
POLICE CONDUCT OVERSIGHT COMMISSION
Case Summary Data #9
January, 2017

OVERVIEW OF THE COMPLAINT

Complainant contends that upon arriving at her home, she discovered officers getting out of a van outside of her house. While walking towards her house, Complainant states that she put her hands up and notified officers that: it was her house; there was a dog inside; her daughter and her daughter's father were also inside; and that she would let them in without incident. However, Complainant alleges that officers instead handcuffed her, broke down the door to her home, and "shot and killed [her] dog in front of [her] 7 yr[.] old daughter as the dog was running away from the police." Further, Complainant asserts that the person the officers were looking for does not live at the home. Complainant contends that officers have traumatized her daughter, who "cries and screams in her sleep" after seeing her dog "sh[ot]" and "kill[ed]...right before her eyes," and her teenage son.

ALLEGED VIOLATIONS

1. OPCR Ord. § 172.20(8) - VIOLATION OF THE P&P MANUAL
2. MPD P&P § 9-201 (III) (C) – SEARCH AND SEIZURE: SEARCHING DWELLINGS AND BUILDINGS: A search warrant is always required to search dwellings and non-public areas of buildings, absent consent or exigent circumstances.
3. MPD MPD P&P § 5-105 (A) (4) – PROFESSIONAL CODE OF CONDUCT: Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

COMPLAINT PROCESSING

The complaint was received by the Office of Police Conduct Review in person. Upon receipt of the complaint, an intake investigation was conducted and the matter was subsequently brought before the Joint Supervisors for intake review. Upon review of the complaint, the Joint Supervisors dismissed the matter for "no basis".

EVIDENCE

1. Complaint
2. VisiNet
3. CAPRS

SUMMARY OF EVIDENCE

Complaint: Complainant contends that she was "returning home" when she noticed Minneapolis Police officers in front of her home "getting out of a van." Complainant states that, upon seeing the officers, she put her hands up and told the officers that she would let them in to the home due to concerns about her 7-year old daughter and dog being in the home.

Complainant that officers ignored her pleas and instead, "broke down [her] door and shot and killed [her] in front of [her] 7[-]yr[-]old daughter as the dog was running away from the police."

Further, Complainant contends that the person the officers were looking for was not present and that her child was traumatized from "seeing her dog being murdered by the police". She stated, in particular, that her daughter "cries all the time and screams in her sleep" and has been having

“bad dreams” due to the incident. Complainant also commented that she feels as if she has lost a family member due to the loss of her dog.

Lastly, she commented that the officers had put her child in danger by discharging a firearm in her presence.

VisiNet 1: The “Problem” is listed as “High Risk Warrant Entry”. In the report the following is noted: “...W/WEAPONS/ATF..NO NOISE..ETA 5-10...ASKING FOR DISPATCHED DOG.”

VisiNet 2: The “Problem” is listed as “High Risk Warrant Entry”. However, the listed address is different from that of VisiNet 1. The following is noted: “W/WEAPONS AND ATF”.

CAPRS: The public data section in the report states the following: “Officer from the weapons unit served a search warrant at the above location. This is an ongoing investigation.”

Supplement 1: Officer 1 asserts that a “briefing” for entry to the home was conducted prior to arrival. After the briefing, Officer 1 contends that he and assisting officers drove to the residence and found the front door locked. At the location, Officer 1 claims that a woman told him that the residence was hers. Officer 1 states that he, “held her at gunpoint until [another officer] took custody of her.”

Next, Officer 1 states that officers found the front door locked and rammed it in, damaging it in the process. Officer 1 asserts that officers then announced their presence and an officer shot a dog as he entered the residence. He also asserts that a male and child were located in a front bedroom. Officer 1 claims the child was taken to her mother and the dog was covered with a blanket after the entry. He further states that the blanket was put on the animal prior to the daughter walking past it.

Officer 1 also contends that a basement door was damaged and animal control was called for the animal.

