



Police Department

Timothy J. Dolan
Chief of Police

350 South 5th Street – Room 130
Minneapolis MN 55415-1389

Office 612 673-2853
TTY 612 673-2157

March 24, 2010

Civilian Review Authority
Samuel L. Reid
400 South Fourth Street – Suite 670
Minneapolis, MN 55404

RE: CRA Case Number #09-2649

Dear Mr. Reid:

An Administrative Review has been conducted into CRA Case #09-2649, which was a sustained case by CRA against Officer Christopher Bennett for violating MPD P/P 5-103 Use of Discretion and P/P 5-107(4) Procedural Code of Conduct.

Deputy Chief Gerlicher reviewed the case and determined that the allegations will be sustained at a "C" level and Officer Christopher Bennett will serve a 20 hour suspension without pay.

If you have any questions please feel free to contact me.

Sincerely,

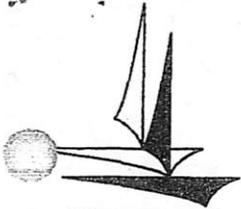
Timothy Dolan
Chief of Police

By: Scott Gerlicher
Deputy Chief



www.ci.minneapolis.mn.us
Affirmative Action Employer

C: Honorable Mayor R. T. Rybak
Minneapolis Police Federation
Inspector Gerold
Officer Christopher Bennett



Minneapolis
City of Lakes

Police Department

Timothy J. Dolan
Chief of Police

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Minneapolis MN 55415-1389

Office 612 673-2853
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March 24, 2010

Officer Christopher Bennett
Third Precinct
Minneapolis Police Department

RE: CRA Case Number #09-2649
Notice of Suspension (20 hours suspension without pay)

Officer Bennett,

The finding for CRA Case #09-2649 is as follows:

MPD P/P 5-103 Use of Discretion...SUSTAINED (Category C)
MPD P/P 5-107(4) Procedural Code of Conduct...SUSTAINED (Category C)

As discipline for this incident you are suspended for 20 hours without pay. This case will remain a "C" violation and will remain on file until 11/4/2013, which is from the date of incident. This case will remain in IAU files per the record retention guidelines mandated by State Law.

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

Sincerely,

Timothy J. Dolan
Chief of Police

By: Scott Gerlicher
Deputy Chief

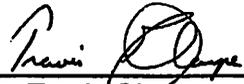


Page 2
Officer Christopher Bennett
Suspension Letter

I, Officer Christopher Bennett, acknowledge receipt of this
Notice of Suspension.



Officer Christopher Bennett 3-24-10
Date of Receipt



Lt. Travis Glampe 03-24-10
Date

TJD:mar
CC: Personnel
IAU
Inspector Gerold

MEMORANDUM

TO: Chief Tim Dolan
FROM: Deputy Chief Janeé Harteau
DATE: March 23, 2010
RE: Discipline Panel Determination IAU Case 09-2649

On December, 21 2009 at 1155 hours a discipline panel convened to review IAU Case 09-115. The panel consisted of Deputy Chief Rob Allen, Inspector Lucy Gerold and myself (chair). Also present at the panel hearing were the accused Officer Christopher Bennett, and Federation representative Robert Kroll. The following was testimonial information provided to the panel at this hearing.

Officer Bennett was given a chance to offer the panel any mitigating circumstances prior to issuing our final recommendation to Chief Dolan in this matter. Officer Bennett began by stating, "This has been a lot of confusion on my part." I was very confused with the location and didn't recall ever being there. Due to the incident address, he first believed it to be derived from downtown and he never has worked downtown. Officer Bennett also stated a lot of time had passed and the incident was about 8 months old.

Officer Bennett said he was asked and gave a statement to IA, "but was still at loss for words of how this could be me." IA investigators asked about his city cell. Officer Bennett didn't recall making the call, but once he saw his phone records, he believed it was his, but stated he still doesn't remember dialing. Officer Bennett said in the hearing, this was not a statement of denial, he just didn't remember. Officer Bennett further states when he was asked about a guy named [REDACTED], he doesn't know anyone that goes by that name. Officer Bennett says although he eventually figured out who the investigators were referring to, at the time of his statement it never made any sense to him.

After giving his statement, Officer Bennett didn't really think it was a "big deal." He further stated, "Although I made a phone call, obviously one that I probably shouldn't have made, otherwise I wouldn't have been down there (meaning IA). I never really thought about it since as I didn't think much of it until I heard this was coming down again and then I really started thinking about it." Officer Bennett said it didn't look good and he needed to figure out why or how this could have happened.

Officer Bennett said he began to conduct his own "mental investigation." He spoke to his wife about anyone named [REDACTED] they knew and eventually that is when his wife recalled asking him to help a frequent customer she had at Perkins where she worked. Officer Bennett then admitted to calling and leaving a message on [REDACTED] behalf and that is was a "poor decision" as he didn't really know [REDACTED]. Officer Bennett then began to justify his actions as he did leave

his name and phone number with the complainant. He said "It's not like I would do that from my city cell and then not recall it if I had. I don't know why I would lie about making this phone call, when I left my name and number." He stated he wasn't purposely trying to be misleading, he just didn't remember making the call. Officer Bennett stated if his phone records were checked this number wouldn't come up before or after that incident. He ended his testimony stating he regrets making the phone call and he did it more for his wife than Steve.

Federation Rep Robert Kroll then spoke and went into a lengthy commentary about what the Federation Reps advise members before giving statements such as "Don't be the slunk on the street that avoids the petty by committing a gross misdemeanor." He further added he can understand the sustaining of the two B violations for his conduct and discretion, but not the lying as this was not Officer Bennett's intention and "every cop on the street knows their phone records are kept." The panel's decision on this date was to defer a recommendation due to the seriousness of the charge of truthfulness, pending further investigation into Officer Bennett's phone records before and after this incident.

I immediately requested Lt. Glampe obtain phone records for a few months leading up to the event and after. Once they were received, both he and I reviewed them. With the information we have for [REDACTED]'s phone number, there is no record of Officer Bennett calling this number during this six month period. In looking at the file, however, the complainant only knew the cell phone number of [REDACTED] and not any other numbers. It is plausible that Bennett could have called him from another phone or at another number not known to us, but we wouldn't detect it based on what we know at this point.

Given the totality of the information, the panel recommends the following:

Recommendation:

[REDACTED]

MPD 5-1.03 Use of Discretion	C-Level	SUSTAINED
MPD 5-107 Sub4 Procedural Code of Conduct Civil	C-Level	SUSTAINED

The panel recommends sustaining both MPD Use of Direction and Procedural code of Conduct—Civil Matters as Officer Bennett eventually did admit to making the phone call which violates policy and was inappropriate.

The panel does not take the issue of truthfulness lightly as credibility and honesty is a needed attribute in our profession and lying is considered an egregious act under any circumstance. The panel in this case is recommending Not Sustaining the Complaint Investigation, Garrity Decision due to a lack of evidence, but does believe Officer Bennett was at a minimum, misleading in his IA statement and precinct panel for the following reasons:

1. Officer Bennett initially denied making the phone call simply due to the location, even though it was proven to come from his city cell phone.

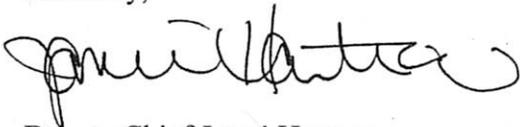
2. Officer Bennett continued denial of his involvement during his precinct panel even after seeing the transcript of the call, pointing blame to possibly another Bennett on the department, although he left his name and cell phone number on the message.
3. Officer Bennett often stated "he didn't recall" such as during his panel hearing, "Yeah, if I dialed it, I don't remember dialing it." A lack of recall is not a defense for action taken.
4. Officer Bennett was believed to be evasive in his responses in both his IA statement and panel hearing as also noted by Investigators and Inspector Gerold, the precinct panel chair.
5. Officer Bennett in his own words adamantly stated this was just a phone call and not a big deal, until he learned of the truthfulness violation.
6. Officer Bennett appears to be unable to admit wrong doing without dismissing or minimizing the issue first as was demonstrated throughout his testimony.

It is for these reasons, that the panel questions Officer Bennett's credibility of his statement, however, lack's sufficient evidence to support sustaining the charge of truthfulness.

[REDACTED]

Given the seriousness of the charges the panel recommends that a two day (20 hour) suspension without pay be imposed for this case.

Sincerely,



Deputy Chief Janeé Harteau
Patrol Bureau

MEMO TO: Deputy Chief Harteau

FROM: Inspector Lucy Gerold 

SUBJECT: CRA Case of Chris Bennett

DATE: October 26th, 2009

Officer Chris Bennett is alleged to have called the complainant, [REDACTED] on 11/04/08 on behalf of a friend, [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] were having a property dispute. Officer Bennett is alleged to have used his position as a police officer in this civil matter. Cell phone records show that Officer Bennett's city cell phone made a call at the time that [REDACTED] received the call and a transcription of the call reveals it is Officer Bennett. Officer Bennett was on duty at the time.

The panel of Lt. Art Knight, Lt. Rick Duncan and I support the sustained findings by CRA and would recommend discipline. However, because Officer Bennett questions how he could have made the call, says he doesn't remember and makes other statements of denial, the panel recommends that an additional allegation of Truthfulness be added. This was a Garrity Statement. Details for this recommendation are below. Since this is a D level allegation which can only be handled by Deputy Chief's, we are sending the case to you without a hearing so that it can be handled at your level.

Phone records of Officer Bennett's phone and the complainant, Ms. [REDACTED] phone, show a call was made and received on 11/04/08 at 0055 hours. A transcript of the phone message also shows that Officer Bennett made the call. In his statement Bennett says frequently he can't remember ie. whether he was working, whether he made the call, "no recollection of calling a Mr. or someone that knew Mr. [REDACTED] He says in answer to a question about making the call "Yeah, I don't remember his name." and the "his" Bennett is referring to is a friend of his, [REDACTED] In response to a question about calling the number of the complainant "Yeah if I dialed it I don't remember dialing it" though phone records show his cell phone made the call and he says no one else uses his cell phone.

When presented with the transcript of the call where the caller identifies himself as "Officer Bennett of the Minneapolis Police Department calling on behalf of [REDACTED]Or you're going to be summoned to court."; Bennett is asked if he recalls making that call. He says, "No, I mean it sounded pretty generic until you said "summons to court" and that's not something I usually say. I mean that is my phone number, so." He denies twice knowing [REDACTED]

Bennett says that initially he thought "it was another Bennett because there is one more Bennett who is canine.....but then you said that's my number - and I mean it is my number". He tries to imply that if this incident occurred it was for police reasons "I don't know if we ended up being flagged down or what it was. Um, I'm actually at a complete loss for words here." However there is no record of any call. He was actually on a 911 call with his partner [REDACTED] at [REDACTED] at the time of the cell phone call. Bennett also tries to play it as if this guy who he can't remember (his friend [REDACTED]) might have been someone from a police call who asked Bennett to make the cell phone call.

When Bennett is asked how he could have gotten the complainant's phone number when there are no calls for service where he could have been given the phone number, again he can't recall.

All of these statements and evasions lead us to recommend an additional allegation for Truthfulness.

