

Investigative Summary

Complaint Number: 18-08779
Investigator: Sergeant Marjane Khazraeinazmpour
Officer(s): Officer Andrew Schroeder Badge #6385
13.43 - Personnel Data
Lieutenant Derrick Barnes Badge #0267

Case Type: Administrative
Date of Incident: March 13, 2018
Complaint Filed: May 18, 2018

CASE OVERVIEW

On March 13, 2018 at approximately 1735 hours Officer Schroeder and Officer Thao responded to 2014 Glenwood Avenue North in regards to a Trespassing/Unwant call, where the 911 caller reported that 5 black males, ages 18-21 were refusing to leave her porch and wanted them trespassed. Officers located the males walking on the sidewalk approximately one block from the original location and made contact with them to advise them to stay off the caller's porch. Officer Schroeder recognized 4 out of the 5 males. When officers were attempting to identify the fifth male in the group he took off running from the officers and Officer Thao chased the male on foot.

The male, who was later identified as **260B.171 Juvenile** was apprehended a few blocks away. **260B.171** was searched incident to arrest by Officer Allen and Officer Thao. During the search of **260B.171**, Officer Allen "felt a small, hard bundle in the rear of AP1's pants which I know from training and experience to be consistent with narcotics."¹ Officer Thao then put on a pair of latex gloves and "patted A1/ [REDACTED] on the outside of his underpants and felt a plastic bag like substance at the bottom of his underpants."²

Officer Schroeder "walked over to the squad where officers were searching the male. The officers told him that A1 had "something" concealed in his buttocks. I directed Officer Thao on how to properly search the male. Officer Thao then grabbed onto a large "lump" in A1's underwear...Officer Thao pulled the items away from A1's body. I realized that to retrieve the

¹ MPD CAPRS Report #18-080060 Supplement #3

² MPD CAPRS Report #18-080060 Supplement #2

item officers would either need to reach inside A1's underwear...which was not an option. I then made a small cut in A1's underwear and Officer Thao removed several baggies of suspected marijuana."³

Sergeant Anderson conducted a Supervisor Use of Force Review to document the injury, since **260B.171** hands were slightly bleeding. Officers did not use force on **260B.171**, and he may have gotten a small cut from the snow or ice when he was ordered to the ground. While Sergeant Anderson "was conducting her supervisor use of force review with V1 (**260B.171**) when he stated that he felt that he was sexually assaulted during the search and officers had their fingers in his butt. He also stated that his "ass was out" and he didn't think that was supposed to happen."⁴ **260B.171** allegation was captured on Sergeant Anderson's Body Worn Camera (2:10-3:30), while she was conducting the Supervisor Use of Force Review.

Officers attempted to positively identify **260B.171** while on scene, but he kept changing his name or the spelling. Officer Schroeder and Officer Thao transported **260B.171** to his Uncle's house where he was staying to confirm his identity, but his uncle also gave a false name. Officers were able to positively identify **260B.171** with the assistance of the Chicago Police Department. **260B.171** was transported to the Minneapolis Police Department Juvenile Unit to be processed.

On March 14, 2018 at 0038 hours, Sergeant Anderson and Lieutenant Barnes went to the address that **260B.171** was staying at to conduct a follow-up interview about the sexual assault allegation. When **260B.171** "was asked about the allegations that he made earlier and said that the search was weird and that he did feel that he was sexually assaulted."⁵ He did not elaborate any more. **260B.171** was offered a SARS Exam and medical attention multiple times, which he declined. Sergeant Anderson took photographs of **260B.171** underwear that was cut and uploaded them to evidence.com.

ALLEGATIONS

13.43 - Personnel Data

Allegation 2: It is alleged Officer Schroeder used unnecessarily harsh language in the performance of official duties, 5-105(C)(1) Professional Code Of Conduct – Language.

13.43 - Personnel Data

Allegation 4: It is alleged that **13.43 - Personnel Data** Lieutenant Barnes failed to immediately notify the Internal Affairs Unit when required, 2-101(B)(1) Internal Affairs Call-Out Notification – Situations Requiring Immediate Notification.