Supplement 2: Officer 2 asserts that he “assisted in serving a high risk search warrant” on Complainant’s residence. Upon arriving, Officer 2 contends that, “an adult female who was in front of the address began yelling at officers approaching.” After this, Officer 2 asserts that the front door was breached and before him, as he was in the front position, was a pit-bull. Officer 2 claims that the animal “began to move towards [him]”, and it became clear to him that the dog would harm him or another officer, so he shot it twice. According to Officer 2, he had “ensured that the backdrop was clear of any person(s)”.

After the aforementioned, Officer 2 contends that he checked the home for any injured persons; he also states that he recovered his spent bullet casings from the ground.

Supplement 3: Officer 3 contends that he was given a particular duty for a “No-Knock High Risk Search Warrant” at Complainant’s address. Upon arriving, Officer 3 contends that home was entered, checked and cleared—thereafter being turned over to investigators.

Supplement 4: Officer 4 contends that he was assigned to a “warrant service” at Complainant’s home. Officer 4 asserts that the front door was locked and eventually rammed by officers. Officer 4 also states that he “assisted in clearing the main level” of the home but did not encounter any persons.

Supplement 5: Officer 5 asserts that the front entry was locked and he assisted another officer in ramming the door open. He also contends that he assisted in clearing the main level and basement of the home, but did not encounter anyone.

Supplement 6: Officer 6 also asserts that he assisted with servicing a warrant on Complainant’s residence. During his search of the home, he asserts that he did not encounter anyone.

However, Officer 6 does relate that a, “young female approximately 10 yrs old was in a back bedroom and needed to be moved from that room to another location.” He also asserts that he covered up the dead dog so that its corpse would not be viewed by the child. He also contends that he helped to walk the girl to another officer outside of the home.

Supplement 7: Officer 7 contends that officers made entry into the home and he announced their presence. He further states that officers encountered an, “adult male and juvenile female in the W side bedroom lying in bed.” He claims that they were “taken into custody without incident”.

Supplement 8: Officer 8 asserts that he assisted with entry and clearance of the home. Upon officers entering the home, Officer contends that he heard an officer say “dog” followed by two shots. He states that he did not encounter anyone during his search of the home.

Supplement 9: Officer 9 claims that, upon entering the home, he found a, “juvenile female and adult male in a bedroom in the main level,” who were then taken into custody “without incident”. He states that he did not use force on anyone nor damage any property.

Supplement 10: Officer 10, an investigator, contends that a warrant was approved for the home due to “an ongoing narcotics investigation”. Upon inspecting the home, Officer 10 asserts that “miscellaneous paper work” and two boxes of clothing addressed to or with Complainant’s cousin’s name were found in the home.

Officer 10 contends that Complainant told him that her cousin had been “staying with her for the last few days” because he had been kicked out of his house. According to Officer 10, Complainant told him that she did not know her cousin “was selling marijuana in her house or around her house.”

Officer 10 also asserts that he searched Complainant’s cousin’s vehicle, which was located outside of her home and found more paper work belonging to him.

CAPRS 2: The public data section in the report states the following: “Officers from [a particular unit] served a search warrant at the above location. Officers recovered suspected marijuana and a handgun.”

CAPRS Summary: In the report, the officers allege that they were serving a warrant for a residence that was not Complainant’s but where they believed her cousin would be present. In the home, the officers allege they found a document in the name of Complainant’s cousin, several baggies of marijuana, several boxes of Hornady, Winchester and .45 caliber ammo, an “AR-15 style” rifle and a “Springfield .45 caliber handgun”. According to the report, the aforementioned items were seized by the officers despite a resident’s contention—not Complainant’s cousin—that the firearms belonged to him.

DISMISSAL

After reviewing all the relevant material the Joint Supervisors dismissed the complaint for “no basis” as the officers appeared to have a valid warrant and took necessary precautions to protect their entry.