CITY OF MINNEAPOLIS
CIVILIAN POLICE REVIEW AUTHORITY

In re Police Misconduct Investigation of :

Officer Christopher Bennett (Badge
#0413)

FINDINGS OF FACT AND
DETERMINATION
CRA File No: 09-2649

Jurisdictional Statement:

This Complaint of police misconduct was filed with the Minneapolis Civilian Police Review Authority on March 11, 2009. Complainant alleges that on November 4, 2008, Officer Bennett engaged in inappropriate conduct. This administrative agency has jurisdiction over the matter because the Complaint was timely filed, and the Complaint alleged incidents of police misconduct against a Minneapolis police officer.

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.100 (a), a properly convened Hearing Panel consisting of [REDACTED], panel chair, [REDACTED] and Justice [REDACTED] reviewed the investigative findings and recommendation on September 23, 2009. Neither the Complainant nor Officer attended the hearing.

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.100 (d), the Hearing Panel issues the Findings of Fact and Determination.

Findings of Fact:

1. The Complainant and an individual named [REDACTED] had a civil dispute over business transactions and property involved in the transactions.¹
2. The Complainant had received several voice messages from Mr. [REDACTED] on her cell phone attempting to meet with the Complainant. Mr. [REDACTED] discussed the civil dispute during these voice messages.²
3. One such voice message was received on Tuesday, November 4, 2008, at 12:47 AM (time approximate), stating that he was "here now" and asked her to "come down" in an effort to meet with him.³
4. The next voice message received by the Complainant's cell phone on November 4, 2008, at 12:55 AM (time approximate). The caller identified himself as Officer Bennett from the Minneapolis Police Department, calling on behalf of [REDACTED]. The caller said that [REDACTED] was outside her residence. The caller also said he understood that she had property belonging to [REDACTED] and [REDACTED]' had proof of

¹ Complainant's statement, Minneapolis Police Conduct Incident Report, CD-R disc containing voice message recordings from November 4, 2008

² Id

³ Id

ownership. He added that she could avoid future problems by answering the door and giving [REDACTED] his property. If she didn't, she would be summoned to court. The caller said she could call him back and he gave his phone number as [REDACTED]

5. The Complainant saved these and other voice messages and recorded them onto a CD-R disc, which she provided to CRA, along with a transcript and other details of the calls.⁵
6. The phone number given above by the caller is for a cell phone owned by the City of Minneapolis, issued to Officer Christopher Bennett.⁶
7. Subscriber Activity Detail for that cell phone provided by the City of Minneapolis shows a call was made from Officer Bennett's cell phone to the Complainant's cell phone on November 4, 2008, at 12:52 AM, lasting 2 minutes.⁷
8. Subscriber Activity Detail for that cell phone provided by the City of Minneapolis shows that a call was received by Officer Bennett's cell phone on November 4, 2008, at 12:47 AM; from phone number [REDACTED]. The report also showed a call from Officer Bennett's cell phone to that same number immediately following the call to the Complainant's cell phone. This call was made at 12:54 AM.⁸
9. The phone number given above ([REDACTED]) is assigned to a cell phone owned by Officer Bennett's wife.⁹
10. Subscriber Activity Detail for Officer Bennett's cell phone provided by the City of Minneapolis shows that there were a total of eleven (11) calls received from phone number [REDACTED] and four (4) calls made to phone number [REDACTED] from 3:35 PM on November 3, 2008 through 11:50 PM on November 4, 2008.¹⁰
11. The Complainant was not at her place of residence at the time the above referenced calls were received by her cell phone.¹¹
12. The Complainant's residence, at the time of this incident, was [REDACTED]. This address is located in the 1st Precinct.¹²
13. Officer Bennett was not assigned a call for service to [REDACTED] in the 1st Precinct at the date and time in question.¹³
14. There were no calls for service to [REDACTED] on the date and time in question.¹⁴

⁴ Id

⁵ Id, transcript of voice messages

⁶ Cellular Services Call Detail for [REDACTED] Officer Bennett's statement

⁷ Cellular Services Call Detail for [REDACTED]

⁸ Id

⁹ Officer Bennett's statement

¹⁰ Cellular Services Call Detail for [REDACTED]

¹¹ Complainant's statement

¹² Complainant's statement, Minneapolis Police Conduct Incident Report, MPD website, Precinct Finder

¹³ Minneapolis Police Department Daily Activity Report for Squad 311, dated 11/03/2008, Dogwatch, Officer Bennett's statement

¹⁴ Email messages from [REDACTED], MECC

15. Officer Bennett was on the 3rd Precinct duty roster, reportedly having worked the Dogwatch, beginning at 20:30 hours (8:30 PM) on November 3, 2008 and ending at 06:30 hours (6:30 AM) on November 4, 2008. ¹⁵
16. Lt. Dean Christiansen, 3rd Precinct, sent an email on January 29, 2009, stating that the Dogwatch shift officers had a party the evening of November 3, 2008 through the morning of November 4, 2008, so only three officers from that shift were working. He included an attachment with the above referenced duty roster and work hours, which listed Officer Bennett as one of those officers reported to be working. ¹⁶
17. Records from VisiNet Browser, "Locate Personnel Resources Units" provided by MECC show Officer Bennett logging into that system, for the first and only time, in squad 311 on November 4, 2008, at 03:26:04 (3:26 AM). It also shows his shift ending time on November 4, 2008 at 06:16:07 (6:16 AM). ¹⁷
18. Lt. Dean Christiansen, 3rd Precinct, provided CRA with a document entitled "Minneapolis Police Department – Daily Activity Report", dated November 3, 2008. This report is for Squad 311, listing the officers assigned as "Bennett", badge #0413, and [REDACTED] badge #2791. ¹⁸
19. In the above referenced Daily Activity Report, Officers Bennett and [REDACTED] were listed to be on a call or activity at [REDACTED] from 00:30 to 01:16. The associated CCN was listed as [REDACTED].
20. MECC Incident Detail Report [REDACTED] details the call referenced above. This was, in fact, a call for service in response to a 911 call regarding an unresponsive male in a wheelchair. Officers Bennett and Haspert were assigned to handle this call. ²⁰
21. Officer Bennett, while on a call for service, received a phone call from his wife, disconnected from that call, placed a call to the Complainant and left the voice message referenced in this case, and returned the call to his wife at the conclusion of his message to the Complainant. ²¹

Issues:

1. Was the Complainant at the time of this incident involved in a pending civil court action with a person named [REDACTED] over ownership of property in the possession of the Complainant?
2. On Tuesday, November 4, 2008, at about 12:47 AM, did [REDACTED] arrive at the Complainant's place of residence unannounced in an effort to retrieve said property? At that time, did [REDACTED] place a telephone call to and leave a

¹⁵ MPD 3rd Precinct Duty Assignment roster, shifts beginning Middlewatch and Dogwatch, November 3, 2008

¹⁶ Email with attachments from Lt. Dean Christiansen

¹⁷ "Locate Personnel Resources Units" provided by MECC

¹⁸ "Minneapolis Police Department – Daily Activity Report", dated November 3, 2008, for Squad 311

¹⁹ Id

²⁰ MECC Incident Detail Report [REDACTED]

²¹ MECC Incident Detail Report # [REDACTED] Cellular Services Call Detail for [REDACTED] 7, CD-R disc containing voice message recordings from Complainant's cellular phone from November 4, 2008, Complainant's statement, Officer Bennett's statement

voice message on the Complainant's cell phone trying to entice her to meet with him?

3. On Tuesday, November 4, 2008, at about 12:55 AM, did Officer Bennett place a telephone call from his city-owned cell phone to the Complainant's cell phone, identifying himself and stating he was an officer with the Minneapolis Police Department, for the purpose of rendering aid or assistance in a civil case?
4. Did Officer Bennett leave a voice message on the Complainant's cell phone attempting to persuade the Complainant to make contact with [REDACTED] who was outside her residence, and hand over personal property to him by saying she could avoid "further problems," including a summons to court?
5. During this telephone message, did Officer Bennett say that [REDACTED] had "proof, receipts, that those items are his"?
6. Did Officer Bennett attempt to use his position as a Minneapolis Police Officer to intimidate the Complainant and influence the outcome of a civil disagreement between the Complainant and [REDACTED]?
7. Was Officer Bennett on duty and did he respond to the Complainant's residence on a call for service? If not, where was he when he placed the call to the Complainant?
8. What is the relationship between Officer Bennett and [REDACTED]?
9. Is [REDACTED] a friend of Officer Bennett for whom Officer Bennett was doing a personal favor by contacting the Complainant in this civil matter?
10. How did Officer Bennett obtain the Complainant's cell phone number?
11. How did Officer Bennett communicate with [REDACTED] to obtain information that he (Tiongson) was outside the Complainant's residence, wanting to retrieve property from her?

Standard of Proof:

The Hearing Panel makes a determination as to whether to Sustain or Not Sustain the allegations of police misconduct.²² Sustain complaints are determined by a preponderance of the evidence presented.²³

Summary

Allegation I: Inappropriate Conduct

The hearing panel incorporates the entirety of the investigator's discussion of the allegation.

Officer Bennett – The Hearing Panel determination is that the allegation of a inappropriate conduct be SUSTAINED.

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.130, the Hearing Panel forwards this Determination to the Chief of the Minneapolis Police Department

²² MINNEAPOLIS, MINN., FIRE AND POLICE PROTECTION CODE TITLE 9, § 172.100(d).

²³ *Id.* § 172.110.



who shall make a disciplinary decision based on the investigative file, Hearing Panel's findings of fact and determination.

**CITY OF MINNEAPOLIS
CIVILIAN POLICE REVIEW AUTHORITY**

Note: This document is included in the investigative file for the sole benefit of the hearing panel.

In re Police Misconduct Investigation of :

Officer Christopher Bennett (Badge #0413)

**WRITTEN SUMMARY OF
INVESTIGATIVE
FINDINGS OF FACT AND
RECOMMENDATION**
CRA File No: 09-2649

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.10, the Minneapolis Civilian Police Review Authority (CRA) has the authority to adjudicate citizen complaints alleging misconduct against members of the Minneapolis Police Department (MPD) as provided by that chapter. This complaint was timely filed in the proper form as required by §§ 172.70 and 172.160, and the complaint has been referred to a panel of the board for hearing as provided by § 172.100.

I. SUMMARY OF COMPLAINT ALLEGATIONS

In a complaint filed with the Minneapolis Civilian Police Review Authority, Complainant alleged the following:

Inappropriate Conduct - The Complainant alleges that Officer Bennett engaged in inappropriate conduct by rendering aid or assistance in a civil case when he telephoned the Complainant and left a voice message urging the Complainant to open her door and hand property that was subject to a civil action pending in court over to the other party in said civil action. This action was taken at a time when there was no immediate breach of the peace and no existing disturbance.

II. ISSUE(S)

1. Was the Complainant at the time of this incident involved in a pending civil court action with a person named [REDACTED] over ownership of property in the possession of the Complainant?
2. On Tuesday, November 4, 2008, at about 12:47 AM, did [REDACTED] arrive at the Complainant's place of residence unannounced in an effort to retrieve said property? At that time, did [REDACTED] place a telephone call to and leave a voice message on the Complainant's cell phone trying to entice her to meet with him?
3. On Tuesday, November 4, 2008, at about 12:55 AM, did Officer Bennett place a telephone call from his city-owned cell phone to the Complainant's cell phone, identifying himself and stating he was an officer with the Minneapolis Police Department, for the purpose of rendering aid or assistance in a civil case?

