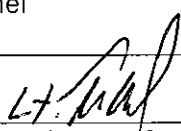



**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
18-14316		18-129192	April 24, 2018		No Preference
Location of Incident		City/State/Zip		Date of Complaint	
701 Industrial				August 13, 2018	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION			CATEGORY		
OPCR Ord. § 172.20(8)			Violation of the P&P manual		
BADGE/NAME			ALLEGED POLICY VIOLATIONS		
4385 ; Manley, Michael			MPD P&P § 5-105 (A)(5) - Professional Code of Conduct MPD P&P § 5-105 (A)(4) - Professional Code of Conduct		
ALLEGATION SUMMARY					
Allegation that officer used his vehicle to push protesters while en route to a training session.					
SUPERVISOR ASSESSMENT					
INQUIRY (INTAKE - COMPLAINT FILED) <input type="checkbox"/>			3401 <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final approved		
MEDIATION <input type="checkbox"/> Refer to Mediation			DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate <input type="checkbox"/> Refer to Dispatch <input type="checkbox"/> Refer to EIS <input type="checkbox"/> Refer to: _____		
COACHING <input type="checkbox"/> Refer to Precinct					
INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input type="checkbox"/> Admin Investigation: Investigator					
FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel					
IAU Supervisor 				Date 5-13-19	
Director - Office of Police Conduct Review 				Date 5/13/19	

NOTICE OF DISCIPLINE

June 19, 2020

Officer Michael Manley
Precinct 3 Middlewatch
Minneapolis Police Department

RE: OPCR Case 18-14316
Notice of Suspension (30 hours suspension without pay)

Officer Manley,

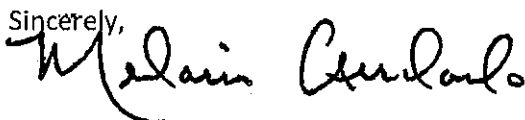
The finding for OPCR Case #18-14316 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
5-105	(A)(4)		B	Merit
5-105	(A)(5)		B	Merit

As discipline for this incident you are suspended for 30 hours without pay.

This case will remain in 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

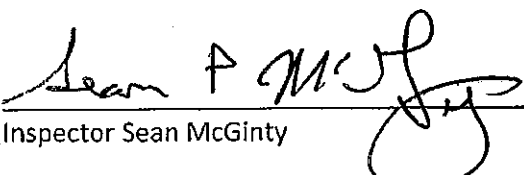
Acknowledgement of receipt:

I, Michael Manley, acknowledge that I have received my Notice of Discipline for OPCR Case #18-14316.



Officer Michael Manley

6-26-2020
Date of Receipt



Inspector Sean McGinty

6/26/2020
Date

CC: OPCR Case File
Inspector McGinty
Payroll
Human Resources

Investigative Summary

Complaint Number: 18-14316
Investigator: Sergeant Timothy P. Eck
Officer (s): Officer Michael Manley
Case Type: OPCR Administrative
Date of Incident: April 24, 2018
Complaint Filed: August 13, 2018

CASE OVERVIEW

On April 24, 2018, security personnel at a site of an on-going labor dispute in northeast Minneapolis called 911 and reported that a male which they believed may be impersonating a police officer had been involved in a confrontation at the site, the male had since left the area. Minneapolis Police Officers arrived and determined that MPD Officer Michael Manley was the subject of the 911 call. Responding Officers took a police report and collected videos from the scene. Second Precinct Sergeant Waletzki made notification to IAU Lieutenant Wheeler.