³ MPD CAPRS Report #18-080060 Supplement #1

⁴ MPD CAPRS Report #18-080686 Supplement #2

⁵ MPD CAPRD Report #18-080686 Supplement #2

CASE INVESTIGATION

Review of VisiNet and MPD CAPRS Report 18-080060 and 18-080686

A review of VisiNet Report #18-080060 and VisiNet Report #18-080686 was completed. A review of MPD CAPRS Report #18-080060 and MPD CAPRS Report #18-080686 was completed. MPD CAPRS Report #18-080060 lists the offenses as Narcotics Violation, Flee Officer on Foot, and False Name or Information for Arrestee 1, **260B.171 Juvenile**. The police report also documented the Use of Force as an offense code for administrative purposes. The police report detailed the incident and the factors surrounding it. MPD CAPRS Report #18-080686 documents the sexual assault allegation made by **260B.171**.

Review of Body Worn Cameras

Body Worn Camera footage was reviewed from Officer Schroeder, Officer Thao, Officer Allen, Officer Durand, Officer Mattsson, Officer Haugland, Sergeant Anderson, and Lieutenant Barnes. Officer Schroeder's Body Worn Camera footage showed when officers first encounter the males involved in the Trespassing/Unwant call, apprehension of **260B.171** after the foot pursuit, conversation with the resident of the house where the foot pursuit ended, K9 article search, attempting to verify **260B.171** name, conversation with **260B.171** family members, and transport to **260B.171** aunt's house and to the Minneapolis Juvenile Unit. Officer Thao's Body Worn Camera footage showed when officers first encounter the males involved in the Trespassing/Unwant call, the foot pursuit and apprehension of **260B.171**, search incident to arrest of **260B.171**, K9 article search, conversation with **260B.171** family members, and transport to **260B.171** aunt's house and to the Minneapolis Juvenile Unit. Officer Allen's Body Worn Camera footage showed the search incident to arrest of **260B.171** and attempting to identify **260B.171**. Officer Durand's Body Worn Camera footage showed the apprehension of **260B.171** after the foot pursuit and a conversation with the resident of the house where the foot pursuit ended. Officer Mattson's Body Worn Camera footage showed the conversation with the resident of the house where the foot pursuit ended. Officer Haugland's Body Worn Camera footage showed his K9 article search. Sergeant Anderson's Body Worn Camera footage showed her speaking with **260B.171** to conduct her Supervisors Use of Force and the follow-up interview with **260B.171** about the sexual assault allegation. Lieutenant Barnes Body Worn Camera footage showed the follow-up interview with **260B.171** about the sexual assault allegation.

Review of Mobile Video Recordings (MVR)

Officer Schroeder and Officer Thao were driving Squad 410 P#76805 on March 13, 2018 while on the Trespassing/Unwant call. Squad 410 P#76805 Mobile Video Recordings (MVR) device was activated during the transport of **260B.171 Juvenile** to his Uncle's residence and to the Minneapolis Police Department Juvenile Unit. The in-car audio is checked, but there was no sound audible. It showed **260B.171** sitting in the rear of the squad car.

Review of Watch Commander Daily Activity Report

The Watch Commander Daily Activity Report for March 13, 2018 was completed by Lieutenant Delmonico. On the Watch Commander Log it was documented that Lieutenant Barnes notified Lieutenant Wheeler and the Watch Commander at 0030 hours of the incident. The notification to the Internal Affairs Unit was approximately 6 hours after the initial allegation was made from 260B.171 Juvenile to Sergeant Anderson.

Review of Sergeant Anderson's Follow-Up Email to Lieutenant Wheeler

On March 14, 2018 at 0509 hours Sergeant Anderson sent a follow-up email to Lieutenant Wheeler describing the sexual assault allegation and outlining what steps she and Lieutenant Barnes took. Sergeant Anderson reviewed the Body Worn Camera footage from the call and she and Lieutenant Barnes conducted a follow-up interview with 260B.171 Juvenile about his allegation, offered him a SARS Exam and medical attention and took pictures of his cut underwear.

260B.171

13.43 - Personnel Data

260B.171

Review of Officer Schroeder's Statement

Officer Schroeder was interviewed at the Internal Affairs Unit office on October 18, 2018 as a Focus Officer. Officer Schroeder reported on the search of 260B.171 Juvenile and the factors and circumstances surrounding the incident. During Officer Schroeder's interview I asked him if looking back was there anything that you would change or do differently about this incident and he stated, "Uh, there's a couple things I would do differently, yes ma'am. I would, uh, keep my camera on, uh, the entire duration of the call. I would supervise my recruit in a more direct manner. I would be more cautious, uh, in the language I use and I have, um, I will not cut underwear in the future."⁶

⁶ Officer Schroeder's Statement Page 8 Lines 20-27

13.43 - Personnel Data

Review of Lieutenant Barnes Statement

Lieutenant Barnes was interviewed at the Internal Affairs Unit office on October 25, 2018 as a Focus Officer. Lieutenant Barnes reported on **260B.171** allegation, the notification and the steps that were taken.