4. Did Officer Bennett leave a voice message on the Complainant's cell phone attempting to persuade the Complainant to make contact with [REDACTED] who was outside her residence, and hand over personal property to him by saying she could avoid "further problems," including a summons to court?
5. During this telephone message, did Officer Bennett say that [REDACTED] had "proof, receipts, that those items are his"?
6. Did Officer Bennett attempt to use his position as a Minneapolis Police Officer to intimidate the Complainant and influence the outcome of a civil disagreement between the Complainant and [REDACTED]?
7. Was Officer Bennett on duty and did he respond to the Complainant's residence on a call for service? If not, where was he when he placed the call to the Complainant?
8. What is the relationship between Officer Bennett and [REDACTED]?
9. Is [REDACTED] friend of Officer Bennett for whom Officer Bennett was doing a personal favor by contacting the Complainant in this civil matter?
10. How did Officer Bennett obtain the Complainant's cell phone number?
11. How did Officer Bennett communicate with Steve Tiongson to obtain information that he (Tiongson) was outside the Complainant's residence, wanting to retrieve property from her?

III. SUMMARY OF EVIDENCE

A. Statements

1. Complainant [REDACTED]
2. Officer Christopher Bennett

B. Records

1. Minneapolis Police Conduct Incident Report completed by Complainant
2. Cellular Services Call Detail for [REDACTED]
3. "Locate Personnel Resources Unit" Duty Roster for November 4, 2008
4. MPD 3rd Precinct Duty Assignment roster, shifts beginning Middlewatch and Dogwatch, November 3, 2008.
5. Minneapolis Police Department Daily Activity Report for Squad 311, dated 11/03/2008, Dogwatch.
6. Email with attachments from Lt. Dean Christiansen.
7. Email messages with attachments from [REDACTED], MECC
8. "Locate Personnel Resources Units" provided by MECC
9. MECC Incident Detail Report # [REDACTED]
10. Garrity Warning from Chief Dolan to Officer Bennett, created 05/01/2009, signed by Officer Bennett and dated 05/22/2009, faxed 05/21/2009 (dates are listed correctly).
11. Garrity Warning from Chief Dolan to Officer Bennett, created 05/01/2009, signed by Officer Bennett and dated 05/27/2009, faxed 06/03/2009.
12. Garrity Warning from Chief Dolan to Officer Bennett, created 05/20/2009, signed by Officer Bennett and dated 05/27/2009, faxed 06/03/2009.

C. Physical evidence (if applicable)

1. CD-R disc containing voice message recordings from Complainant's cellular phone from November 4, 2008, et al.
2. Transcripts of voice messages recorded on the above CD-R disc.
3. Micro-cassette tape containing voice message recording from Case Investigator's office telephone received March 19, 2009

D. Photographs (if applicable)

1. Six-pack of black and white photos of MPD Officers, including Officer Bennett

IV. INVESTIGATIVE RECOMMENDED FINDINGS OF FACT

Based on a review of the evidence gathered by the CRA investigation, the complaint investigator finds the material facts regarding this complaint to be:

1. The Complainant and an individual named [REDACTED] had a civil dispute over business transactions and property involved in the transactions.¹
2. The Complainant had received several voice messages from Mr. [REDACTED] on her cell phone attempting to meet with the Complainant. Mr. [REDACTED] discussed the civil dispute during these voice messages.²
3. One such voice message was received on Tuesday, November 4, 2008, at 12:47 AM (time approximate), stating that he was "here now" and asked her to "come down" in an effort to meet with him.³
4. The next voice message received by the Complainant's cell phone on November 4, 2008, at 12:55 AM (time approximate). The caller identified himself as Officer Bennett from the Minneapolis Police Department, calling on behalf of [REDACTED]. The caller said that [REDACTED] was outside her residence. The caller also said he understood that she had property belonging to [REDACTED] and [REDACTED] had proof of ownership. He added that she could avoid future problems by answering the door and giving [REDACTED] his property. If she didn't, she would be summoned to court. The caller said she could call him back and he gave his phone number as "[REDACTED]".⁴
5. The Complainant saved these and other voice messages and recorded them onto a CD-R disc, which she provided to CRA, along with a transcript and other details of the calls.⁵
6. The phone number given above by the caller is for a cell phone owned by the City of Minneapolis, issued to Officer Christopher Bennett.⁶
7. Subscriber Activity Detail for that cell phone provided by the City of Minneapolis shows a call was made from Officer Bennett's cell phone to the Complainant's cell phone on November 4, 2008, at 12:52 AM, lasting 2 minutes.⁷
8. Subscriber Activity Detail for that cell phone provided by the City of Minneapolis shows that a call was received by Officer Bennett's cell phone on November 4, 2008, at 12:47

¹ Complainant's statement, Minneapolis Police Conduct Incident Report, CD-R disc containing voice message recordings from November 4, 2008

² Id

³ Id

⁴ Id

⁵ Id, transcript of voice messages

⁶ Cellular Services Call Detail for [REDACTED] Officer Bennett's statement

⁷ Cellular Services Call Detail for [REDACTED]

- AM, from phone number [REDACTED]. The report also showed a call from Officer Bennett's cell phone to that same number immediately following the call to the Complainant's cell phone. This call was made at 12:54 AM.⁸
9. The phone number given above ([REDACTED]) is assigned to a cell phone owned by Officer Bennett's wife.⁹
 10. Subscriber Activity Detail for Officer Bennett's cell phone provided by the City of Minneapolis shows that there were a total of eleven (11) calls received from phone number [REDACTED] and four (4) calls made to phone number [REDACTED] from 3:35 PM on November 3, 2008 through 11:50 PM on November 4, 2008.¹⁰
 11. The Complainant was not at her place of residence at the time the above referenced calls were received by her cell phone.¹¹
 12. The Complainant's residence, at the time of this incident, was [REDACTED]. This address is located in the 1st Precinct.¹²
 13. Officer Bennett was not assigned a call for service to [REDACTED] in the 1st Precinct at the date and time in question.¹³
 14. There were no calls for service to [REDACTED] on the date and time in question.¹⁴
 15. Officer Bennett was on the 3rd Precinct duty roster, reportedly having worked the Dogwatch, beginning at 20:30 hours (8:30 PM) on November 3, 2008 and ending at 06:30 hours (6:30 AM) on November 4, 2008.¹⁵
 16. Lt. Dean Christiansen, 3rd Precinct, sent an email on January 29, 2009, stating that the Dogwatch shift officers had a party the evening of November 3, 2008 through the morning of November 4, 2008, so only three officers from that shift were working. He included an attachment with the above referenced duty roster and work hours, which listed Officer Bennett as one of those officers reported to be working.¹⁶
 17. Records from VisiNet Browser, "Locate Personnel Resources Units" provided by MECC show Officer Bennett logging into that system, for the first and only time, in squad 311 on November 4, 2008, at 03:26:04 (3:26 AM). It also shows his shift ending time on November 4, 2008 at 06:16:07 (6:16 AM).¹⁷
 18. Lt. Dean Christiansen, 3rd Precinct, provided CRA with a document entitled "Minneapolis Police Department – Daily Activity Report", dated November 3, 2008. This report is for Squad 311, listing the officers assigned as "Bennett", badge #0413, and [REDACTED] badge #2791.¹⁸
 19. In the above referenced Daily Activity Report, Officers Bennett and Haspert were listed to be on a call or activity at [REDACTED] from 00:30 to 01:16. The associated CCN was listed as [REDACTED].

⁸ Id

⁹ Officer Bennett's statement

¹⁰ Cellular Services Call Detail for [REDACTED]

¹¹ Complainant's statement

¹² Complainant's statement, Minneapolis Police Conduct Incident Report, MPD website, Precinct Finder

¹³ Minneapolis Police Department Daily Activity Report for Squad 311, dated 11/03/2008, Dogwatch, Officer Bennett's statement

¹⁴ Email messages from Penny Hicks, MECC

¹⁵ MPD 3rd Precinct Duty Assignment roster, shifts beginning Middlwatch and Dogwatch, November 3, 2008

¹⁶ Email with attachments from Lt. Dean Christiansen

¹⁷ "Locate Personnel Resources Units" provided by MECC

¹⁸ "Minneapolis Police Department – Daily Activity Report", dated November 3, 2008, for Squad 311

¹⁹ Id

20. MECC Incident Detail Report # [REDACTED] details the call referenced above. This was, in fact, a call for service in response to a 911 call regarding an unresponsive male in a wheelchair. Officers Bennett and [REDACTED] were assigned to handle this call.²⁰
21. Officer Bennett, while on a call for service, received a phone call from his wife, disconnected from that call, placed a call to the Complainant and left the voice message referenced in this case, and returned the call to his wife at the conclusion of his message to the Complainant.²¹

V. INVESTIGATIVE ASSESSMENT OF CREDIBILITY

A. The Complainant, [REDACTED]

I first received this case for investigation on January 27, 2009, when I received from MPD IAU a handwritten complaint form from the Complainant. Included with this document was a CD-R disc with several recordings and a transcript of those recordings. These recordings were messages reportedly recorded from the Complainant's cell phone messaging center. My first impression was that the Complainant was well organized in her approach to this complaint and that she was very concerned that an officer from MPD would intervene in a civil matter in which there was no potential for a violent conflict. She was also concerned because the party with whom she was involved in the civil matter had "bragged" to her that he knew an officer from MPD who does favors for him. The Complainant perceived that the phone call from Officer Bennett was meant to intimidate her and to coerce her to cooperate with the other party.²²

When I interviewed the Complainant, she was persuasive and credible. She explained the business relationship between [REDACTED] and her, as well as the issue regarding the disputed property that is the subject of their civil dispute. She reiterated that [REDACTED] had told her previous to this incident that he knew an officer with MPD who did favors for him and she feared that this call was from that officer.²³

According to the Complainant, she was not at her home when the calls were received. She was, however, on her way home. She happened to be driving a different automobile that night and was able to drive by her apartment building without being recognized by [REDACTED]. She said she saw him and two other men whom she did not recognize standing outside in front of the apartment. There were no squad cars present at that time. The Complainant said she was concerned about the call because she didn't believe that officers should be involved in civil matters of this kind and, at first, she did not believe that the caller was, in fact, a police officer. She also said she felt intimidated and threatened by the phone call.²⁴

²⁰ MECC Incident Detail Report [REDACTED]

²¹ MECC Incident Detail Report [REDACTED], Cellular Services Call Detail for [REDACTED], CD-R disc containing voice message recordings from Complainant's cellular phone from November 4, 2008, Complainant's statement, Officer Bennett's statement

²² Minneapolis Police Conduct Incident Report

²³ Complainant's statement

²⁴ Id

B. Officer Christopher Bennett

During my investigation, I had several roadblocks in my effort to interview Officer Bennett and question him about the allegations made by the Complainant. The first contact I had from Officer Bennett was receiving a telephonic voice message from him on March 19, 2009, after he received the Notice of Complaint. I had not yet sent a request for a Garrity Warning. In the message, he expressed confusion, saying that he did not recall responding to a call at the Complainant's address. I recorded this message on a microcassette tape for possible future comparison since Officer Bennett's voice might become an issue.