ALLEGATIONS

Allegation 1: It is alleged that Officer Michael Manley did not use reasonable judgement during an interaction with picketers at on-going labor dispute, and did not weigh the potential consequences of his actions. **5-105 (A) (4) – Professional Code of Conduct.**

Allegation 2: It is alleged that Officer Michael Manley was not decorous in his language and conduct and may have acted in a way that brought discredit to the Department. **5-105 (A) (5) – Professional Code of Conduct.**

CASE INVESTIGATION

On April 24, 2018, 2nd Precinct Sergeant Waletzki made notification to IAU Lieutenant Wheeler that Officer Michael Manley was involved in a confrontation with striking workers and security personnel at the site of a labor dispute in northeast Minneapolis. A Second-Degree Assault report was completed by Minneapolis Police Officers. It was alleged that Officer Manley displayed a handgun to personnel at the scene then used his vehicle to assault them. A criminal investigation was completed by the St. Paul Police Department and presented to the Hennepin County Attorney's Office for consideration of charges. The Hennepin County Attorney's Office declined to charge Officer Manley with any crime. See the attached declination letter included in this case file.

Minneapolis Police Department Records

WorkForce Director Records

On April 24, 2017, Officer Manley was assigned as a training officer associated with the MPD's new Records Management System (RMS), designated formally as PIMS or Police Information Management System. His assigned work shift was 1700 hours.

MPD CAPRS Report 18-129192

The above police report was filed by Squad 210, Officers Trista Kreft and Lucas Nightengale. The report was coded as an ASLT2 (Second Degree Assault) and listed Michael Manley as the suspect who "struck and pushed 2 victims with the front bumper of his vehicle."¹

There were two parties who were listed as victims, James Schuster (JJ Taylor Employee), and Juan Gandia (Huffmaster Security). Both parties were on foot on or near the picket line at the entrance to the JJ Taylor business. Schuster reported that he was pushed by Manley's vehicle and later physically pushed by Manley after he got out of the vehicle. Gandia reported that he was pushed by Manley's vehicle.

Security Video from the Scene

Hand held camera video footage of the incident provided by Huffmaster Security, a security company contracted to monitor the labor dispute at the site. The video showed a **13.43** **13.43** pull in front of a semi-truck which had been stopped by picketers at the entrance to the business. Manley is seen getting out of the **13.43** and interacting with the picketers and security personnel. The video file is included in this case.

¹ From public information section of MP 18-129192.

Cell Phone Video from the Scene

One of the picketers, Asher Birdhorse, took a brief video of Officer Manley interacting with the small group of people in front of Manley's [REDACTED] 13.43 [REDACTED]. Audible comments on the video include, "Minneapolis Police, get the fuck out of the way" and "move now".² The video had a very narrow field of view and it was difficult to ascertain the extent of any physical contact that may have occurred between Manley and any member of the group.

BWC Records

Officers Kreft and Nightengale were both wearing body-worn cameras and the footage of talking with the victims and witnesses at the scene is included in this case.

Review of Criminal Investigation

Saint Paul Police Case 18-089486

[REDACTED] 13.43 - Personnel Data [REDACTED] and Sergeant Shawn Shanley from SPPD Homicide/Robbery Division conducted the criminal investigation of this case. The investigators reviewed video footage, conducted site visits and interviewed the victims, witnesses, and Officer Manley. Upon completion of their investigation, the case was submitted to the Hennepin County Attorney's Office for consideration of charges. On July 23rd, 2018, the office declined to proceed with any charges against Officer Manley.³

In a recorded telephone interview, victim #1 James Schuster told [REDACTED] 13.43 - Personnel Data [REDACTED] that he believed Officer Manley was trying to assault him "because he was trying to drive through them".⁴ Schuster advised that Manley got out his car and pushed him in an effort to get him to move so he could drive past. Schuster did not want to press charges or further pursue the matter. However, he did state that if was an undercover police officer he should get a "stern"⁵ talking to by his supervisors. Schuster advised that he had not been injured by Manley during the incident.

[REDACTED] 13.43 - Personnel Data [REDACTED] then interviewed Juan Gandia, the security guard who attempted to block Manley's vehicle from driving past the picketers and past the semi-truck. Gandia conceded to Sgt. Cheshier that he put himself in the path of Manley's car and leaned into it each time it would move forward. Gandia said Manley "began to nudge him harder and began hitting him with his vehicle."⁶ Gandia believed he was the victim of an assault and wished to pursue

² This short cell phone video is included in this case file.

³ See included declination letter from HCAO.

