- Whether a violation of an Order for Protection or a Violation of a Domestic Abuse No Contact Order has occurred;

- The extent of injuries, if any, to any person involved;
- Who initiated the first act of physical violence;
- The existence of a fear of physical injury, because threats were made;
- The history of physical violence perpetuated by one party against the other; and
- The physical stature or physical ability of the persons involved.

Risk Assessment: A series of questions officers ask a victim, pertaining to domestic violence history and the potential threat of future violence.

Significant Relationship: Minnesota State Statute 518B.01 subd. 2 states the following when deciding if a “significant” relationship exists, “In determining whether persons are or have been involved in a significant romantic or sexual relationship the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination. (07/01/95) (03/14/12)

Substantial Bodily Harm: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Violation of an Order for Protection: Violating any term of an Order for Protection issued by a judge or referee. The CAPRS code for violation of an Order for Protection is POVIOL.

IV. PROCEDURES / RULES / REGULATIONS

A. Domestic Abuse – Preliminary Investigation (03/14/12)

- 1) In the event a domestic 911 call is cancelled officers shall respond to the location and check welfare. (03/14/12)
- 2) Officers shall attempt to determine the Primary Aggressor in a domestic assault.
- 3) Arrests for domestic abuse, based on probable cause, are expected if any of the following circumstances exist:
 - Signs of injury or impairment;
 - Dangerous weapon involved;
 - Alleged assault - no signs of injury;
 - Victim alleges to be in fear of immediate bodily harm;
 - Terroristic threats (Minn. Stat. §609.713 sub.1) (07/01/95) (03/14/12);
 - Criminal sexual conduct (refer to Minn. Stat. §609.342, 609.343, 609.344, 609.345) (07/01/95) (03/14/12)
- 4) Pursuant to Minnesota State Statute 629.341, a police officer may arrest a person without a warrant, even in the person’s own residence, if the officer has probable cause to believe that in the preceding 72 hours a domestic assault occurred. An officer may make an arrest for a misdemeanor domestic assault even if the assault did not occur in their presence. (11/03/14)
- 5) An officer may not issue a citation in lieu of arrest and detention for a defendant charged with harassment, domestic abuse, violation of an Order for Protection, or violation of a Domestic Abuse No Contact Order. See

Minnesota State Statute 629.72, subd. 1(a).

- 6) Officers shall follow the MPD's Domestic Abuse Incident Response Protocol when responding to all domestic abuse related calls. (01/12/15)
- 7) Officers shall check the PC Felony Enhanced List on all domestic calls including cases where the suspect is gone on arrival (GOA). Failure to do so will result in a notification to the officer's commander.

B. Domestic Abuse—MPD's Domestic Abuse Incident Response Protocol (03/14/12)
(01/12/15)

- 1) The Minneapolis Police Department has adopted the following protocol for patrol officers responding to adult arrest and suspect cases for the following offenses: (01/12/15)
 - Felony 1st degree assault, if the parties are family or household members;
 - Felony 2nd degree assault, if the parties are family or household members;
 - Felony 3rd degree assault, if the parties are family or household members;
 - Felony domestic assault by strangulation;
 - Felony terroristic threats, if the parties are family or household members;
 - Misdemeanor, gross misdemeanor or felony domestic assault;
 - Misdemeanor, gross misdemeanor or felony violation of an Order for Protection;
 - Misdemeanor, gross misdemeanor or felony violation of a Domestic Abuse No Contact Order;
 - Misdemeanor, gross misdemeanor or felony violation of a Harassment/Restraining Order, if the parties listed in the order are family or household members;
 - Gross misdemeanor or felony stalking, if the parties are family or household members; and
 - Gross misdemeanor interference with an emergency call.
- 2) As part of this protocol, patrol officers shall complete the following preliminary investigative tasks when responding to any calls as described above:
 - a. Check for existence of Order for Protection or Domestic Abuse No Contact Order on every domestic related 911 call.
 - b. Ask victim if suspect or arrestee has access to any guns or ammunition or if there are any in the home. (01/12/15)
 - If victim indicates yes, ask if victim has any safety concerns. Document responses in the report. (11/03/14)
 - ii. If the victim has safety concerns, officers may properly inventory the guns and ammunition for safe keeping. (01/12/15)
 - c. Obtain a signed medical release with shaded areas completed from

- victim if victim is seeking medical treatment.
- d. Ask victim to complete domestic violence victim's supplement. Property inventory supplement on completion.
- e. Document in CAPRS report the victim's answers to risk assessment questions listed on domestic violence victim's supplement and ask any follow-up questions.
- f. Take photographs. Examples of things to photograph include, but are not limited to: the arrestee; victim; injuries; scene, including any damaged property; and the arrestee in an Order for Protection or Domestic Abuse No Contact Order case at a prohibited address.
- g. Collect any physical evidence and property inventory it.
- h. Obtain contact information from witnesses to the incident including name, address, and phone number.
- i. Question witnesses regarding the incident.
- j. If suspect is gone on arrival, remind victim to call police if suspect returns within 72 hours of the incident. (11/03/14)
- k. Inform victim of domestic violence resources on blue card and call the 24-Hour Domestic Violence Hotline at 612-874-7100 to inform them of incident. (01/12/15)
- l. If the case is misdemeanor or gross misdemeanor level, check the PC Enhanced Felony. Follow the instructions pertaining to the arrested party or suspect if they are on the list and add the additional charge listed. (01/12/15)
- m. If the case is misdemeanor or gross misdemeanor level, obtain a squad video Mirandized Scales statement from suspect or arrestee. Document results of the interview in the CAPRS report. (Miranda statements DO NOT need to be taken on felony level cases). (01/12/15)