DISCUSSION

The Minneapolis Police Department's Policy and Procedure Manual states in part:

13.43 - Personnel Data

13.43 - Personnel Data

260B.171

260B.171

260B.171

13.43 - Personnel Data

The Minneapolis Police Department's Policy and Procedure Manual states in part:

5-105 PROFESSIONAL CODE OF CONDUCT

C. Language (01/05/16)

These provisions apply to all forms of communication, including but not limited to electronic and social networking. These provisions are in addition to the conditions in the Computer Use and Electronic policy (P/P 4-220) and the Social Networking policy (P/P 7-119).

1. (A-D) Employees shall not use derogatory, indecent, profane or unnecessarily harsh language in the performance of official duties or while representing the MPD.

The Minneapolis Police Department's Policy on language states that employees shall not use derogatory, indecent, profane or unnecessarily harsh language in the performance of official duties or while representing the MPD. Body Worn Camera footage was reviewed from Officer Schroeder and all other officers that were involved in the incident. The Body Worn Camera footage captured the first encounter with the males involved in the Trespassing/Unwant call, the foot pursuit, apprehension of **260B.171** after the foot pursuit, search of **260B.171**, K9 Article Search, attempting to verify **260B.171** name, conversation with **260B.171** family members, and transport to **260B.171** aunt's house and to the Minneapolis Juvenile Unit.

During the call, as captured on Body Worn Camera, **260B.171** was very uncooperative with Officer Schroeder and the other Officers on scene by running from Officers, not giving his information, lying about his name and how it was spelled. **260B.171** stated to another officer that he was intentionally lying to Officer Allen.¹¹ **260B.171** Uncle also provided a false name to Officer Schroeder. It was very difficult for Officers to identify **260B.171**, and Officer Schroeder had to verify his identity with the assistance of the Chicago Police Department.

When I asked Officer Schroeder if he thought during this call he used unnecessarily harsh language, according to MPD Policy and Procedure 5-105, Professional Code of Conduct Language, he stated, "I do not think I used harsh language. I was, uh, I guess just talking in the way that I talk to these guys all the time. It's kind of like a street lingo. The people that are, you know, the criminal element doesn't respond to – hey sir, uh, do you have, uh, narcotics in your pants. You know it's kind of like, uh, a street talk. And there's swear words that gets used to it and um, it's the same way they talk to me when they use swear words or derogatory words or, um, the "N" word is commonly used towards me. It's not in a derogatory fashion. It's just, I guess it's the way people talk in North Minneapolis often."¹²

When I asked Officer Schroeder with everything that has been discussed today, the knowledge you have regarding the incident and your understanding of MPD Policy and Procedure 5-105

¹¹ MPD CAPRS Report #18-080060 Supplement 3

¹² Officer Schroeder's Statement Page 7 Lines 14-26

Professional Code of Conduct Language, do you believe that you violated any of this section, he stated, "Uh, now is that...no I didn't."¹³

13.43 - Personnel Data

¹³ Officer Schroeder's Statement Page 8 Lines 9-13

14
15
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17

13.43 - Personnel Data

260B.171

260B.171

The Minneapolis Police Department's Policy and Procedure Manual states in part:

2-101 INTERNAL AFFAIRS CALL-OUT NOTIFICATION

B. Situations Requiring Immediate Notification

1. The following situations require that the Internal Affairs Unit be immediately notified:
(07/11/07)

- An employee is involved in a critical incident as defined by MPD Policy (see Section 7-800). (08/17/05)
- An employee is arrested, whether the event occurs in Minneapolis or another jurisdiction. (07/11/07)
- An employee is alleged to have committed serious misconduct or believed to be a suspect in a criminal offense. (07/11/07) (04/30/15)
- An employee is alleged to have used force resulting in great or substantial bodily harm. (07/11/07) (12/30/10)
- A suspect in police custody is admitted to the hospital. (07/11/07)
- An employee is alleged to have committed misconduct in a high profile incident. (07/11/07)
- An employee is involved in any other event or circumstance that immediately affects his/her fitness for duty.