⁴ See SPPD report, Statement of [REDACTED] 13.43 [REDACTED] and recorded interview of James Schuster.

⁵ See SPPD report, Statement of [REDACTED] 13.43 [REDACTED] and recorded interview of James Schuster.

⁶ See SPPD report, Statement of [REDACTED] 13.43 [REDACTED] and recorded interview of Juan Gandia.

charges. Gandia advised that he had a previous history of knee problems and this incident made his knee sore, he did not seek medical attention, however. Gandia is from Hinesville, Georgia.

The beer truck driver, James Forester was interviewed and he told Sgt. Cheshier that he believed that Manley hit people with his car on purpose and that he was trying to prove a point about his semi-truck blocking traffic. Forester is from Shawnee, Kansas.

13.43 - Personnel Data then interviewed Chad Tucker, one of the striking workers on the picket line. Tucker believed that Manley was just trying to get around the semi-truck and back on Industrial Boulevard but he did hit "a couple of guys (with his car) more than once".⁷ Tucker also believed that this was more of a contest of will because the security guard was telling him to back up. Tucker believed it was just bad behavior.

The other Huffmaster security guard on scene, Cody Balogh, was interviewed by SPPD Sergeant Shawn Shanley. Balogh told Shanley that he was the one who was stopping the delivery trucks for the count to 30 seconds. Balogh saw the confrontation between Manley and the others, he heard Manley use profanities and saw Manley try to physically move (push with his hands) one of the picketers out of the way. Balogh said that Manley, then with his vehicle, "just slowly inched forward and that Juan (the other security guard) did not want to get out of the way".⁸ Balogh did not believe Manley was trying to hurt anyone nor did he believe he assaulted anyone, he was just trying to get them out of the way so he could drive past. Balogh lives in Hartstown, Pennsylvania.

Sergeant Shanley then interviewed Huffmaster security guard, Mark Corbett. Corbett heard Manley tell them to "get the fuck out of the way" and he saw Manley as he "grabbed a picketer, but not forcibly, to get him out of the way".⁹ Corbett said Manley told him that he was the police and Corbett saw a badge and gun holster on Manley's body. Corbett believed Manley was going about one mile per hour or less when he "Bumped Juan in his knees two or three times".¹⁰ Corbett said that Manley did not go out there to hurt anyone but his behavior was unprofessional. Corbett lives in Fayetteville, North Carolina.

Asher Birdhorse, a picketer who blocked Manley's vehicle, recorded a small portion of the incident on his cell phone. During an interview with 13.43 - Personnel Data Birdhorse advised that his knees got "scraped up a bit by the bumper of the vehicle but his injuries were not photographable".¹¹ Birdhorse did not see medical attention for his scrapes. Birdhorse did not wish to press charges against Manley but he believed that, if he was impersonating a police officer, there should be consequences, and if he is a police officer, he should face consequences as well.¹²

On May 29, 2018, 13.43 - Personnel Data and Sergeant Shanley interviewed Officer Manley at the Saint Paul Police Department. Officer Manley told the investigators that he was on his way to

⁷ See SPPD report, Statement of 13.43 and recorded interview of Chad Tucker.

⁸ See SPPD report, Statement of Sergeant Shanley and recorded interview of Cody Balogh.

⁹ See SPPD report, Statement of Sergeant Shanley and recorded interview of Mark Corbett.

¹⁰ See SPPD report, Statement of Sergeant Shanley and recorded interview of Mark Corbett.

¹¹ See SPPD report, Statement of 13.43 and recorded interview of Asher Birdhorse.

¹² The cell phone video is included on an accompanying thumb drive.

work when his route was blocked by a semi-truck that was trying to get into a business parking lot. Manley believed there was room to go around the semi-truck and as he attempted to do so, he was blocked by people on foot. Manley advised that he got out of his car and told them that they could not block traffic or keep the truck from entering the business. Manley admitted to using profanity, saying something to the effect of "get the fuck out of the way".¹³

Manly told investigators that he told the people blocking the way that he was a Minneapolis Police Officer and he said he showed him his badge which was on his belt. Officer Manley does not recall if he pushed or shoved someone but offered that if someone was getting to close to him he would push them away.