C. Arrests for Violation of Domestic Abuse No Contact Order (12/19/91) (03/14/12)

- 1) Officers shall verify the existence of the Domestic Abuse No Contact Order. (03/14/12)
- 2) If the suspect or the victim does not have a valid copy of the Domestic Abuse No Contact Order, the existence of the court order may be verified by contacting the Hennepin County Jail Records Unit 612-596-8080. (03/14/12)
- 3) If no telephone is available to the officer, the officer may ask the MECC (Channel 7) for assistance.
- 4) Domestic Abuse No Contact Orders are stored in the same database as Orders for Protection, and can be verified by following the procedures described in 7.314.01 Order for Protection – Short Form Notification. (03/14/12)
- 5) If an officer determines an individual is in violation of a Domestic Abuse No Contact Order, an arrest shall be made. (03/14/12)
- 6) Officers shall complete a CAPRS report and supplement entitled "Violation of a Domestic Abuse No Contact Order" (VDNCO). Include the Hennepin County Jail SILs number (HCJ's computer ID# of the

arrestee) and the original charge which the arrestee had been previously booked on and released. (03/14/12)

D. Domestic Abuse and Domestic Violence – Reporting Requirements (03/14/12)
(01/12/15)

- 1) In all cases of domestic violence or alleged acts of domestic abuse, a CAPRS report and supplement shall be completed immediately. (03/14/12)
- 2) If no arrest is made, the supplement shall clearly show sufficient reasons for not making the arrest. (12/10/2004) (03/14/12)
- 3) Officers shall notify the 24-Hour Domestic Violence Hotline at 612-874-7100 whenever completing a CAPRS report (in both arrest and suspect cases) for: (04/17/91) (10/21/93) (05/18/99) (03/14/12) (01/12/15)
 - 1st degree domestic assault;
 - 2nd degree domestic assault;
 - 3rd degree domestic assault;
 - Domestic assault by strangulation;
 - Domestic threats;
 - Domestic stalking;
 - Domestic assault enhanced;
 - Interference with an emergency call;
 - Violation of an Order of Protection;
 - Violation of a Domestic Abuse No Contact Order;
 - Violation of a Restraining Order (if domestic related); or
 - Violation of an Order for Protection Enhanced

13.43

- In his memorandum to Internal Affairs, Sgt. Richard Lillard wrote, 13.82 told me that she allowed her boyfriend to move in with her on August 10th, 2014 and has had multiple restraining orders against him. 13.82 admits to not complying with the OFP."

13.82

- In 13.82 interview, she stated that she gave the active Order for Protection to the officers when they arrived.

13.82 was asked if she told the officers that she wanted Marvin Penn arrested, and she answered, "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." Later, 13.82 was asked if she ever told the officers that she just wanted Marvin Penn gone, she answered, "Yes." 13.82 was also 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 was asked if she ever specifically told the officers that she did not want Marvin arrested, and she answered no.

13.82 admitted that she had given Marvin Penn keys to the apartment under duress from Marvin Penn. She also stated that Marvin Penn had all of his clothing at the apartment and had been living at the apartment for approximately two months.

- In Officer Roderic Weber's CAPRS report 14-366268, supplement #1, he wrote:
 - 1) Steven Belong [sic] met officers upon their arrival and informed them that the tenants inside apartment #2 were having a verbal argument, which was a frequent occurrence. Steven also said that both parties lived in the apartment.
 - 2) 13.82 wanted Marvin Penn to leave the residence.
 - 3) 13.82 presented an Order for Protection.

- 4) When Officer Roderic Weber told [REDACTED] that he would arrest Marvin Penn for violation of the Order for Protection, "she became upset and told us she did not want him arrested." When asked what she wanted done, [REDACTED] 13.82 [REDACTED] said "I need for him to leave for now and not come back."
- 5) [REDACTED] had told Marvin Penn where she lived after getting the Order for Protection, and she requested that he come over and live with her because "she loved him."
- 6) [REDACTED] gave Marvin Penn two keys to the apartment which he had in his possession on the day in question.
- 7) Marvin Penn stated that he lived in the apartment and has lived there for over two months.
- 8) All of Marvin Penn's clothing was in the closet of the apartment.
- 9) There was a letter in the apartment addressed to Marvin Penn at [REDACTED]
- 10) Marvin Penn was seen later in the day going back to [REDACTED]

- In Officer Roderic Weber's formal Internal Affairs interview, he stated:

- 1) They were actually dispatched to a disturbance call, not a domestic.
- 2) Upon arrival they were met by Stephen Delong who told them that both tenants in an upstairs apartment were having a verbal domestic which was a frequent occurrence, that they both live there, and that they frequently disturb the rest of the building's tenants.
- 3) [REDACTED] told Officer Roderic Weber that the argument was over money.
- 4) [REDACTED] showed Officer Roderic Weber an Order for Protection, but he never had a chance to read and review the Order for Protection before [REDACTED] took it out of her hand.
- 5) [REDACTED] wanted Marvin Penn sent from the residence but not arrested.
- 6) Marvin Penn stated that he lived in the apartment; his clothes were in the closet, he had keys to the apartment, and [REDACTED] admitted that she had invited him to come live with her.
- 7) 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."
- 8) When asked if he felt that he has discretion when it comes to an order from the court such as an Order for Protection, Officer Roderic Weber answered, "If I don't get the chance to read it, yes."
- 9) When asked if he felt it was his responsibility to take the time to read the Order for Protection and make time to read it, Officer Roderic Weber answered, "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...If it would've been more of a calm situation, yeah, then I could have had time to sit and actually read it."

- 10) 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."

13.43



- The VisiNet report for 14-366268 shows that Officer Roderic Weber and Officer Daniel McDonald were dispatched to a Domestic Assault – In Progress. Remarks stated that the caller's roommate was being assaulted by her boyfriend and that the female has a restraining order against him. The suspect is also listed as "Marvin," and the victim is listed as [REDACTED]
- The 911 audio of the call placed on 10/15/2014 shows Stephen Delong reporting, "It's ahh, the lady that lives here, she got a guy that has a restraining order, he's beating her up right now."

Allegation #4: It is alleged that Officer Roderic Weber [REDACTED] searched for, located, and gave a laptop computer to Marvin Penn even though the ownership of this property was disputed. If this allegation is found to be true, it would violate the following:

7-317 REMOVING PERSONAL EFFECTS (A-B)

Officers may enter a home at the invitation of one cohabitant that is moving while that person removes personal effects from the residence. The officers' responsibility is to ensure that neither party violates the law.