On April 24, 2009, I sent a fax to IAU requesting that a Garrity Warning be given to Officer Bennett. On May 8, 2009, I sent an email to Lt. Piontek, IAU, informing her that I had not yet heard from Officer Bennett in response to the Garrity Warning Request. On May 20, 2009, I received a follow up email from Lt. Piontek. Included in this email were copies of the first Garrity Warning issued to Officer Bennett on May 1, 2009, and a second Garrity Warning sent on May 20, 2009 along with coaching documents to be included in his personnel file. The second warning gave Officer Bennett a deadline of May 26, 2009, by which he needed to contact me and arrange an interview (copies of this email and attached documents are included in this file).

On an unknown date, Officer Bennett called me and scheduled an appointment for June 1, 2009, at 10:30 AM, during which time he was to provide a statement in this matter. Officer Bennett, however, failed to appear for that appointment and he also failed to call me to reschedule. I sent Lt. Piontek another email informing her of this development. I also notified CRA Mgr. Reid.

I heard nothing from Officer Bennett until Friday, June 12, 2009, when I received a telephone call from the officer. During the conversation, he acknowledged missing the previously scheduled meeting. We rescheduled the date for his interview/statement for Tuesday, June 16, 2009, at 5:00 PM. Officer Bennett did appear at that time and he gave his statement.

During his statement, Officer Bennett stated that he did have a department-issued cell phone, number [REDACTED] that it was assigned to him on November 4, 2008, and he had never loaned it to anyone.²⁵

When I asked Officer Bennett if, on that date, he used that cell phone to place a call to the Complainant on behalf of Mr. [REDACTED] he replied, *"Uh, I don't even remember if I was working that day."*²⁶ The rest of his statement followed this same theme; *"I don't remember."* Officer Bennett was not at all convincing in the answers he gave to questions posed to him during this statement. Officer Bennett had been previously informed of the complaint allegations via the Notice of Complaint and he had ample time prior to this interview to research his work schedule and Daily Activity Report for the date in question, especially if he truly did not have any knowledge or recall about the alleged incident. A reasonable officer would have been prepared for an interview of this nature.

I explained to Officer Bennett the background for the allegations. In response, Officer Bennett stated, *"Okay. Yeah, I don't remember his name. I mean, if I did make a phone call I guess I..."*

²⁵ Officer Bennett's statement

²⁶ Id

*I don't understand, or I don't know what the allegations are of what I may have said or did. But I mean these calls are very common. You know, people want to pick up stuff or come to get stuff. We're there regarding maybe a domestic and they want to take stuff, you know, that kind of a deal."*²⁷

I showed Officer Bennett the Subscriber Activity Detail records and asked him to explain the call to the Complainant's phone. He said, "Okay. Yeah if I dialed that I don't remember dialing it... That number I do not, I mean, I do not have that number in my phone so someone must have gave it to me to dial that evening."²⁸

The other number in question, [REDACTED] he said belongs to his wife's cell phone. He added, "Yeah she calls me about ten times a night. I'm sure you noticed that." I questioned the timing of the call from and to his wife around his call to the Complainant and he said, "Unless she knows someone named [REDACTED] and, or, maybe I was talking to her and got interrupted by whatever this was and then called her back. I mean, I -."²⁹

Officer Bennett also tried to explain this by saying maybe he and his partner had gotten "flagged down" by someone and he was asked to call the Complainant. However, during his statement, he said he was never at or near the Complainant's address.³⁰ Officer Bennett's Daily Activity Report also shows that, at the time the call to the Complainant's phone was made, Officer Bennett and his partner, Officer [REDACTED] were on a call at [REDACTED], 3.7 miles away.³¹

VI. STANDARD OF PROOF

The standard of proof necessary to sustain a complaint under Chapter 172 is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision. (§ 172.110.)

VII. INVESTIGATIVE ANALYSIS AND RECOMMENDATION

The argument that Officer Bennett was flagged down by Mr. [REDACTED] is not credible or possible. Officer Bennett and his partner were on a call 3.7 miles away from the Complainant's address when Mr. [REDACTED] called the Complainant and left a message on her phone saying he was right outside her residence, wanting to meet with her. Moments later, Officer Bennett received a call from his wife's cell phone. Upon termination of the call from his wife's cell phone, Officer Bennett placed the call to the Complainant's phone and left the referenced message regarding Mr. [REDACTED] presence at her residence. Upon termination of the call to the Complainant's phone, Officer Bennett called back to his wife's cell phone. Officers Bennett and [REDACTED] had yet to complete the call they were on at [REDACTED]. According to directions between the two locations in question obtained from Bing.com, driving time from Officer Bennett's location to the Complainant's address is seven (7) minutes. Based upon the evidence, the logical conclusion is that Officer Bennett obtained the

²⁷ Id

²⁸ Id

²⁹ Id

³⁰ Id

³¹ Minneapolis Police Department Daily Activity Report for Squad 311, dated 11/03/2008, Dogwatch

Complainant's phone number and information about Mr. [REDACTED] presence at the Complainant's residence through the phone call from his wife's cell phone while he was still on the call at 915 20th Ave S. Upon conclusion of the phone call to the Complainant's cell phone, Officer Bennett called back to his wife's cell phone to relay that the message was delivered.

The MPD Policy and Procedure Manual provides direction to its officers for several areas of concern brought forth in this investigation:

5-102 CODE OF ETHICS (08/01/91)

All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. Employees shall abide by the City's Ethics in Government Policy, Chapter 15. (05/23/07)

5-107 PROCEDURAL CODE OF CONDUCT

4. Officers shall not render aid or assistance in civil cases except to prevent an immediate breach of the peace or to quell an existing disturbance. Officers may inform any citizen of the steps necessary to institute a civil suit or advise citizens on protecting their rights.

5-102.01 MINNESOTA LAW ENFORCEMENT CODE OF ETHICS (08/01/91)

MINNESOTA LAW ENFORCEMENT CODE OF ETHICS:

"As a Minnesota Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both by personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly

strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement."

5-103 USE OF DISCRETION

The police profession is one that requires officers to use considerable judgment and discretion in the performance of their daily duties. Officers have a large body of knowledge from Department policies and procedures, training, their own professional police experience and the experiences of their fellow officers to guide them in exercising proper judgment and discretion in situations not specifically addressed by Department rules and regulations. In addition, officers must always adhere to the following principles in the course of their employment with the Minneapolis Police Department:

POLICE ACTION - LEGALLY JUSTIFIED: *Officers must act within the limits of their authority as defined by law and judicial interpretation, thereby ensuring that the constitutional rights of individuals and the public are protected.*

EQUALITY OF ENFORCEMENT: *Officers shall provide fair and impartial law enforcement to all citizens.*

LOYALTY: *Officers shall be faithful to their oath of office, strive to uphold the principles of professional police service, and advance the mission of the Department.*

5-106 ON-DUTY CODE OF CONDUCT

3. Employees shall remain alert, observant, and occupied with police business during their tour of duty. When on duty, employees shall devote their entire attention to the business of the Department. It is a violation of this order for employees to conduct personal or private business while on duty or for officers to engage in policing for private interests while on duty.

The actions of Officer Bennett raised questions about his ethics and professionalism. Clearly, the Complainant questioned his ethics simply for making a telephone call to her and leaving the sort of message he did. This type of behavior can certainly "tarnish the reputation" of the MPD. The manual clearly states that officers shall not become involved in civil disputes except "*to prevent an immediate breach of the peace or to quell an existing disturbance*".³² In this case, there was no immediate need to become involved. Officer Bennett wasn't even on scene to evaluate whether or not intervention was necessary or proper.

The relationship between Mr. [REDACTED] and Officer Bennett was not disclosed or discovered during this investigation. The evidence, however, implies some sort of partisan interest and/or mutual acquaintance between them. The Minnesota Law Enforcement Code of Ethics states, in part, "*I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decision.*" Officers are also required to provide fair and impartial law enforcement to all citizens.

³² MPD Policy and Procedure Manual, 5-107 PROCEDURAL CODE OF CONDUCT, subsection 4.

The manual also states, "*It is a violation of this order for employees to conduct personal or private business while on duty or for officers to engage in policing for private interests while on duty.*"³³ The call directed to the Complainant can not be explained in any manner except that it was for private interest. There were no calls to MPD for service to the Complainant's address. Mr. [REDACTED] made no official request for assistance from the MPD. Officer Bennett was clearly in another part of the City of Minneapolis on a call for service not involving either party to this matter, and the phone call just prior to and immediately after Officer Bennett called the Complainant's phone came admittedly from his wife's cell phone.

The evidence in this case shows that Officer Bennett violated several provisions of the MPD Policy and Procedure Manual in this matter. I recommend sustaining the allegation.

It was established that the call to the Complainant was made during a time when Officer Bennett was on a separate call for service that had nothing to do with either the Complainant or Mr. [REDACTED] taking the calls from his wife and making the call to the Complainant interrupted Officer Bennett from the "business of the Department." The sheer number of calls from his wife during his work hours must also be a distraction from his duties. Although this matter is not a subject of the allegations, it is an area of concern that should be pointed out as a result of this investigation.

Pursuant to the Civilian Police Review Authority Ordinance, the investigator presents the Investigative Findings of Fact and Recommendation to a hearing panel.

Date: 07/21/2009

[REDACTED]
Investigator

Concurred by _____

Date: _____

CRA Manager

³³ MPD Policy and Procedure Manual, 5-106 ON-DUTY CODE OF CONDUCT

REC'D MAR 11 2009

COMPLAINT

CITY OF MINNEAPOLIS
CIVILIAN POLICE REVIEW AUTHORITY
301 4TH AVENUE SOUTH, ROOM 670
MINNEAPOLIS, MN 55415-1019
(612)673-5500

CASE NUMBER 09-2649
DATE REPORTED 01/21/09
TIME REPORTED

Type of Incident Inappropriate Conduct Code 7 Primary 7

Location Where Occurred [REDACTED] Pct. 1 Ward 7 Date Occurred 11/4/08 Day of Week TUE Time Occurred 00:55

Code CV Name [REDACTED] Age [REDACTED] DOB [REDACTED] Gender F Race W

Address [REDACTED] City/State/Zip [REDACTED] Home Phone [REDACTED] Business Phone

Charged Officer 1 - Name and Badge No. Christopher Bennett 0413 Race W Gender M Rank/Assignment Officer/Pct 3 Off-Duty

Allegations

The Complainant alleges that Officer Christopher Bennett engaged in inappropriate conduct by Officer Bennett rendering aid or assistance in a civil case when he telephoned the Complainant and left a voice message urging the Complainant to open her door and hand over property that was subject to a civil action pending in court to the other party in said civil action.

This action was taken at a time when there was no immediate breach of the peace and no existing disturbance.

I hereby certify that to the best of my knowledge, and under penalty of perjury, the statements made herein are true.

[REDACTED Signature] _____
Complainant's Signature

3/3/09

Date

[REDACTED Signature] _____
Investigator's Signature

2/13/09

Date

STATEMENT OF [REDACTED]

PLACE: Minneapolis Civilian Police Review Authority Offices

DATE: April 14, 2009

TIME: 1:51 PM

CASE NO: 09-2649

INVESTIGATOR: [REDACTED]

REC'D MAY 21 2009

QUES: Please state your full name, and spell your last name.

