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Feds won't prosecute Minneapolis officers in plunger case

by [Brandt Williams](#), Minnesota Public Radio
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Officer Jeff Jindra, speaking for the first time since the allegations surfaced, said it was a relief to be cleared after eight months with the allegation hanging over his head. (MPR Photo/Brandt Williams)

The U.S. Justice Department has determined that no federal criminal charges should be filed against two Minneapolis police officers accused of sexually assaulting a suspect last October. Officers Todd Babekuhl and Jeff Jindra were accused of sodomizing Stephen Porter with a toilet plunger handle during a drug raid at a north Minneapolis home. Minneapolis police say the determination means the case is closed. But some community activists say the case isn't necessarily done yet.

Minneapolis, Minn. — Some of the city's top elected officials and law enforcement officers attended the release of the results of the FBI investigation. Mayor R.T. Rybak called it one of the happiest press conferences he'd ever attended. Police Chief William McManus says the federal government's determination affirms his own department's internal investigation into the matter. McManus says the accused officers have been cleared and have been returned to full duty.

"These officers and their families have paid a huge price as a result of these outrageous and false accusations," McManus said. "The reputation of every Minneapolis officer was affected by these charges. Today I stand behind officers Babekuhl and Jindra as I'll do for any officer falsely accused of misconduct."

It took nearly eight months for the results of the FBI investigation to become public. For much of that time, officers Babekuhl and Jindra were at home on paid leave. Then, last winter, then-police Chief Robert Olson returned them to desk duty. Because the officers were under investigation, they couldn't go public with their side of the story.

"I chose to be a Minneapolis cop, but my kids didn't," Jindra said. "To explain that to them on the first day was really a tough thing. They're much stronger than I gave them credit for. And the people they go to school with were very nice. They got together and had a prayer meeting for me. You want to scream and yell from the rooftops about your innocence, but you just can't."

Jindra says he still can't reveal too much about the events which were the basis for Porter's allegations. But he did say Porter was given a body cavity search. In a prior incident, Porter was arrested on drug charges after officers discovered crack cocaine hidden in his buttocks.

Porter claimed the two officers assaulted him. He made charges at a time when a series of federally mediated negotiations took place between community members and the police. Racial profiling and police brutality and similar issues were on the table. Despite their anger over the Porter allegations, community activists were determined to continue their talks with the police department.

"This is perhaps one of the tests for the new PCRC because we're not, today, seeing eye to eye in principal on this matter," said Rev. Ian Bethel, the co-chair of the Police Community Relations Council, made up of community leaders and police officials charged with implementing the agreement formed late last year.

Bethel says he and other activists don't think the FBI findings necessarily mean the case is closed. Porter's lawyer is state Rep. Keith Ellison, DFL-Minneapolis, who was pursuing a possible civil case. Ellison did not return calls from MPR for comment. But several months ago, Ellison told MPR that he was conducting his own investigation. He also said the outcome of the FBI's investigation wouldn't affect the case.

Bill English, the chair of the African American Leadership Summit, says the determination made by the Justice Department doesn't rule out all wrongdoing.

"The operative word here is 'prosecutable offense.' That's an operative word. That's a clear indication that it wasn't a necessarily a blanket clearance. There was no prosecutable offenses. We can live with that," English said.

English and Rev. Bethel agree with police officials that the length of the FBI's investigation did a disservice to the officers, the department and the community. Bethel acknowledged that the long wait meant the officers had to live under a cloud of suspicion for eight months. English agreed that the long wait also fostered more mistrust from the community toward the police. English, Bethel and other activists have expressed support for Chief McManus' decision to handle officer misconduct investigations in-house. They say such investigations could be done quickly. And they say they trust McManus' ability to make sure the investigations are fair.

Stephen Porter was not present at the announcement. He is serving a three year drug possession sentence in St. Cloud.

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