If the ownership of property is disputed, the property shall remain at its original location. In such situations, officers will inform the persons to contact their private attorneys, as a violation of community property rights is a civil matter.

- In Sgt. Richard Lillard's memorandum to Internal Affairs, he wrote that 13.82 [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.
- In Officer Roderic Weber's CAPRS report 14-366268 supplement #1, he wrote "Mr. Penn was retrieving his clothes to depart and asked [REDACTED] 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. [REDACTED] 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."

- In [REDACTED] interview, she stated that she did tell the officers that her laptop computer wasn't in the apartment because she did not want Marvin Penn to leave with it. After Officer Roderic Weber found the laptop under the mattress, she told Officer Roderic Weber that she had a receipt that she could show him proving that she had purchased the computer. Officer Roderic Weber did not want to see the receipt.

13.43 [REDACTED]

- In Officer Roderic Weber's formal Internal Affairs interview, he stated that as Marvin Penn was collecting his clothes, he started talking about a laptop. He said that he needed his laptop. [REDACTED] 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. [REDACTED] stated that Marvin Penn wasn't taking the laptop. Officer Roderic Weber asked if [REDACTED] had any proof that the laptop was hers, and [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.

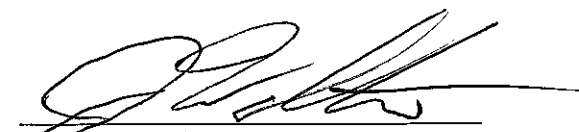
Officer Roderic Weber also stated, "Ok. Back to the laptop situation, clearly -- as I explained to you earlier -- when I asked her or she had made reference numerous times that there was no laptop in this apartment, then I find this laptop. Did she lie? Yes. Is that evident? Yes. Did he describe his 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."

Officer Roderic Weber also stated that he was not familiar with Minneapolis Police Department Policy and Procedures 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." When asked if he was familiar with the policy that makes him responsible for being familiar with the policies (*1-103), he answered, "Yeah, I am, but policies change all the time, so...and I don't sit down and read policies on a daily basis, so..."

***1-103 HOW TO ACCESS THE POLICY AND PROCEDURE MANUAL: EMPLOYEE RESPONSIBILITY (12/05/01)**

All MPD employees shall be provided instructions on how to access the online Policy and Procedure Manual. Employees shall be held accountable for knowing how and where to access the manual and for knowing the contents of the manual. Employees shall sign a receipt, acknowledging responsibility for knowing the contents of the manual and that they have received instructions on how and where to access the manual. Receipts shall be filed in the employee's Personnel File. Manual revisions are prepared by the Operations Development Unit

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



OPCR Investigator #7502



Date

1 Q: All right. The recorder is on. Would you sign that, please, after you read it?

2 A: This is the Tennesen, I take it?

3
4 Q: It is, yes.

5 A: [pause] There.

6
7 Q: Thank you. All right.

8
9 TODAY'S DATE IS MARCH 25, 2015. THE TIME IS NOW 1412 HOURS. THIS
10 IS SERGEANT WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR
11 CASE NUMBER 14-22048 WITH ME IS OFFICER WEBER. TRANSCRIBED BY
12 R. METCALF.

13
14 RE: OPCR Case Number #14-22048

15
16 Q: Officer Weber, could you please state your full name and spell your last name
17 for me?

18 A: Roderic Jay Weber; W-E-B-E-R.

19
20 Q: What is your present rank and work assignment?

21 A: Patrolman, Fifth Precinct 13.43

22
23 Q: What is your employee number and date of appointment?

24 A: 007612. Uh, 3/2/92.

25
26 Q: YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL
27 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR
28 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO
29 MPD POLICY AND PROCEDURE.

30
31 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS
32 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST
33 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE,
34 THESE STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO
35 EMPLOYMENT ALLEGATIONS.

36
37 Do you understand this warning?

38 A: I do.

39
40 Q: I'M ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE
41 OR INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT
42 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL
43 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING
44 SUSPENSION OR DISCHARGE.

45
46 Do you understand this?

1 A: Yes.

2
3 Q: Is it correct that you have read, understood, and signed the Data Practices
4 Advisory, otherwise known as the Tennessen Warning?

5 A: Yes.

6
7 Q: And have I informed you that the purpose of this statement relates to an
8 internal investigation, and specifically, an administrative review that is being
9 conducted regarding allegations that on October 15, 2014, at approximately 0752
10 hours, uh, yourself and Officer Daniel McDonald were dispatched to [REDACTED]
11 13.82 [REDACTED] on a domestic abuse in progress; when officers arrived,
12 the suspect or boyfriend was still on the scene; the victim told the officers that the
13 boyfriend had threatened her with a knife and showed officers a copy of an active
14 OFP, order for protection; officers then searched for, located, and gave the
15 victim's laptop computer to the boyfriend; when the victim told the officers that
16 the laptop was hers, one of the officers told her she was lying; officers did not
17 arrest the boyfriend for violating the OFP or assault, and officers did not write a
18 report regarding the domestic incident until told to do so by their supervisor; the
19 case number is 14-366268; have I informed you of all of this?

20 A: Yes.

21
22 Q: And have I explained that you are being called to explain circumstances
23 regarding these allegations?

24 A: Yes.

25
26 Q: Can you, uh, tell me about events on October 15, 2014, uh, regarding a
27 domestic call at 13.82 [REDACTED]

28 A: We were actually dispatched on a disturbance call not a domestic. We
29 arrived and we sent the male half from the upstairs apartment.

30
31 Q: OK. When, uh, when you got the call, it was a disturbance. Do you
32 remember what the remarks were?

33 A: That I don't.

34
35 Q: OK. And when you arrived at [REDACTED] who let you in the building?

36 A: Uh, the caller. I have him down as Stephen Belong, but it says Delong.

37
38 Q: I believe his...

39 A: I believe he lived in the, uh, street level/main level apartment.

40
41 Q: Did you have a conversation with him upon, uh, arriving there?

42 A: I did.

43
44 Q: What did he say?