ANS: [REDACTED]

QUES: What is your address?

ANS: [REDACTED] oh actually, no wait, what was I thinking, sorry - [REDACTED] SB

QUES: What is your phone number?

ANS: [REDACTED]

QUES: What is your age and date of birth?

ANS: [REDACTED]

QUES: Alright, we're here to talk about, um, a situation that you reported occurred on November 4th, 2008 at approximately 12:55 AM - is that correct?

ANS: Yes.

QUES: And can you explain where you were at that specific time?

ANS: On that specific time I was working at the office on some of my music projects.

QUES: Okay, and did you receive some phone calls or messages on your cell phone at that time?

ANS: Yes, I did.

QUES: Can you tell me just briefly about what happened that night?

ANS: Um, very briefly, I was working at the office doing some music stuff and, um, I was, I had been in, I guess, cahoots with another gentleman by the name of [REDACTED] with [REDACTED] and, long story short, he had given me his equipment and he had my videos and so we were going to do an even exchange - even swap - and then he decided that he didn't want to give me my videos, and he wanted to just get his equipment back. And he had shown up at my apartment without my permission, and, um, I found out later on that he had hung out outside of my apartment building, and I had gotten, um, a bunch of phone calls and whatever else. He was drunk and basically stating that he was at my apartment and, you know, whichever. SB

With three or two other gentlemen

SB And then I got a phone call shortly after from the police officer that addressed himself as... I can't remember his name now. Officer Bennett I believe? And he basically stated, "I have a message," or whatever - basically stated that I needed to open the door and give him his stuff. It was his recommendation, and, yeah. I just, yeah, it was completely inappropriate, you know, timing, and like, that he would even be involved in a civil matter. I thought that was kind of funny. Strange SB

And then I waited in my car outside the office. First of all, I was hoping that they would go away - I didn't want to deal with it in that sort of manner; I wanted to come to an arrangement where I could be with someone and figure out the exchanging of the equipment and the videos and go from there, 'cause this is kind of a surprise that he would just be showing up to my houses to retrieve, um, the exchange but then not give me my stuff back. But I drove past, I drove past the m. SB SB SB

house and I can't remember if this was before or after or during when I got the message, I can't remember, but I had drove by my apartment and I saw two men standing at the corner at each end of my apartment and it seemed like they were guarding the doors.

And then I had [REDACTED] across the street, pacing back and forth, on his cell phone. Now at this time, 10/10/08, is when I got into a big car accident and I did not have my vehicle, the normal vehicle that I drive, so I was driving my parent's vehicle. And then I drove past there, I saw Steve – he didn't notice it was me because I was, well, in a different vehicle but anyway – I drove past and then I hung out at [REDACTED], which is the office, for the rest of the evening.

QUES: Okay. Um, the other, the other people – the two individuals that you saw there – did you recognize them or know who they were?

ANS: No, I had not seen them before.

QUES: With regards to Officer Bennett, had you ever met him before?

ANS: No. I did hear, however, that [REDACTED] did know somebody that worked in, you know, the police department, and he helped him out and all this stuff like that so I did hear that before, and so it finally clicked to me, you know, after this situation had occurred: "Oh my God, that could be that guy that he was talking about – that friend that he was talking about." But I was not sure.

QUES: Okay. Had you ever given him your cell phone number?

ANS: Um.

QUES: Officer Bennett. Had you ever given him your cell numbers?

ANS: No. No.

QUES: Now you recorded these messages, is that correct?

ANS: Yes, I did.

QUES: You took them off of your cell phone, and recorded them?

ANS: Yes.

QUES: And I have a disc that was provided to our office by the Internal Affairs unit and that would be a copy of those phone calls, is that correct?

ANS: I believe so, I mean, I can give you a double copy just in case.

QUES: Okay. Um, is that what you provided originally when you wrote the report?

ANS: I believe so, yes.

QUES: Alright. Um, now the purpose of the phone call from Officer Bennett to you was what? To solicit your cooperation with [REDACTED]

ANS: To, um, that's what I believe, I guess.

QUES: Okay. Now when you drove by and you saw [REDACTED] outside, this was within a short period of time after receiving the phone message from Officer Bennett?

ANS: You know, to be honest with you I'm a little hazy at this moment; I don't know exactly how it was completely. I think that I got the messages from [REDACTED] and I went driving past my house, and

then I got another message from [REDACTED] saying that he was at my house, and then I got the message from Officer Bennett. I think that – I think that's how it went. I don't know though. On the messages, though, it will have the date and time for when the messages were left so it will be more clear.

QUES: Okay. And, um, when you drove by there, did you see a squad car in front of your apartment?
ANS: Not to my knowledge.

QUES: And the location of this occurred at – what was the address where you were living at the time?
ANS: Mm, my old address, which was [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

QUES: Now was that phone call the only voice message or phone call that you had received from Officer Bennett, when he first identified himself as Officer Bennett?
ANS: Yes; to my knowledge, yes.

QUES: And, um, what was your reaction to the message from Officer Bennett? What was your reaction to receiving that phone call?

ANS: Well, I knew immediately that police officers are not supposed to be involved in such civil matters in any regards, um, so, for him to call me it was very strange. I actually did not believe that it was a police officer because, you know, again – that's unprofessional and that's not what a police officer does. And I was very appalled at the time that he was calling me as well – as it's 1 o'clock in the morning and I don't think the police should be calling, you know? And another thing is, too, there have been things of more of an emergency stature that I have either seen or been involved in myself, you know, and police in the area usually don't get called down to something like that so it kind of made me question, a little bit, how he would be calling me. ~~He just seemed~~ he just seemed on the message, comfortable pronouncing his name and kind of the situation that was going on so it was almost as though he was closer to [REDACTED] than just a regular police officer, you know? And I don't think he would have gone into such detail, you know what I mean?

QUES: Mmhmm (Yes).

ANS: Had he not known more about the situation. So I just kind of felt as if, like, you know, I said later on – it clicked to me that, oh, he was talking about that he knew a police officer that helped him out, you know, and it clicked to me that oh man, this could potentially be the person that he does know, you know? That he was talking about previously, when I first met [REDACTED] So yeah, I was appalled.

QUES: Did you feel intimidated or threatened?

ANS: Oh yeah! Oh, absolutely, because the police officer is telling you to open your door or at least he "recommends" that. It was almost as if somebody had been standing outside the apartment and was giving me an ultimatum, almost. I know he didn't specifically state, "This is an ultimatum," but I did feel that way. I did feel intimidated, you know, and I'm sure Mr. Bennett is a wonderful police officer normally, or whichever – I'm not sure though – but it was just very, it was intimidating. You know, the first time I drove by my place, because I didn't know who was going to be there.

QUES: Um, I have a copy of the subscriber activity detail of Officer Bennett's cell phone that is issued by the city. Um, I've got some numbers highlighted -- I want you to take a look at those numbers, tell me if you recognize any of those numbers.

ANS: Okay./

QUES: And if not, look at the other numbers that may not be highlighted and tell me if you recognize any numbers there. I have two copies; they're both identical as far as the phone list. I just got --

ANS: Different numbers highlighted?

QUES: Yeah, different numbers highlighted.

ANS: Okay. Now, I don't see my cell phone on this one.

QUES: Is that your number there?

ANS: Oh, just kidding! Just kidding, ha ha, I see it.

QUES: Well, your number is listed there and that basically coincides with the time that it was placed -- does that coincide with the time that you received it?

ANS: Yeah, about the time, yeah. Um, yes, and no, here's the thing -- [REDACTED] cell phone number is a [REDACTED] number. However, Steve has oftentimes called me from a different area code -- a [REDACTED] area code -- so I'm not sure. I do see some 763 area codes, but I'm not sure if that's the phone number that [REDACTED] had also called me from.

QUES: Okay.

ANS: Because I did not save it.

QUES: Yeah I was just wondering if that was because you can see one phone call comes in just before the call is made to you and it goes out to that same call right afterwards.

ANS: It could be very, very possible.

QUES: I was wondering if that had any connection there.

ANS: Yeah it also could be possible -- it also could be possible that, there was another gentleman there, that maybe this other friend -- you know, maybe [REDACTED] .. because there were three total people: there was [REDACTED] and then two other men that I'd never seen before, so it could have been but Steve had a friend that knows Officer Bennett and that's how he had the connection as well. So this other number could be a friend of [REDACTED] you know? And to be honest with you, for the type of person I do know [REDACTED] I do know that there's something funky going on and I'm sure that he somehow knows Officer Bennett but I don't know Officer Bennett so I can't speak for him but I can definitely vouch for [REDACTED] - personality and characteristics, you know, he's a very shady person, you could definitely say that.

QUES: Okay. Uh, one more thing I'd like to show you -- I just assembled a grouping of photos of some police officers, um, and I just wanted you to take a look at it and see if you recognize anybody. I don't know how much of an opportunity you had to see police officers in this city but see if there's any that you recognize.

ANS: Yeah you know, these guys look familiar but I don't know if that's Officer Bennett. These guys look familiar. I-I don't know, I didn't see, to my knowledge, but I did see a police officer that came by frequently after this whole thing had happened, and then after I had submitted this

information, they stopped coming and I ended up moving. And the person that was driving around looked somewhat – he had short hair and he was white. I-I don't think... I don't know.

QUES: That's fine.

ANS: But these guys look like regular guys that you see on the street anyway, so I don't know.

QUES: Alright, now have you received any more calls like this since this time?

ANS: No, no I have not.

QUES: And had any other dealings with – well, that doesn't really apply to this so scratch that. Uh, is there anything else that you would like to add to your statement at this time?

ANS: No, that's all that happened.

QUES: Has anyone from this office made any threats or promises to you to give this statement?

ANS: No.

QUES: Once your statement has been transcribed, would you be willing to sign this statement?

ANS: Yes.

QUES: The time is now 2:09 PM and that will conclude the interview.

Signature

[REDACTED]

Date:

5-10-09

cms

REC'D JUL 22 2009

STATEMENT OF Officer Christopher Bennett
PLACE: Minneapolis Civilian Police Review Authority Offices
DATE: June 16, 2009
TIME: 5:08 PM
CASE NO: 09-2649
INVESTIGATOR: [REDACTED]

QUES: Officer, if you would state your full name, spelling your last name for me please.
ANS: Um, Christopher John Bennett, B-E-N-N-E-T-T.

QUES: And your rank and present duty assignment?
ANS: I'm a patrolman, uh, assigned to the 3rd precinct, dogwatch, er, third shift. I'm also a SWAT officer.

QUES: How long have you been a police officer for the City of Minneapolis?
ANS: Um, nine- almost nine completed. I'll set my tenth year in August.

QUES: Alright. Have you been ordered to appear here to provide a statement as provided by the *Garrity* decision?
ANS: Yes, I have.

QUES: And you are willing to give me a statement at this time?
ANS: Yup.

QUES: Couple of quick questions before we get to the specific incident that we're talking about here but do you currently have a department issued cellphone?
ANS: Yes, I do.

QUES: And what is that number?
ANS: [REDACTED]

QUES: And did you have that same cellphone during the month of November of 2008?
ANS: Yes, I did.

QUES: And have you ever loaned this phone to any person?
ANS: Uh, no I have not.