The Minneapolis Police Department's Policy on Internal Affairs Call-Out Notification states that the Internal Affairs Unit be immediately notified when an employee is alleged to have committed serious misconduct or believed to be a suspect in a criminal offense.

While Sergeant Anderson was conducting a Supervisor Use of Force Review with **260B.171** [REDACTED], "he stated that he felt he was sexually assaulted during a search and officers had their fingers in his butt. He also stated that his "ass was out" and he didn't think that was supposed to happen."²³

Sergeant Anderson contacted her Lieutenant, Lieutenant Barnes to inform him of the allegations that were made while she was on scene. She spoke with the officers on scene about the search and what had occurred. Sergeant Anderson decided to have them go back to the station to complete reports and upload their Body Worn Camera footage, so she could view the video to see what happened on the call.²⁴

According to the Watch Commander Daily Activity Report for March 13, 2018, Lieutenant Barnes notified the Watch Commander, who was Lieutenant Delmonico and Lieutenant Wheeler of the Internal Affairs Unit at 0030 hours about the allegation.

²³ MPD CAPRS Report #18-080686 Supplement 2

²⁴ Sergeant Anderson's Statement Page 4 Lines 3-27

After speaking with Lieutenant Wheeler at 0030 hours, he advised them to locate **260B.171** and offer him a medical exam and treatment. Lieutenant Barnes and Sergeant Anderson conducted a follow-up interview on March 14, 2018 at 0038 hours with **260B.171** at his listed residence. Lieutenant Barnes stated, "I believe after Sgt. Anderson spoke with, uh, Lt. Wheeler, um, we were directed to do it, the follow up interview. We located the, the subject, um, at his, at the residence he was staying at. I don't believe that was his but, um, we talked to him and offered him, um, medical attention multiple times. If you watch the bodycam video which I believe is mine, uh, I probably did most of the talking. I was talking to **260B.171** and, and, uh, asked him how did he feel he was, um, violated, if that happened. Uh, he didn't go into a whole lot of detail, um, and he didn't seem to want to go any further with this so I continued to ask him over and over, um, if he wanted to have a SARS exam, uh, offered to transport him to the hospital, you know, um, that's pretty much (inaudible) I mean he was pretty much, you know, just wanted to be done with the whole thing."²⁵

Sergeant Anderson sent a follow-up email to Lieutenant Wheeler on March 14, 2018 at 0509 hours regarding CCN #18-080686 documenting the incident and the follow-up interview with **260B.171**.

The policy does not state whether you should view the Body Worn Camera footage before or after you notify the Internal Affairs Unit. The policy states that the Internal Affairs Unit be immediately notified. Lieutenant Barnes and Sergeant Anderson both reported that the Internal Affairs Unit was immediately notified. Lieutenant Barnes stated, "I think yes, I think as soon as, um, Sgt. Anderson realized what she had here or potentially what was alleged, um, she did follow up as soon as she could. Um, she went back, she did her research, she got her ducks in a row, let me know what was going on. Let Car 9 know what was going on and then immediately called Lt. Wheeler, now apparently it was somewhat later than he would have liked to have been contacted but I think we needed to have something to say before just calling him up because we think we might have something. Cause I'm pretty sure he would have said well why don't you guys do this you know we were given directive which we did, we did that, so. In a nutshell yes, I think that was as soon as we knew what we had."²⁶

During **13.43 - Personnel Data** Lieutenant Barnes' interview I asked them both with everything that has been discussed today and the knowledge you have regarding the incident and your understanding of MPD Policy and Procedure 2-101, Internal Affairs Call Out Notification, Situations Requiring Immediate Notification, do you believe you violated any section of this policy.

13.43 - Personnel Data
13.43 - Personnel Data

13.43 - Personnel Data Lieutenant Barnes responded, "No, I do not. Um, well just like I had previous stated, um, you need to know what you have and I believe that due diligence needed to take place before you would move forward, um, especially when you have allegations of that, uh, you know, proportion, so, we wanted to

²⁵ Lieutenant Barnes' Statement Page 4 Lines 4-14

²⁶ Lieutenant Barnes' Statement Page 5 Lines 6-21

²⁷ **13.43 - Personnel Data**

be able to say what we had and that's, and as soon as we found out what we had or we thought we had we called him (inaudible)."²⁸

CLOSING

When making a determination on the allegations, there are four key issues to consider:



2. Whether Officer Schroeder used unnecessarily harsh language in the performance of official duties.
 - Officer Schroeder did not believe he used unnecessarily harsh language during the call.
 - 260B.171 was being uncooperative to Officers by running from Officers, not giving his information, lying about his name and not spelling his name correctly. 260B.171 Uncle also provided a false name to Officer Schroeder.