45 A: Um, he said both tenants in the upstairs apartment are having a verbal
46 argument. He said it's a frequent occurrence, that they both live there, ~~um~~, and

Rw

1 that they frequently disturb the rest of the tenants in the building in this apartment
2 complex.

3
4 Q: What did you do after talking to Mr. Stephen Belong?

5 A: Uh, I walked upstairs...oh...I walked upstairs to the second floor, uh, knocked
6 on the door. Um, I don't recall which one opened the door for us, but there was a
7 male and female inside.

8
9 Q: And did they... What was their demeanor?

10 A: They were... I think prior to knocking at the door that I could hear 'em yelling
11 at each other about some money incident. ~~Q~~ Once they allowed us in to the
12 apartment, she was still yelling at him saying he, he owes me money, ~~and~~ I want
13 my money. And he was going off by saying I don't owe you nothing, bitch, and
14 swearing at her. And she was swearing back at him. And we, at that time, just
15 separated them to get them apart from each other.

16
17 Q: Who was your partner that day?

18 A: ~~Q~~ Dan McDonald.

19
20 Q: And, uh, when you separated them, did you take one or half of the domestic
21 and your partner take the other half?

22 A: It was a relatively small apartment building, but Dan went out... I can't
23 remember if he took the guy outside the apartment door or if he kept him inside
24 the apartment, but he took the guy off to the side.

25
26 Q: And you spoke to the female?

27 A: At that time, I tried to talk to the female, yes.

28
29 Q: And was that ^{13.82} ~~Q~~ 

30 A: Uh, yes, I never ID'd her, but that'd be the other fem-...yeah, the only female.
31 Yes.

32
33 Q: OK. What did she tell you?

34 A: I asked what was going on. She said they were having a, a verbal argument
35 over money. ~~Q~~ He owed her money. Uh, for what, I don't remember what it
36 was for. ~~Q~~ Literally, it, it was a dispute over money.

37
38 Q: Did she say what she wanted done, uh...?

39 A: Well, at this time, I said...you know, I said what do you want done with this. I
40 said somebody's gonna obviously have to leave cause you guys are both uptight
41 with each other. At that time, she...uh, she, she handed an OFP to me. You
42 know, she presented it like this, so I went to look at it. And as I had it in my hand,
43 the guy started walking towards me -- the husband or...I...she kept...she said it
44 was my husband, so I assumed it's husband -- but told the boyfriend, but he
45 walked towards me. At which time, I'm kind of looking at him. I remember
46 looking at it briefly, but -- the front page -- but when he started walking towards

1 me I kind of looked back at him and then she grabbed it out of my hand. And she
2 said I wanna him sent. I just want him gone. And I said does he live here. She
3 goes, yeah, he lives here. I just want him gone. I said, so, you're OK if he gets
4 clothes then and leaves, and she said, yeah, I just want him gone. So, I asked
5 him then, since he was kind of standing next to me cause it's a small apartment, I
6 said do you live here, and he goes yeah. All his clothes are sitting in the closet,
7 and I'm looking on the floor, there's mail with his name on it. Um, there's a
8 Hennepin County, uh, label on one of the letters with his name and address to
9 that address where he lived. And she goes, uh, he, he only lived here for two
10 months. I said you gotta key for the place. I said you guys both live here. Who's
11 on the lease. She goes just me. I said, so, but he lives here and she goes yeah.
12 And he shows me two keys. She goes, yeah, I gave him those keys. I wanna
13 'em back. I said, guy, you're gonna-, you're gonna have to leave the keys here.
14 She, she wants them back. You're not on the lease. Um, so, pretty much, that
15 was... You know, we decided... She kept telling me she goes just get him outta
16 here. I want him gone, and she goes I... I said this OFP that you showed me
17 quick, briefly. I said do you want him arrested what, what is it. She goes, no, I
18 just want him gone. So, I said get some clothes together. You're outta here. I
19 said just go stay somewhere for a night or two until you guys can both, both calm
20 down, be rational, figure it out in a couple days.

21
22 At that time, he started getting some clothes out of the closet and then he started
23 talking about a laptop. He goes I need my laptop. Um, 13.82 you
24 don't...there's no laptops in here and he goes, yeah... You know, they started
25 yelling at each other about this laptop, and I'm kind of in the middle of it cause
26 now they're right both next to me, and I said what's your laptop look like. He
27 goes it's got a silver top black bottom. I said is that in here. She goes there's no
28 laptop in here. I said why don't you look for it then. And he started looking
29 around and I'm standing right next to this bed. I lifted up the mattress and right
30 there's a laptop in plain view after I lifted it up. Is that your laptop cause it had a
31 silver top on it, and he goes that's mine. I looked over at her and I said is this his
32 laptop. She goes no, it's mine. You, you just got done telling me that there
33 wasn't even a laptop in here. I said you guys both sleep in this bed. Yes. I said,
34 well, obviously, you guys know there's a laptop here. It must be his then, right.
35 She goes he's not taking it. I said you got any proof that's yours. She goes no, I
36 don't. And then he said he, he went on he started saying, yeah, I bought it. I
37 bought it at a pawn store or something. I said, so, it is your laptop. He goes yes.
38 Well, you did describe it. You knew exactly what it looked like. She kept denying
39 it, so obviously it's his laptop. I said all right grab it then, it's yours. So, he
40 grabbed the laptop.

41
42 We were walking out the apartment door. I'm behind him. Dan's in front of
43 Marvin. We're going down the stairs. Next thing I know, here comes this pile of
44 clothes over the top of the stairs, comes raining down on us. She's yelling at him
45 get the "F", you know, get the "F" outta here, I don't wanna see your ass, don't
46 come back. Um, and I said, you know, I said your acting...I did say you're acting

1 like an ass. I said don't be juvenile. I said you're a grown adult. You need to
2 calm down. He's leaving. He'll calm down. Maybe down the road you guys can
3 sit and try to figure what's going on here. We walked out and everything settled
4 down at that point. He left. She stayed in the building.

5
6 Q: Did you happen to talk to, uh, the caller, Stephen Belong, again before you
7 left the premises?