QUES: Has it ever been missing?
ANS: Uh, yes but I do not believe it would have been November of 2008.

QUES: Okay. Do you know a person named Steve Tiongson?
ANS: No, I do not.

QUES: Okay. On November 4, 2008 at approximately 12:52 AM, uh, did you use your department phone to make a call to a woman on behalf of Mr. [REDACTED] and leave a message on her cellphone?
ANS: Uh, I don't even remember if I was working that day. Uh, do you remember the address of where I may have been that night or have record if I was working that night? I mean, I'm assuming I was if that is my phone number, but.

QUES: Well, the address that this particular woman resided at --

Officer Christopher Bennett
CRA Complaint # 09-2649

ANS: Just something to jog my memory because I have no recollection of calling a Mr. or someone that knew [REDACTED]

QUES: [REDACTED] know that's in the 1st precinct.

ANS: Yeah that's downtown precinct. Now I just want to – is that where the person that I supposedly called lived or is that the location where I was supposedly at?

QUES: No, that's the location where that person lived.

ANS: Do they remember where I was at?

QUES: No.

ANS: Like I said, I don't have any recollection of making that call but maybe something you have here further will jog my memory of the events.

QUES: Okay. Um, now the, to try to give you a little background information, the incident – Mr. [REDACTED] was involved with another person in a civil matter and it was business-related between the two of them and he had come to her apartment to try to retrieve some property that he claimed was his, and it was part of the business dispute.

ANS: Okay. Yeah, I don't remember his name. I mean, if I did make a phone call I guess I... I don't understand, or I don't know what the allegations are of what I may have said or did. But I mean these calls are very common. You know, people want to pick up stuff or come to get stuff. We're there regarding maybe a domestic and they want to take stuff, you know, that kind of a deal.

QUES: Okay let me – I have a copy of the subscriber activity for your particular cellphone running from, um, first call listed on here is 3:52 PM on November 3rd and the last call is 11:50 PM on November 4th.

ANS: Okay.

QUES: Now, the call in question – 12:52 AM – um, this is the phone number that belongs to her particular cell phone.

ANS: Okay. Yeah if I dialed that I don't remember dialing it.

QUES: Okay. Is this number...?

ANS: That's my wife's number. I talk to her numerous times throughout the night because sometimes she's got the kids. The 6 [REDACTED] that's my wife's telephone number.

QUES: Okay.

ANS: But the [REDACTED] I'm looking, I guess it looks like it lasted two minutes? That number I do not, I mean, I do not have that number in my phone so someone must have gave it to me to dial that evening.

QUES: Okay. Well I have a transcript of, of the call that was placed to this person's phone, and, uh, it's dated November 4th. Her phone shows 12:55 AM which is the same vicinity of what your records



Officer Christopher Bennett
CRA Complaint # 09-2649

show. "This is Officer Bennett of the Minneapolis Police Department calling on behalf of Steve. Um, he's outside your place right now, I understand, to get some items that you might have of his. He has proof, receipts that those items are his. You can avoid any further problems with this should you" – wait a minute – "You can avoid any further problems with this, you should probably answer the door and give him his stuff. Or you're going to be summoned to court. I just want to advise ya, and let you know, if you have another" – and then there's a dash – "if you have any questions you can call me back at [REDACTED] Do you recall making that call?"

ANS: No, I mean it sounded pretty generic until you said "summons to court" and that's just not something I usually say. I mean that is my phone number, so.

QUES: And I believe her caller ID also showed that same number.

ANS: Okay.

QUES: Um, would this be somebody that somebody else knows that they asked you to call on his behalf?

ANS: That's my phone, I'm always with my partner but he doesn't –.

QUES: [VOICES OVERLAPPING] This particular person, this [REDACTED]

ANS: No I don't even remember the name.

QUES: Could be somebody else that you know knows and asked you to call on his behalf?

ANS: Nope, I've never... if I made contact with [REDACTED] it was that night because I-I do not recall that name. I really wish I knew where I would have been at that night to jog my memory but....

QUES: Well.

ANS: I was a 3rd precinct dogwatch, obviously.

QUES: Let me jump forward to that a little bit. This is the sign-out roster for that particular night, and it shows you and your partner were scheduled to work 20:30 to 06:30.

ANS: That's correct.

QUES: Now also attached to this, um, nope, not attached to that, I do have another email that says "The dogwatch shift had a party that night so there were only three officers from that shift working. Some of the middle watch stayed late but the list I sent you is all 3rd precinct people who were on at 00:45 hours."

ANS: Yeah that must have –.

QUES: And the other thing is from VisiNet [sic] but it only shows you logging in at, um....

ANS: 03:26?

QUES: Yup.

ANS: Hmm. Yeah we started at 20:30 which was 8:30 at night. Hmm. Oh, unless we were having computer problems and it kicks us out, and we had to re-logon which happens almost nightly so that, that may have happened where it bumped us off and then from 0326 to 616 then we didn't



Officer Christopher Bennett
CRA Complaint # 09-2649

have any more problems. And that's just a guess but yeah we logon at 8:30 so.

QUES: There aren't any calls for service for that particular address which is the other thing that...

ANS: Hmm.

QUES: Was curious about this whole thing.

ANS: Okay. [REDACTED]

QUES: Our complainant is concerned that – well let me go through some more questions here. So, you don't recall making the call to this number?

ANS: No, I... I do not.

QUES: And again the other thing that's curious is that this is in the first precinct address where she's at that you're a third precinct officer so it gets stranger all the time.

ANS: Initially when you got a hold of me I thought it was another Bennett because there is one more Bennett who is canine which, and I wasn't trying to drag someone else into but then you said that's my number – and I mean it is my number – but at first I was curious because I don't work downtown, I work on the south side, so.

QUES: Okay. Alright, so you don't recall what the purpose of the call would be, why you would make a call to talk about property that was, uh, to return some stuff to somebody?

ANS: No. I remember a call off of 11th avenue where there was a similar issue where I had to call somebody on the phone but I don't think that was this incident. And she's saying we weren't on a call....

QUES: Mmhmm.

ANS: I don't know if we ended up being flagged down or what it was. Um, I'm actually at a complete loss for words here.

QUES: Okay, well, the individual [REDACTED] who is referred to in these phone calls, um, a few minutes before you called this woman, he called her and said, um, "We're outside here," and tried to get her to come down and meet with him, and....

ANS: Was he saying I was there? Because I don't remember being downtown wherever you said that was. [REDACTED] wow.

QUES: It's close to the third precinct boundary line but....

ANS: Yeah, [REDACTED] that's off of Hennepin right?

QUES: I think so.

ANS: It's quite a bit a ways away. We're the east of 35W and south of 94. We only come downtown usually to get gas like once a night.

QUES: I thought I had a map just now.

Officer Christopher Bennett
CRA Complaint # 09-2649

ANS: Yeah I'm pretty sure it's over there by the college.

QUES: I thought I had a map, guess not. Okay, so as far as being on duty, um, one roster shows that you should be, it doesn't show you logging in until....

ANS: 0326.

QUES: And there's no other activity. Shows your shift ending at 6:15. Alright, let's move on then. Um, okay so basically we are looking at trying to determine a reason why you made the call. Was it, were you - you placed the call, identified yourself as Officer Bennett of the Minneapolis Police Department, you were making a call for official business, basically. But you don't know this particular individual at all?

ANS: Uh, I-I'm just trying to think - [REDACTED]

QUES: [REDACTED]

ANS: Initially I thought it was a call we were on and maybe he was the caller and I called on his behalf because I didn't remember but none of that is jarring my memory.

QUES: Well would you normally do that? If somebody says-?

ANS: If we were on a call and yeah, this guy says, "You know, I gotta get this stuff from my girl" I'd tell him, well, whoever that would be, he would need to go over and call the police to help him retrieve his property which, generally when we work late nights, we tell them to do it during the daytime hours. So, I mean maybe, maybe, you know, on his behalf if I believed what he was saying to be true and if he did have some receipts of some kind, that maybe I would have, would have called for him just, you know, "Hello, this is Officer Bennett, just so you know, he has proof. If you could give him his stuff, it'd be appreciated," because maybe I guess I didn't fully know why she was keeping his things but I am totally going on what I would do if I had that call.

QUES: Okay.

ANS: I don't know if they were mad - I mean by the first transcript you have there, I didn't swear, I guess I don't understand what, you know....

QUES: Well she, her concern is she felt that you were, uh, involving yourself in a civil matter in which there was really no need for your involvement.

ANS: Okay. And I can understand on her end, not knowing, seeing me in the flesh - I mean a lot of times these calls happens when they are both there and I look at him and her, or him and him or her and her or whoever - is arguing over the items. If you can tell them to their face what the proper ways of handling it, I guess I can understand where she could see that. You know, if she's just on the other end of the phone call.

QUES: Right, and it's her cell phone and she drives by, because she's on her way home when she gets this call, there's no squad car there's just this guy out front.

ANS: Just this Mr. [REDACTED] huh?

QUES: And she's thinking, you know, what's going on?

ANS: I can understand that. Yeah. I can understand where she could be confused.

QUES: Okay. So, again, we were not able to find any calls for service to that address so that kind of raises the question of how did you get the phone number to make this particular call?

ANS: And that I don't recall.

QUES: And do you recall being present at that location?

ANS:

QUES: Yes.

ANS: No that, I absolutely, in my nine years ever being on a call on [REDACTED]. I know where the street is just from driving by it but I've never been over there.

QUES: Okay. So you don't recall how you got this guy's phone number?

ANS: No, I do not.

QUES: So it wasn't a personal favor for this guy?

ANS: I don't remember [REDACTED]. It's actually kind of making me mad. Um... you know, if I'm not on a call according to VisiNet, the only other thing I can possibly think of is that it's something we were flagged down on and I wasn't on it - you know what I mean? I wasn't on it according to Viacad [sic] or VisiNet or, you know, didn't grab the radio basically and physically say, "We're doing this." That's the only other thing I can think of as to why it's not showing us on a call.

QUES: So that would be something that you might not physically key into the computer?

ANS: Right.

QUES: Is that what you're saying?

ANS: I mean, generally we do. We either key it in, we either key it in or you grab the radio and you say what you're doing. I mean sometimes on the fly if you quick handle something real quick you may not just because you want to stay clear, like so if a priority 1 call comes out, I can just, [SOUND EFFECT], 311 we're going to that. And if I was talking to some gentleman or some gal I could say, "Sir, we tried to help you out but we've gotta go right now." That's the only other thing I can think of.

QUES: Okay. So you don't know - if you got flagged, you don't recall?

ANS: Yeah I don't remember.

QUES: Okay so this question, I, you know, I prepared to, you know: did this individual contact you or ask you to call the complainant to, uh, for you to use your position as a Minneapolis police officer to intimidate her and to influence the outcome of a civil dispute between the two of them?

ANS: Yeah I mean I wouldn't call anyone to try to intimidate them. If I was calling someone it'd be, for legal reasons or in this case a civil reason trying to help somebody out but I don't, being, I mean, if I

was on a call and a citizen asked me then I may do it for them but I would just never take it upon myself to just contact someone I don't know for no particular reason.

QUES: Okay. So you wouldn't be aware that this particular individual had bragged to the complainant about having friends on the department or a friend on the department who does favors for him?