²⁸ Lieutenant Barnes' Statement Page 5 Lines 23-34

260B.171

260B.171

260B.171 **13.43 - Personnel Data**

260B.171

4. Whether **13.43 - Personnel Data** Lieutenant Barnes failed to immediately notify the Internal Affairs Unit when required.

- Watch Commander Log for March 13, 2018 documents that Lieutenant Barnes notified Lieutenant Wheeler of the Internal Affairs Unit and the Watch Commander, Lieutenant Delmonico at 0030 hours.
- The notification to the Internal Affairs Unit was approximately 6 hours after the initial allegation was made from **260B.171** to Sergeant Anderson while on scene at **260B.171 Juvenile**
- Sergeant Anderson sent a follow-up email to Lieutenant Wheeler on March 14, 2018 at 0509 hours regarding CCN #18-080686 documenting the incident and the follow-up interview with **260B.171**.
- Lieutenant Barnes and Sergeant Anderson both believe the Internal Affairs Unit was immediately notified. Lieutenant Barnes stated, "I think yes, I think as soon as, um, Sgt. Anderson realized what she had here or potentially what was alleged, um, she did follow up as soon as she could. Um, she went back, she did her research, she got her ducks in a row, let me know what was going on. Let Car 9 know what was going on and then immediately called Lt. Wheeler, now apparently it was somewhat later than he would have liked to have been contacted but I think we needed to have something to say before just calling him up because we think we might have something. Cause I'm pretty sure he would have said well why don't you guys do this you know we were given directive which we did, we did that, so. In a nutshell yes, I think that was as soon as we knew what we had."

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

Investigator:

Date

NOTICE OF DISCIPLINE

July 14, 2020

Lt. Derrick Barnes
Pct. 4 Investigations
Minneapolis Police Department

RE: OPCR Case Number 18-08779
Notice of Written Reprimand

Lt. Barnes,

The finding for OPCR Case #18-08779 is as follows:

| <u>Policy Number</u> | <u>Sub-Section</u> | <u>Policy Description</u> | <u>Category</u> | <u>Disposition</u> |
|----------------------|--------------------|---|-----------------|--------------------|
| 2-101 | (B)(1) | Situations Requiring Immediate Notification | B | Merit |

As discipline for this incident, you will receive this Letter of Reprimand.

This case will remain in the OPCR files per the record retention guidelines mandated by State Law.

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

Sincerely,

Medaria Arradondo
Chief of Police

By: Michael Kjos, Assistant Chief of Police
Henry Halvorson, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Derrick Barnes, acknowledge that I have received my Notice of Discipline for OPCR Case #18-08779.

Lt. Derrick Barnes

Date of receipt

Inspector Kelvin Pulphus

Date

CC: Personnel
Inspector Pulphus
OPCR

NOTICE OF DISCIPLINE

July 14, 2020

Officer Andrew Schroeder
Gun Investigations Unit
Minneapolis Police Department

RE: OPCR Case Number 18-08779
Notice of Written Reprimand

Officer Schroeder,

The finding for OPCR Case #18-08779 is as follows:

| Policy Number | Sub-Section | Policy Description | Category | Disposition |
|---------------|-------------|------------------------------|----------|-------------|
| 5-105 | (C)(1) | Professional Code of Conduct | B | Merit |

13.43 - Personnel Data

13.43 - Personnel Data

As discipline for this incident, you will receive this Letter of Reprimand.

This case will remain in the OPCR files per the record retention guidelines mandated by State Law.

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

Sincerely,



Medaria Arradondo
Chief of Police

By: Michael Kjos, Assistant Chief of Police
Henry Halvorson, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT

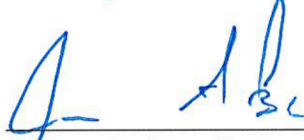
Acknowledgement of receipt:

I, Andrew Schroeder, acknowledge that I have received my Notice of Discipline for OPCR Case #18-08779.


6385

Officer Andrew Schroeder

7.21.20
Date of receipt



Commander Jason Case

7.21.20
Date

CC: Personnel
Cmdr. Case
OPCR