

MINNEAPOLIS

3 prostitution cases dismissed over behavior by Minneapolis officers

The cases were dismissed because officers had sexual contact with female suspects.

By David Chanen (<https://www.startribune.com/david-chanen/6370521/>) Star Tribune |

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Three prostitution cases have been thrown out this month by Hennepin County judges and the Minneapolis city attorney, who said Minneapolis undercover police investigators went too far.

The officers' sexual contact with the female suspects also drew a sharp denunciation from the county's chief public defender, Mary Moriarty.

"Do citizens want officers behaving in this manner?" Moriarty asked Wednesday.

Two of the cases were dismissed by Hennepin County judges in rulings that found the officers' actions constituted "outrageous government conduct." The third was dismissed by the Minneapolis city attorney in light of one of the judges' rulings.

On Wednesday, Minneapolis police said the department has discontinued such undercover investigations pending a full review of its policies. The department declined to comment on the specific cases. None of the three officers involved in the cases is under internal investigation.

As far back as 2009, the Minnesota Court of Appeals had addressed such conduct by Minneapolis police when it reversed a prostitution charge, citing similar pre-arrest behavior. At the time, then-Chief Tim Dolan asked for an internal inquiry on how the investigation was handled.

In the first of the three recent cases, Moriarty's office learned of the conduct as it defended a woman charged in March with four misdemeanor and gross misdemeanor charges of prostitution and illegal acts at a massage business, including exposure and unlawful touching. The city attorney's office said at the time that the case was prompted by community complaints about possible prostitution activity at a south Minneapolis business.

When assistant public defender Briana Perry received the case, she e-mailed Moriarty the 36-minute audio recorded during the encounter between officer Steven Lecy and the woman at the massage parlor, saying she found the officer's behavior "just disgusting." Moriarty sent the case to City Attorney Susan Segal and asked for a dismissal, but Segal declined.

On the recording, after nearly 30 minutes of small talk about tattoos, the weather and his broken hand, Lecy, who also compliments the woman's anatomy, interrupts the massage and asks the woman if she wants him to flip onto his back. She begins touching his genitals as part of a naked "body-to-body" massage. Lecy can be heard moaning. A few moments later, he says the words "repeat customers," code to backup officers that it's time for an arrest. They then enter the room.

Moriarty said Lecy arrived two hours late for this week's dismissal motion hearing and was surly and clearly upset.

"The Police Department has undercover female officers who do detail like this," Moriarty said. "Do you think they would allow themselves to behave in any sort of sexual manner?"



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"Do citizens want officers behaving in this manner?" asked Hennepin County's chief public defender, Mary Moriarty.

In a dismissal order issued in court Tuesday, Hennepin County Judge William Fisher said probable cause for a crime could have been established long before the sexual activity recorded on the tape. Lecy's attorney had argued that touching was necessary to make the encounter a crime.

"What must it have been like for this woman to have this happen and find out it was a police officer?" Moriarty said.

Attorney Jeffrey Dean represented the woman charged in the other two eventually dismissed cases. One case involved officer Christopher Reiter, who was found to have engaged in "outrageous sexual conduct" that violated a woman's due process rights while he was doing undercover work at a south Minneapolis parlor in November 2014.

Hennepin County Judge Amy Dawson wrote in her Aug. 7 dismissal order that Reiter "initiated sexual contact that isn't required for the collection of evidence to establish elements of the offense."

Nearly 20 minutes into his interaction with the woman, court documents say, Reiter pointed to his groin after she asked "if there were any areas she had missed." She started to rub his genitals and they negotiated a price for further action "that would take care of him," the documents say.

Reiter's attorney argued that his behavior was necessary to gather evidence and to protect his safety until backup officers arrived. He was merely involving himself in ongoing criminal activity and the woman wasn't a reluctant participant, his attorney argued, court documents show.

"Cases regarding prostitution can have actions that can be offensive or distasteful," Reiter's attorney wrote. "That does not make them due process violations."

The third case involved the same woman Dean represented in his other case. She was arrested in May after officer Abubakar Muridi asked her to rub his genitals before he negotiated a price for sex, Dean said. The city attorney dismissed that case Monday.

"My hope is that the Police Department will finally stop engaging in the outrageous conduct of having sexual relations with the targets of their investigations," Dean said. "Women in prostitution are vulnerable and traumatized. They have often been the victims of physical and sexual abuse and suffer from poverty and addiction. When police engage in this unnecessary sexual conduct, the officer worsens the trauma and deepens the damage."

New massage license needed

Meanwhile, a city spokesman said Wednesday that Minneapolis' new massage license ordinance may offer a civil regulatory path to reducing prostitution that wouldn't require building cases for criminal prosecution.

The new rules, which were passed by the City Council in 2013 and went into effect in July, require home businesses to pay an annual licensing fee of \$50 and larger massage businesses to pay \$140. The new rules also outline a variety of "unlawful acts" that could result in a citation or revoked license. The ordinance is aimed at making it harder for prostitution rings and other illegal outfits to thrive under the guise of the massage business.

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