ANS: A friend brags about me? I have some friends that talk about it but -.

QUES: A friend that specifically does favors for them like get information about people and...

ANS: No. I've heard of some guys getting in trouble for getting information for people. I've never had a friend call me up and say, "Hey, can you get me some information on this person." I've never done that, not that I - yeah, and I don't have a close friend that I know that goes by Steve. If it is it may be someone that knows me but I don't really know them kind of a thing and a guy talking out of school maybe? But yeah I only have about five very good friends, and they're all cops, you know? They're all guys that I normally hang out with, one being my partner and some other guys that I came up with on the department, real tight friends of mine that I hang out with all the time, but none of them are named [REDACTED]

QUES: Okay now the one phone number that you mentioned that shows up frequently on the -.

ANS: Yeah she calls me about ten times a night. I'm sure you noticed that. [REDACTED]

QUES: Okay the reason I asked if this guy might be a friend of hers is simply because if you look at the timing of these phone calls?

ANS: Yup.

QUES: Um, the one call, there's one call that comes into your cell phone immediately before you call this particular individual and right after you call that individual you call that phone number back.

ANS: I called...? My wife back again?

QUES: Yup.

ANS: Unless she knows someone named [REDACTED] and, or, maybe I was talking to her and got interrupted by whatever this was and then called her back. I mean, I -.

QUES: Just like a minute, two minutes, enough time to leave the message, call right back.

ANS: Yeah.

QUES: That does seem - see how that kind of raises suspicion?

ANS: Yeah I hear ya.

QUES: Did she say, "Hey, here's the info, call it, call me back"?

ANS: I wish I remembered more of what... you're still going? Was this number 212 ever in contact with my wife's number?

QUES: That I don't know.



Officer Christopher Bennett
CRA Complaint # 09-2649

- ANS: I'm just trying to get to the bottom of how I would know this [REDACTED] or how they would know each – or like I said maybe I was like "Hey honey you have to do this tomorrow," and then "Ooh, I've gotta go," and then you know, called to finish the conversation. I mean that's... that's the only thing I can think of. Almost 1 o'clock in the morning. I mean yeah, she works late sometimes. My wife she's a server at a restaurant so she does call me late sometimes, or I call her late.
- QUES: Okay.
- ANS: I am very confused, to be honest with you, Steve.
- QUES: Okay. Well, like I said, I think you can see why there's some confusion or some questions as to why these phone calls were made and the timing of them and just where, stuff about your schedule and where you were and where you weren't, so.
- ANS: I have no idea why it says we're logged on at 0326. Like I said, maybe we got kicked off. I'm looking for someone else on our shift to see if the same thing happened to them, like my partner Haspert... and he's not even showing on here. I wanted to see if maybe he, you know, we both got kicked out. I don't even recognize any of these other names. I assume this is just one page? The whole department I'm sure is multiple pages.
- QUES: Yeah, they just sent me what....
- ANS: Well I think we have a log at the precinct; you may already have a copy of it. That would be a hard copy of what I did that night. And you know, that would show. I write right on it – 22:30 roll call and the sergeant's name that ran the roll call for that night, so.
- QUES: Alright. I don't have that – who would have that?
- ANS: You probably could call the precinct. They are all filed in a file cabinet at the precinct for like a year and then I think they go downtown so I mean if that would help you out. In the meantime I want to find out who Steve Te-tun, Tungson is...
- QUES: Yeah.
- ANS: I mean I don't want to be looking people up and getting them in trouble for something I was, you know, did or didn't do or maybe was trying to do out of good faith but....
- QUES: Okay.
- ANS: I understand you've got someone calling and, you know, saying that this happened. This happened and you gotta try to figure it all out.
- QUES: Well, yeah, when they have things like, you know, commented that his friend worked as a police officer who does special favors outside of his policy for him....
- ANS: No, that's ridiculous. You know, I got three kids at home, I ain't getting fired for nobody, you know?
- QUES: Okay.
- ANS: I mean if I run into an old friend I have named [REDACTED] we're going to have a talk. I mean, if I try to



figure out who it is or if some – and if something jars, I'll call you but....

QUES: Alright.

ANS: I don't want to get, you know, in trouble for something I –.

QUES: No, I don't want you to get in trouble, just, see what I can get as far as... may have to shut this off and turn it over just to finish up here.

ANS: Okay.

QUES: [SIDE 2] Yeah it's a good thing when you'd rather not spend time here. So, alright. Is there anything that you'd like to add to your statement at this particular time?

ANS: No, there is not.

QUES: Has anyone from the Minneapolis Civilian Police Review Authority made any threats or promises to you for giving this statement here today?

ANS: No, sir, they have not.

QUES: After you've read your statement, and if necessary made any corrections to it, sir, are you then willing to sign it?

ANS: Yes, I would.

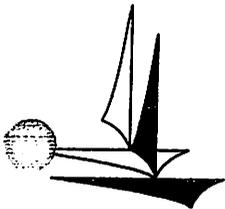
QUES: The time is approximately 5:39 PM and this will conclude our interview.

Signature: _____

Date: _____

7-18-05

cms



Minneapolis
City of Lakes

Police Department

Timothy J. Dolan
Chief of Police

350 South 5th Street - Room 130
Minneapolis MN 55415-1389

Office 612 673-2853
TTY 612 673-2157

January 21, 2009

Samuel L. Reid II
Civilian Police Review Authority
400 South 4th Street - Room 670
Minneapolis, MN 55415-1424

Dear Mr. Reid,

RE: Conduct Incident Report Form

The Internal Affairs Unit has received the attached form in reference to a complaint against a Minneapolis Police officer. As per Minneapolis City Ordinance 172.190, "A complainant shall be offered the choice to proceed under this title or to go to the Minneapolis Police Internal Affairs division." In this case, the complainant has chosen for the Civilian Review Authority to investigate their complaint. As per Minneapolis Police Department policy the complainant was contacted within five days of receipt on this form being received in the Internal Affairs Unit. The complainant was informed that their complaint was referred to your office for investigation.

If you have any questions please contact me at 673-2057.

Sincerely,

Lieutenant Susan Piontek
Commander
Internal Affairs Unit

SP:cmm
Enclosure





MINNEAPOLIS POLICE DEPARTMENT

"GARRITY WARNING"

TO: Officer Christopher Bennett

FROM: Chief Timothy J. Dolan

DATE: 5/20/2009

CRA Case Number: 09-2649

CRA Investigator: [REDACTED]

CRA Investigator's Phone Number: [REDACTED]

MPD CCN: None

READ ALL OF THE FOLLOWING VERY CAREFULLY AND COMPLETELY

The Civilian Review Authority has informed Minneapolis Internal Affairs Unit that they are conducting an investigation in which they need your cooperation for a question and answer statement.

You are being ordered to take the following **two** actions by **5/26/2009**:

1. At this time, you are being advised of the Garrity Warning pursuant to Department Policy. Therefore, you are being ordered to review and sign this form and return it to the Internal Affairs Unit.

"I, the undersigned Minneapolis Police Officer, hereby acknowledge that I have been ordered under the authority of the Minneapolis Chief of Police to provide a statement to CRA related to CRA investigation number 09-2649 as it pertains to the scope of my employment and my fitness for duty. I understand that the statement I am being ordered to provide to CRA is a compelled statement as defined by the Garrity Decision and can not be used in criminal proceedings against me except in cases of alleged perjury."

x C. J. Bennett
Officer Signature

x 5-29-09
Date

FAA
5/31/09
C



MINNEAPOLIS POLICE DEPARTMENT

"GARRITY WARNING"

TO: Officer Christopher Bennett

FROM: Chief Timothy J. Dolan

DATE: 5/1/2009

CRA Case Number: 09-2649

CRA Investigator: [REDACTED]

CRA Investigator's Phone Number: [REDACTED]

MPD CCN: None

READ ALL OF THE FOLLOWING VERY CAREFULLY AND COMPLETELY

The Civilian Review Authority has informed Minneapolis Internal Affairs Unit that they are conducting an investigation in which they need your cooperation for a question and answer statement.

You are being ordered to take the following **two** actions by **5/6/2009**:

1. At this time, you are being advised of the Garrity Warning pursuant to Department Policy. Therefore, you are being ordered to review and sign this form and return it to the Internal Affairs Unit.

"I, the undersigned Minneapolis Police Officer, hereby acknowledge that I have been ordered under the authority of the Minneapolis Chief of Police to provide a statement to CRA related to CRA investigation number 09-2649 as it pertains to the scope of my employment and my fitness for duty. I understand that the statement I am being ordered to provide to CRA is a compelled statement as defined by the Garrity Decision and can not be used in criminal proceedings against me except in cases of alleged perjury."

x 

Officer Signature

x 5-31-09

Date

*Faxed
5/3/09
CR*

2. You are being ordered to call the CRA investigator listed above during normal business hours, M-F 0800-1600 hours, to make an appointment to provide your statement.

Failure to take the above listed **two** actions by 5/6/2009 will result in an immediate Internal Affairs Unit investigation against you for the following violations of Minneapolis Policy and Procedure:

1-403 COMPLIANCE WITH LAWFUL ORDERS:

An employee must always obey lawful orders given by supervisors or their designees, but all employees will be held accountable for their use of delegated authority.

An employee who receives conflicting lawful orders shall obey the most recent given. After complying with the order, the employee should notify the next highest-ranking employee above the employee giving the conflicting orders.....

2-109 CIVILIAN REVIEW AUTHORITY:

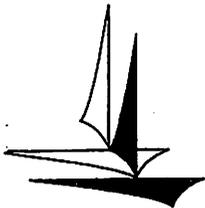
Sworn employees receiving notice from the Civilian Review Authority (CRA) to arrange for an interview or mandatory mediation shall comply with such requests in a timely and professional manner. The failure by any official or employee of the Minneapolis Police Department to comply with such requests for information, participation, or access shall be deemed an act of misconduct.

CRA Investigative Authority:

Minneapolis City Ordinance Chapter 172.10 provides the Minneapolis Civilian Review Board authority to investigate allegations of misconduct by sworn employees related to alleged violations of Minneapolis Police Department Policies and Procedures, and make findings of fact and conclusions based upon those findings of fact.

Information and Participation:

Minneapolis City Ordinance Chapter 172.180 requires Minneapolis Police Officers to respond promptly to any and all reasonable requests for information, for participation in interviews and mandatory mediations, and for access to data and records for the purpose of enabling the Civilian Review Authority to carry out its investigative responsibilities under Chapter 172.



Minneapolis
City of Lakes

**Civilian
Police Review Authority**

301 4th Avenue South – Room 670
Minneapolis MN 55415-1019

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157

September 28, 2009

**OFFICER CHRISTOPHER BENNETT
MINNEAPOLIS POLICE DEPT
PRECINCT 3
3000 MINNEHAHA AV S
MINNEAPOLIS MN 55406**

RE: Complaint No. 09-2649

Dear Officer Bennett:

Enclosed with this letter please find the determination of the Hearing Panel in connection with this case.

If the Hearing Panel has sustained an allegation, the review authority shall forward the investigatory file, the findings of fact and the panel determination to the Chief of Police, who shall make a disciplinary decision based upon this information.

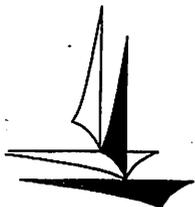
Thank you for your attention to this matter.