8 A: I remember he was standing downstairs by the front door. I don't remember if
9 we talked or not. I just remember he was down there. He, he might've said
10 something like, huh, he'll be back. They go through this a lot.

11
12 Q: OK. Let's, uh, go back a little bit to, uh, when you first arrived at the
13 apartment. Um, did she ever tell you that Marvin had threatened to stab her?

14 A: She made a comment that...she said he threatened...or he threatened her,
15 and when I was starting to ask her, then he started getting in...he came walking
16 up to her and goes how did I threaten you and this and that. So, at that time, I
17 had to split them up and we never got back to how the threat was made or what
18 was said. I said...I do remember asking I said is anybody even hurt. There's...
19 Nobody was hurt and they both said no.

20
21 Q: Did she ever bring to your attention a knife?

22 A: You know, I spoke to Officer McDonald... Oh, she said something about he
23 could have...he's got a knife on him. Well, then Dan was dealing with him, so I
24 don't know if there was ever a knife on him or not. I didn't check him. I didn't
25 search him. That was Dan's deal. I was dealing with her.

26
27 Q: She didn't point out like a butcher knife or a kitchen knife of any type in the
28 apartment?

29 A: Not to me she didn't.

30
31 Q: And you never saw one?

32 A: I didn't even look over to see if Dan was... I... You're right, poor officer
33 safety. I didn't look over to see if Dan was searching the guy. I was dealing with
34 her.

35
36 Q: So, you said that she brought to your attention some threats, but you don't
37 recall her saying that she was threatened to be stabbed?

38 A: I don't remember her saying that at all.

39
40 Q: Do you...

41 A: She did admit to being threatened, but she didn't say how.

42
43 Q: How about, uh, Marvin jumping out of the closet? Anything about that?

44 A: No, I...that part I don't... There's... I know there was a closet cause the
45 doors were wide open, so.

1 Q: Did she anything about, um... Maybe this will help refresh your memory if
2 she did. Uh, uh, she alleged that Marvin threatened to stab her 54 times
3 because that's her age. Does that ring a bell at all?

4 A: Not at all.

5
6 Q: OK. And when you said you looked at the OFP, it was just momentarily?

7 A: You know, I was able... She handed me something... It was-, it was an
8 OFP. It's clearly an OFP. I looked at it. I was just looking at the front page. I
9 could see names on it quick. There was a date on there and then, you know,
10 there's three or four pages. I was gonna start reading it and that's when he
11 started walking towards me, towards the closet, and then she took it out of my
12 hands. I never had a chance to actually open it up and read it.

13
14 Q: But you did see that she was the petitioner, he was the respondent, and it
15 was an OFP between the two of them?

16 A: It was an OFP. I didn't actually get a chance to read the OFP until I was later
17 called back to the precinct.

18
19 Q: OK.

20 A: And then Sergeant Lillard had it. He had made a copy when she came to the
21 precinct. So, I actually took it and used it for my report cause he ordered me to
22 file or document a report on this.

23
24 Q: OK. So, at the time that you were on scene, you didn't even realize if it was
25 between the two of them you didn't have a chance to look?

26 A: You know, I saw their names. I didn't...

27
28 Q: OK.

29 A: You know, like I said, everything happened fast. I just...I started looking at it.
30 I got it in my hand, I looked at the top page, and then all of sudden he's... I
31 mean they were bickering, yelling at each other. As I'm looking...starting to look
32 at it, he starts walking towards me and she grabs it out of my hand.

33
34 Q: OK. Um, can you tell me why you chose not to arrest him on the OFP?

35 A: Well, number one, I mean he's been living there for two months. I hadn't
36 even read the stipulations to the OFP. You know, there's different types of
37 OFPs, but I didn't even know if it was an active one. I didn't get a chance to
38 check. She's begging me just...she wanted him sent. [inaudible cross-talking]

39
40 Q: She's, she's begging you?

41 A: Yeah, she goes I just want him gone. I don't-, I don't want him arrested. I just
42 want him gone.

43
44 Q: OK. She actually said I don't want him arrested?

45 A: She actually said I don't want him arrest. I just want him to leave.

46

1 Q: OK.
2 A: I want him gone.
3
4 Q: Do you feel that you have discretion when it comes to an order from the
5 court, such as an OFP?
6 A: If I don't get the chance to read it, yes.
7
8 Q: Do you feel that it's your responsibility to take the time to read it and make
9 the time to read that?
10 A: In this situation by him staying there, I, I don't feel that I had that chance. I
11 felt the best thing was just to get him out of there cause these two kept bickering,
12 yelling at each other. I figured the sooner I got him out of there the better.
13 Things would calm down and not just for those two, but everybody else in the
14 building.
15
16 Q: OK.
17 A: If it would've been more of a calm situation, yeah, then I could have had time
18 to sit and actually read it.
19
20 Q: 13.82 claimed that one of the officers either said she's lying or she's a liar.
21 Uh, do you recall if that was you or your partner?
22 A: Uh, you know what, I don't think Dan said it, and I, I know for a fact that I
23 didn't say it.
24
25 Q: You didn't call her a liar or say she was lying?
26 A: No.
27
28 Q: Even surrounding maybe the circumstances of, uh, when she said the laptop
29 wasn't in the apartment, uh, but it was. Do you think that maybe you...?
30 A: I know for a fact that I looked at her after I said he could take it. I said did you
31 have anything to do with his laptop. Did I ever once call her a liar? Absolutely
32 not.
33
34 Q: OK. And you didn't say you're lying?
35 A: No, I did not.
36
37 Q: OK. Um, did she offer to provide a receipt proving ownership?
38 A: I asked her if she had a receipt or any documentation. She said she
39 had...she didn't... she has nothing. Then, uh, that's when Marvin said I bought it
40 at a-, at a pawn shop.
41
42 Q: Are you familiar with the policy that says if there's any disputed property it
43 remains on the premise where it's at?
44 A: Actually, no, I'm not.
45

COERCION DICTATED ON THIS PAGE!

1 Q: OK. I just wanna show it to you quick here. 7-317 Removing Personal
2 Effects. I've highlighted the portion that says "If the ownership of the property is
3 disputed, it shall remain on the premise." Are you familiar with that policy?