Yours truly,

Samuel E. Reid II
Manager

SLR:sp





Minneapolis
City of Lakes

**Civilian
Police Review Authority**

301 4th Avenue South - Room 670
Minneapolis MN 55415-1019

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157

September 28, 2009

[REDACTED]

RE: Complaint No. 09-2649

Dear Ms. [REDACTED]

This letter is to inform you of the status of this complaint. A panel of three Minneapolis Civilian Police Review Authority Board members met to hear the complaint. This office has taken its final action on the complaint.

Unfortunately, pursuant to the Minnesota Government Data Practices Act, we are unable to provide any further information on this complaint because it is a personnel matter. If discipline is imposed against the officer, we will advise you at the time of final disposition. Final disposition occurs when the officer has exhausted all his/her appeal rights and the discipline is upheld.

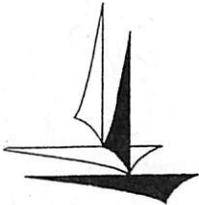
Thank you for bringing your complaint forward. If you have any questions, please feel free to contact me.

Yours truly,

Samuel L. Reid II
Manager

SLR:sp





Minneapolis
City of Lakes

**Civilian
Police Review Authority**

301 4th Avenue South – Room 670
Minneapolis MN 55415-1019

Office 612 673-5500

Fax 612 673-5510

TTY 612 673-2157

June 30, 2009

Officer Christopher Bennett
Minneapolis Police Dept
Precinct 3
3000 Minnehaha Av S
Minneapolis MN 55406

RE: CRA (File # 09-2649)

Dear Officer Bennett:

Enclosed are two copies of your statement given on June 16, 2009 at the Civilian Police Review Authority's office.

Please review and initial any corrections you wish to make. Sign and return one copy **by interoffice mail**.

Thank you for your cooperation, and feel free to contact our office if you have any questions.

Sincerely,


Case Investigator

Enc: cms



www.ci.minneapolis.mn.us

Affirmative Action Employer



**Civilian
Police Review Authority**

301 4th Avenue South – Room 670
Minneapolis MN 55415-1019

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157

April 16, 2009

[REDACTED]

Dear Ms [REDACTED]

Enclosed are two copies of your statement given on April 14, 2009. Please review and initial any corrections you wish to make on your statement. Sign and return one copy of the statement in the enclosed stamped, self-addressed envelope.

Thank you for your cooperation and feel free to contact our office if you have any questions.

Sincerely,

[REDACTED]
Case Investigator

Enc: cms





Minneapolis
City of Lakes

**Civilian
Police Review Authority**

301 4th Avenue South - Room 670
Minneapolis MN 55415-1019

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157

January 30, 2009

COPY

[REDACTED]

Dear Ms [REDACTED]

You contacted the Minneapolis Civilian Review Authority regarding the behavior of a Minneapolis Police Officer. I am writing you because I have not been able to reach you by telephone since our initial conversation on 01/27/2009. Please contact me at [REDACTED] I am not available when you call, please leave a message with a telephone number and a good time for me to return your call.

An important piece of information I need for my investigation is the phone number from which Steve Tionson called on 11/04/2009 when he left you the message saying he was outside your residence. Please call me at your earliest convenience.

The City of Minneapolis established the MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY to provide a fair and impartial process for review of citizen complaints of misconduct by Minneapolis police officers. **This process does not include monetary awards or reimbursements.**

Sincerely,

[REDACTED]

CRA Case Investigator





Minneapolis
City of Lakes

**Civilian
Police Review Authority**

301 4th Avenue South – Room 670
Minneapolis MN 55415-1019

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157

March 16, 2009

[REDACTED]

Dear Ms. [REDACTED]

Thank you for returning to us your signed complaint. A copy of our Notice of Complaint is enclosed. This is also sent to the officers involved and to the Police Department. We will now begin our process of reviewing the allegations in your complaint, and we will inform you of the status of our review in accordance with our rules.

The investigator assigned to your complaint is [REDACTED]. His direct telephone number is [REDACTED].

If you have a change of address or telephone number, please notify Investigator McKean.

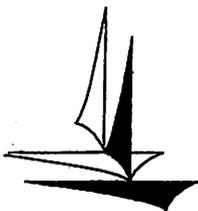
Yours truly,

Samuel L. Reid II
Manager

SLR:sp

enc





Minneapolis
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**Civilian
Police Review Authority**

301 4th Avenue South - Room 670
Minneapolis MN 55415-1019

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March 16, 2009

OFFICER CHRISTOPHER BENNETT
MINNEAPOLIS POLICE DEPT
PRECINCT 3
3000 MINNEHAHA AV S
MINNEAPOLIS MN 55406

Dear Officer Bennett:

RE: File No. 09-2649

Enclosed please find a Notice of Complaint in connection with a complaint filed with the Civilian Police Review Authority. When you have received your **Garrity Warning** requiring you to provide a statement to our office, please contact Investigator [REDACTED] at [REDACTED]

Thank you for your attention to this matter.

Yours truly,

Samuel L. Reid II
Manager

SLR:sp

enc



MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
301 4TH AVENUE SOUTH
670 GRAIN EXCHANGE BUILDING - NORTH
MINNEAPOLIS, MN 55415
(612) 673-5500

NOTICE OF HEARING

Complaint No. 09-2649

Complainant: [REDACTED]
Officer(s): Christopher Bennett (Badge #0413)

To The Above Officer(s), Manager of Minneapolis Civilian Police Review Authority, Complainant and Panel Members:

Please take Notice that a Hearing shall be held in this matter in Room 109 Grain Exchange Building, 400 South 4th Street, Minneapolis, Minnesota at 6:30 p.m. on **September 23, 2009**.

At the hearing, the review authority manager shall present the investigatory findings of fact and recommendations to the panel. No person other than the review authority manager and the panel members shall be present during the presentation and discussion of the case. At the close of the case presentation, the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint.

Please be prompt. Failure to arrive at the start of the hearing will cause you to lose your opportunity to address the panel.

I have appointed the following members of the Authority to serve as the Hearing Panel in this matter:

[REDACTED] Chair)
[REDACTED]
[REDACTED]

ANY MEMBER NOT ASSIGNED TO A PANEL MAY SERVE AS ALTERNATE

The hearing will be conducted in accordance with Title 9, Chapter 172 of the Minneapolis Code of Ordinance of the Minneapolis Civilian Police Review Authority, in particular with Section 172.100. For further information about the hearing process, please refer to the ordinance and administrative rules that can be found on the City's website: www.ci.minneapolis.mn.us/cra.

On Behalf of the Minneapolis Civilian Police Review Authority,

Donald Bellfield

Donald Bellfield, Board Chair

Date: September 9, 2009



MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
301 4TH AVENUE SOUTH
670 GRAIN EXCHANGE BUILDING - NORTH
MINNEAPOLIS, MN 55415
(612) 673-5500

NOTICE OF HEARING

Complaint No. 09-2649

Complainant: [REDACTED]
Officer(s): Christopher Bennett (Badge #0413)

To The Above Officer(s), Manager of Minneapolis Civilian Police Review Authority, Complainant and Panel Members:

Please take Notice that a Hearing shall be held in this matter in Room 109 Grain Exchange Building, 400 South 4th Street, Minneapolis, Minnesota at 6:30 p.m. on June 24, 2009.

At the hearing, the review authority manager shall present the investigatory findings of fact and recommendations to the panel. No person other than the review authority manager and the panel members shall be present during the presentation and discussion of the case. At the close of the case presentation, the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint.

Please be prompt. Failure to arrive at the start of the hearing will cause you to lose your opportunity to address the panel.

I have appointed the following members of the Authority to serve as the Hearing Panel in this matter:

[REDACTED] (Chair)

ANY MEMBER NOT ASSIGNED TO A PANEL MAY SERVE AS ALTERNATE

The hearing will be conducted in accordance with Title 9, Chapter 172 of the Minneapolis Code of Ordinance of the Minneapolis Civilian Police Review Authority, in particular with Section 172.100. For further information about the hearing process, please refer to the ordinance and administrative rules that can be found on the City's website: www.ci.minneapolis.mn.us/cra.

On Behalf of the Minneapolis Civilian Police Review Authority,

Donald Bellfield

Donald Bellfield, Board Chair

Date: June 5, 2009

NOTICE OF COMPLAINT
Civilian Police Review Authority
301 Fourth Avenue South, Suite 670
Minneapolis, Minnesota 55415-1019
612-673-5500

File: 09-2649
Date: March 16, 2009

Officer Christopher Bennett (Badge #0413):

Notice is hereby given that our office has received a signed complaint alleging the following acts, which may constitute misconduct under Minneapolis Code of Ordinances Title 9, Chapter 172.20:

INAPPROPRIATE CONDUCT

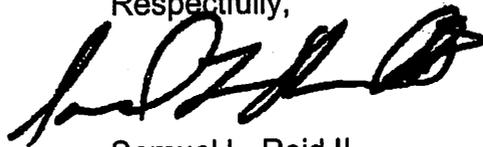
The Complainant alleges that Officer Christopher Bennett engaged in inappropriate conduct by Officer Bennett rendering aid or assistance in a civil case when he telephoned the Complainant and left a voice message urging the Complainant to open her door and hand over property that was subject to a civil action pending in court to the other party in said civil action.

This action was taken at a time when there was no immediate breach of the peace and no existing disturbance.

This incident occurred on November 4, 2008 at approximately 00:55 at the location of 125 Oak Grove Street, Apartment 212.

Copies of this Notice will be forwarded to the Deputy Chief of Police for your assignment area and the Internal Affairs Unit.

Respectfully,



Samuel L. Reid II
Manager

cc: Deputy Chief
I.A.D.
Complainant

noc 09-2649

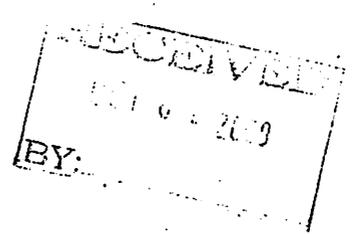
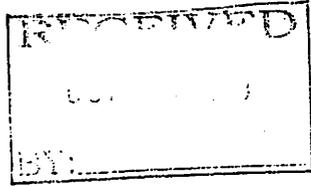


Minneapolis
City of Lakes

Civilian
Police Review Authority

301 4th Avenue South - Room 670
Minneapolis MN 55415-1019

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157



September 28, 2009

CHIEF TIMOTHY DOLAN
MINNEAPOLIS POLICE DEPARTMENT
130 CITY HALL
350 S 5TH ST
MINNEAPOLIS MN 55415

RE: Complaint No. 09-2649

Dear Chief Dolan:

I am submitting to you the Civilian Review Authority Board's Findings of Fact and Determination in this complaint.

In accordance with Title 9, Chapter 172 of the Minneapolis Code of Ordinance of the Minneapolis Civilian Police Review Authority, in particular, Section 172.130, you are required to make a disciplinary decision based upon this information and to provide the Civilian Review Authority and the Mayor with a written explanation of the reason for your disciplinary decision.

If you have any questions or concerns, please contact me.

Yours truly,

Samuel L. Reid, II
Manager



Call 311
Minneapolis
City Information
and Services

SLR:sp

enc