4 SERGEANT RON STENERSON (Herein referred to as RS in transcribed
5 statement): I think I'll just take a break, please.

7 Q: I'm, I'm gonna have him answer that question before you go out if he's
8 familiar with the policy.

9 RS: I think he's answered it, though.

11 Q: OK. Just...

12 RS: So, I wanna...if I can take a break.

14 Q: We'll get to a break.

15 RS: Well, here's the thing, though. I mean...

17 Q: This is my investigation, my interview.

18 A: Yeah, but I've always been able to take a break whenever it's-

20 Q: Uh...

21 A: -whenever it's...

23 Q: He's gonna answer my question first, Ron.

24 RS: He, he has answered it, though.

26 Q: We're gonna put it back on the record just so I'm clear on his answer. Are
27 you familiar with that policy?

28 RS: He's answered it.

29 A: No, I wasn't until now when you just showed it to me.

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

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

36 Q: OK. You can take your break.

38 [break/doors open and close - on audio from 19:55 to 24:20]

40 Q: The recorder is still on.

41 A: OK.

43 Q: OK. When you were in the apartment talking with 13.82 um,
44 did you... I'm looking at your police report here.

45 RS: Sergeant Walters, can we just... One of the things we discussed is the
46 question that you asked him -- excuse me --

← RW - AT THIS POINT
I FELT COERCED BY
THE INVESTIGATOR.

1
2 Q: Sure.
3 A: -the question that you asked him twice, and he really would like to respond to
4 that question right now-
5
6 Q: OK.
7 RS: -that we're back.
8
9 Q: Thanks. Go ahead.
10 A: OK. Back to the laptop situation, clearly -- as I explained to you earlier --
11 when I asked her or she had made reference numerous times that there was no
12 laptop in this apartment, then I find this laptop. Did she lie? Yes. Is that
13 evident? Yes. Did he describe his laptop to a "T" before I found it? Yes. There
14 shouldn't be any dispute on who the ownership of that laptop is. That's clearly
15 his. He's able to describe it. He told me he bought it at a pawn shop. When I
16 asked if she could provide any documentation for ownership of that, she could
17 not. So, is there any violation by him taking that laptop? Absolutely not. It was
18 his laptop. It was his property, so he's entitled to keep it.
19
20 Q: OK. That clarifies it. Thank you. We'll move on to other topics here if you're
21 done.
22 A: I'm done.
23
24 Q: OK. Um, in your police report, you mentioned in the third paragraph of your
25 supplement, uh, that you told her you were going to arrest him -- meaning Marvin
26 Penn -- for violating the OFP, and she became upset and told us that she did not
27 want him arrested. So, you actually told her that you were going to arrest him,
28 uh, for violating the OFP?
29 A: I told her... I said if this is a valid OFP that you briefly showed me, you want
30 him arrested, I will arrest him. And then she kept saying, no, I don't wanna him
31 arrested. I just want him sent. Whether it was valid or not, I never had a chance
32 to even read it.
33
34 Q: Right. But she adamantly did not want him arrested?
35 A: Oh, she was adamant. I mean she just wanted him sent, just to go away for a
36 while, and she even made a comment that she said that she-, that she-, that she
37 loved him. I mean so...
38
39 Q: OK. Um, and you had, uh, discussed with her how he knew where she lived?
40 A: She told me. She... The day she said something about the OFP... That day
41 she got it signed, um, she called him up and then he moved in with her right
42 away.
43
44 Q: She invited him to live with her?
45 A: She, she did invite him to live with her.
46

1 Q: She provided him with keys?

2 A: He had two keys, yes. She even admitted that, too. She goes I did give him
3 two keys and I did make him keep the keys there at the apartment after he left.
4

5 Q: And when you were sending Mr. Penn, um, did you instruct him that if needed
6 to come back to retrieve more property that he would have to bring police to do
7 so?

8 A: Because of their demeanor towards each other, I did, yes.
9

10 Q: OK. Um, so, you left after Mr. Penn left and, uh, did you do a report at that
11 time?

12 A: No.
13

14 Q: Can you explain why you didn't do a report?

15 A: It was a simple verbal argument between what I thought at that time was a
16 husband and wife. Um, clearly, there was no criminal, uh, conduct committed.
17 She wanted him off the premise till they both cooled down. Dealt with thousands
18 of domestics like this where they just want the other half to go until things cool
19 down. We don't do reports on things like that, and it was just a simple argument
20 at this point, so.
21

22 Q: OK. Well, I guess we're gonna have to delve into this policy here just
23 because we're on topic. Are you familiar with the 7-314 Domestic Abuse where it
24 states: "1. All cases of domestic violence or alleged acts of domestic violence
25 need a CAPRS report." Did you feel that there was any allegations of domestic
26 violence?

27 A: No, there was not.
28

29 Q: OK. Good. Number 2 says: "If no arrest is made, the supplement shall
30 clearly show why." You already explained the reasoning for not wanting to write
31 one or needing to write one. Number 3 does say: "That you should contact
32 Domestic Violence Hotline." We're not gonna quite get there yet, um, but... I
33 guess we should. On the 24-hour Domestic Violence Hotline, it says that you
34 have to call them whether or not you're writing a CAPRS report, uh, for violations
35 of an order for protection. Did you call them?

36 A: Again, I didn't even know if the order for protection was valid or not. I never
37 had a chance to read it.
38

39 Q: OK.

40 A: In here, it says "whenever completing a CAPRS report." Well...
41

42 Q: You...you're right. I misspoke.

43 A: So, yeah, there was no CAPRS report cause there was no domestic.
44

45 Q: OK. Well, that clarifies that. Um, so, who added remarks to the MDC on the
46 call?

1 A: Whoever would've been passenger, uh...

2
3 Q: Do you recall if it was you or your partner?

4 A: No.

5
6 Q: OK. Um...

7 A: I would have... I have no idea.

8
9 Q: At some point in the day, were you called into the office by Sergeant Lillard
10 regarding this matter?

11 A: Yes.

12
13 Q: Can you tell me about what was discussed?

14 A: Sergeant Lillard and Sergeant Ryan Lynch were sitting in the 13.43 [REDACTED]
15 Sergeant Supervisor Office. Um, Lillard... Sergeant Lillard said that this [REDACTED]
16 [REDACTED] walked half a block from where she lived to the precinct and was upset
17 because we did not arrest Mr. Penn and then he asked me why we didn't arrest
18 him. And as I explained to you just now is the same thing as what I explained to
19 him. I told him that, yeah, she had shown an OFP, but briefly got to look at the
20 front page. I didn't get to read any of it. I didn't know if it was an active OFP or
21 not. You know, I've had numerous ones where they've been expired that were
22 handed to me, but long story short in this case I didn't know if it was active or not
23 and she kept begging, telling us I want him gone. I don't want him arrested. I
24 even-, I even asked her I said do you want me to arrest him and she said no. So,
25 I made ample attempts to do my responsibility in this call, and out of good faith
26 and using common sense, these two just wanted to be separated at the time.
27 She didn't want him arrested. He didn't want her arrested. They just wanted
28 time apart from each other. They both agreed to that when he left.

29
30 Q: OK. Did, uh, Sergeant Lillard, uh, instruct you to write a CAPRS report?

31 A: He did.

32
33 Q: And did you complete that CAPRS report?

34 A: I did complete a report after the fact and then I would also like to add that
35 Sergeant Ryan Lynch... I explained to him also. I said I didn't get a chance to
36 read the, uh, actual OFP and then he started telling me that, um, you should be
37 arrested, you and your partner should be arrested. I said for what. I said what
38 did we do wrong. He goes on an active OFP that's signed off by a judge you
39 didn't follow that OFP, so you're in contempt of court, and he started getting red
40 in the face and said you should be arrested right now for this. I explained to him,
41 too, again, I never a chance or opportunity to read this cause everything went
42 down quick. She didn't... She took it outta my hand. I did not have a chance to
43 read the entire OFP. I just looked at the front page. And...

44
45 Q: I guess I'm gonna have to ask since you've said it so many times, um, that
46 you didn't have a chance to read it because everything was happening and, uh,

1 he came walking towards you, she grabbed that out of your hand. Is it not your
2 responsibility to make that situation under control and take the time to properly
3 investigate, so that you, uh, you follow our policies and procedures, uh,
4 specifically, specifically 5-105 Code of Conduct that says "you shall at all times
5 take appropriate action within your jurisdiction to protect life and property,
6 preserve the peace, prevent crime, detect and arrest violators of the law, and to
7 enforce all federal, state and local laws and ordinances?"

8 A: Yes.

9
10 Q: So, is it your responsibility to make the time to read that?

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

21
22 Q: OK.

23 A: That's what they both wanted.

24
25 Q: Uh, you also mention in your supplement that you saw Mr. Penn back at the
26 residence later in the day. Could you explain that, please?

27 A: When we got done talking to Sergeant Lillard and Lynch, uh, Dan and I -- my
28 partner, McDonald -- we left. We proceeded to drive down Morgan Avenue
29 South from the precinct and Marvin Penn comes walking with two bags of
30 groceries in his hands. I jokingly look at Dan and I said look at this. I said here's
31 Marvin. He's walking back to the apartment. He's going back home again. And
32 the guy's got a smile on his face. I said can you believe that. I said...then I said,
33 you know, obviously, they're in love cause she said that, but he's going back
34 home. And I watch-, I watched as he came up the sidewalk to the front of the
35 apartment building, and he got in through the front door, and he disappeared out
36 of sight. So, at that time, I called Sergeant Lillard up. I said now that I have read
37 this OFP that you gave me at the precinct, do you want me to go and arrest him.
38 He said no. He said I will deal with that. He goes she doesn't want you or Dan
39 back there. Just let me deal with it. I'll go out there and deal with it. I'll go out
40 there and see. Good enough. Supervisor, he's got the right. So, at shift change
41 at four o'clock, I ran into Sergeant Lillard in the hallway. I said did you go out and
42 deal with it cause I checked to see if he called for another squad to out there or if
43 he was gonna deal with it. Nobody ever went back to that address during the
44 whole time I was there until four o'clock. Sergeant Lillard told me...he goes I've
45 been so busy, I haven't had time. Well, now, we know it's an active OFP, he or
46 somebody should've went back out there and arrested him, and it was not done.

1
2 Q: And that was at the end of your shift when you talked to...?

3 A: That was at the end of my shift.

4
5 Q: Did Sergeant Lillard tell you that Sergeant Peter would be following up on the
6 incident? Not as far as going out to see Ms. 13.82 but...

7 A: He told me that initially she came in to talk to him-

8
9 Q: Mm-hmm (indicating yes).

10 A: -and Sergeant Peter said he had to leave for the day-

11
12 Q: Right.

13 A: -but I did talk to Sergeant Peter the day after. We worked buyback together.

14
15 13.43
16
17
18
19
20
21
22
23
24
25
26

27 Q: Sure.

28 RS: Thanks.

29
30 [break/doors open and close - on audio from 38:18 to 41:04]

31
32 RS: Sergeant Walters, we discussed a couple of the questions that you asked
33 previously.

34 Q: Sure.

35
36 RS: And we'd like to make a statement about 'em.

37 Q: Please do.

38 A: Back on the, uh, Professional Code of Conduct.

39
40 Q: Mm-hmm (indicating yes).

41 A: You implied that, uh, I didn't take the time to read the OFP. As I insinuated,
42 though, at that time, yeah, my main job at that time was to deescalate the
43 situation. um, not only for my partner and my own safety, but for the, uh, Mr.

44 13.82 Um, my main objective at that point
45 was to defuse the situation by that meaning to deescalate their tempers, to get
46 'em under control. Uh, the only way that was gonna happen at this point was to

1 get somebody out of that building and that was male half. That's what she
2 requested. That's what I did. Uh, you've been prodding at me about not reading
3 this OFP. I'm gonna stick to my guns on this. As I'm leaving and walking him out
4 the front door, she's throwing clothes down on me. She's swearing at me. She's
5 swearing at my partner. She's swearing at her husband. Um, once you get
6 outside the secure door, I guess I could've knocked, try to get back in, but at that
7 point it's futile because she's...her temper is so out of control at this point
8 because he left with that laptop. That was his laptop. That to even to go back in
9 there, she's just gonna sit and swear and I would've had no attempt to even read
10 it. She was gonna... She went... As a matter of fact, I remember when I...when
11 she...when we walked outside, I could hear her slam her apartment door. She
12 went back in the apartment, so she was still mad, upset, but she was in there by
13 herself which would let her calm down and that was the best situation. That's
14 how it come for this.

15
16 Q: OK. Let me ask you. Um, prior to, uh... Was her demeanor towards you
17 different prior to the discovery of the laptop and you handing it or not... I'm not
18 alleging that you handed it to Mr. Penn. Um, was her demeanor towards you
19 different up to the point where Mr. Penn obtained a laptop? Did it change at that
20 point towards you as a police?

21 A: She was short with me the entire time I was there. She wouldn't really give
22 me the time of day, but it worsened as we were leaving the building.

23
24 Q: OK.

25 A: Um, obviously, she didn't want to have us there in the first place. It was my
26 perception because she... Number one, she didn't call. She was in such
27 disarray that there was a domestic or she's being threatened. Wouldn't you think
28 she would call 911? This argument had been going on -- like this witness or this
29 caller -- for ten minutes or so. She had every chance to call. I remember seeing
30 cellphones in the apartment. If she felt that she was being threatened, wouldn't
31 she have called 911? Most women do when they're being threatened, especially
32 in a domestic situation, but again this was not a domestic situation.

33
34 Q: And when you first arrived at the apartment, there was no indication that she
35 wasn't free to just leave the apartment to get away from the, uh, argument?

36 A: She was free to leave. I think they were both free to leave, but they want to
37 sit and bicker it out and try to... That was their nature at that time was to sit and
38 argue with each other.

39
40 Q: OK.

41 A: I don't even... I know for a fact nobody's being held hostage there against
42 their own will.

43
44 Q: That's what I was getting at. If she, uh, felt threatened, she could've left the
45 apartment to get away?

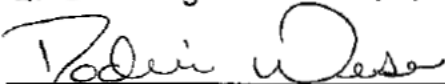
1 A: She could've left the apartment to get away. He could've left the apartment.
2 They...anyone of the two could've left the apartment.
3
4 Q: Very good. I think the only other question I have here for you is, uh, you said
5 you saw Mr. Penn walk up to the front of the building and disappear. That's a
6 secure apartment building. Is it not?
7 A: Yes.
8
9 Q: And so, someone had to have it let him in?
10 A: Somebody did let him in.
11
12 Q: Because he gave his keys over to her?
13 A: He left the keys there when we left the building. I told him to leave them
14 there. He left them on...there was a table in the living room. He left them on top
15 of the table. I witnessed that.
16
17 Q: OK. Very good. I have no further questions. Are there any facts concerning
18 this incident that you have knowledge of, but have not disclosed?
19 A: No.
20
21 Q: Is there anything else you would like to add to this statement that I have not
22 asked you concerning this incident?
23 A: No.
24
25 Q: Is this a true and accurate statement?
26 A: Yes, it is.
27
28 Q: PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT
29 TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE
30 OTHER THAN YOUR FEDERATION REP OR ATTORNEY.
31
32 Do you understand?
33 A: Yes.
34
35 Q: And for the record, could you identify your Federation Rep for me?
36 A: Sergeant Ron Stenerson.
37
38 Q: Thank you. Time is now 1458 and I'll stop the recording.
39
40
41 STATEMENT CONCLUDED AT 1458 HOURS
42
43
44 Q: The recorder is back on. Uh, just for the record, I'm still here with, uh,
45 Roderic Weber...Officer Weber and he's recalled something he'd like to add to
46 the record. Feel free.

1 A: Um, I was meeting with my Federation Representative, Sergeant Stenerson,
2 prior to this appointment on today's date and I told Sergeant Stenerson that
3 13.82 had made a comment to me when we were at that...uh, her
4 apartment regarding this OFP that she had. And clearly, as I stated before, I
5 never had a chance to read it, but she had made a comment about Sharon
6 Carpenter. That she had went to Sharon Carpenter or was going to go to Sharon
7 Carpenter. She made a comment she was trying to get the OFP dropped and
8 she had spoke to Sharon Carpenter about it. So, obviously, if this wasn't an
9 active OFP, uh, she didn't even want this thing in effect cause she said she had
10 mentioned something about Sharon Carpenter and wanting to go to her or having
11 went to her to get it dropped or dismissed. That she did not want an OFP.

12
13 Q: OK. Anything else?

14 A: At this time, no.

15
16 Q: OK. I'm gonna turn the recorder back off.

17
18 
19 Officer Roderic Weber

4/13/2015
Date

20
21
22
23 Witness

24
25
26 Job #: 22496
27
28

DATA PRACTICES ADVISORY


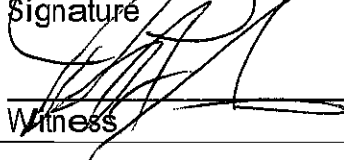
Internal Investigation Warning for Employees under Investigation (Tennessen Warning)

You are being questioned as part of an official internal investigation into a complaint of misconduct. The information you provide will be used in a fact-finding process, as part of the total evidence, to determine if misconduct occurred and for assessing whether disciplinary action should be taken. Any admissions that you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline. The information you supply may also be used in a grievance hearing, arbitration, or appeal procedure. The following individuals and entities may have access to the information you provide:

- The subject of the data, which includes you, but may include someone else.
- Employees and officials of the City of Minneapolis whose work assignments reasonably require access to the information.
- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis reasonably requiring access to the information.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

Failure to provide the information requested means that the internal investigation must be concluded based upon all evidence and testimony received by the investigator(s) without your statement.

I have read the above warning or have had it read to me.


Signature

Witness

3/25/2015 1400
Date/Time

3-25-15 1400
Date/Time