Manley advised that he got back into his car and began to "inch forward"¹⁴. Manley said he was not intending to hurt or scare anyone. He reportedly did this for a short time until people moved out of the way and he could proceed on his desired route to work.

Officer Manley's attorney, Earl Gray, offered information that the responding officer who took the assault report was his former partner, Officer Trista Kreft. Kreft and Manley's partnership reportedly did not end in a friendly manner as Officer Manley believed Officer Kreft was unsafe, had difficulty applying the law and was not a good report writer.

Sergeant Shanley, during his investigation, determined that there is no Minneapolis City Ordinance that would cover the semi-truck blocking vehicle traffic, however, learned that Minnesota State Statute 169.15 covers blocking or impeding traffic flow.

I contacted SPPD [REDACTED] for the purpose of conducting a recorded interview with him regarding his role in the investigation. [REDACTED] told me that everything I needed to know about his investigation was in his police reports and that he stands by his reports. He advised me that he did not want to be further involved in this case and refused to be interviewed for this record.

Internal Affairs Interview with Officer Manley

On January 29th, 2019, I interviewed Officer Michael Manley in the MPD IAU Office. He was represented by Sergeant Anna Hedberg from the MPD Police Federation. No one else was present.

Officer Manley advised that on the day in question he was driving to work in his personal vehicle, wearing plain clothes when he came upon traffic congestion that was being caused by a labor dispute at a nearby business. Officer Manley's account of the incident is consistent with the account he provided to [REDACTED] during the potential criminal investigation.

Officer Manley told me that he did not know the status of the criminal investigation which had been conducted by the St. Paul Police Department. I advised him that the investigation was

¹³ See interview with Officer Manley in SPPD Police Report.

¹⁴ Interview of Officer Manley by SPPD [REDACTED].

complete and the case had been submitted to the Hennepin County Attorney's Officer as a conflict case. I advised him that prosecutors declined to file charges in the matter.

Officer Manley, when asked if would have done anything differently upon reflection of this incident, stated "I wouldn't have put myself in a position like that" and "...I mean being that I was off duty I think a better choice would have been to wait and call a squad for the traffic blockage. Have uniformed officers come handle it".¹⁵ Officer Manley also stated that he was served with legal child custody paperwork regarding his son earlier in the day and this effected his overall mood.¹⁶

DISCUSSION

It is alleged that Michael Manley violated the MPD's Professional Code of Conduct policy. If this allegation is found to be true, it would violate the department policy included below.

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

5-105 PROFESSIONAL CODE OF CONDUCT (01/05/16)

A. General

4. Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions. (04/01/05) (05/03/05) (01/05/16)
5. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. (04/01/93) (01/05/16)

On April 24th, 2018, JJ Taylor truck drivers were on strike over safety conditions. The striking workers had set up a picket line across the entrance to the distribution warehouse. Huffmaster is a company which specializes in providing security at scenes of labor disputes. In this instance, Huffmaster personnel were working near the entrance to the warehouse and at the picket line. Striking personnel and Huffmaster set an agreed upon procedure whereas striking workers on the picket line were allowed to block incoming delivery trucks for a period of thirty seconds, allowing time for the picketers to pace back and forth in front of the trucks. In this instance, a tractor trailer truck was stopped at the entrance and the trailer protruded out into the northbound lane of Industrial Boulevard, essentially stopping northbound vehicular traffic. Officer Manley was on his way to his assigned shift and found himself stopped in the blockage. This is where the video provided by Huffmaster security personnel begins.

¹⁵ IAU Interview of Officer Manley, page 7, line 34.

¹⁶ IAU Interview of Officer Manley, page 8, line 12.

In the video, a **13.43 - Personnel Data** is seen pulling in front of the stopped semi-truck, up to the three picketers and three security personnel, no one is struck by the vehicle at this time. The vehicle then appears to be blocked in from the front by the picketers and security personnel and cannot proceed further. The vehicle's tires are then turned to the right as if an attempt will be made to go around the individuals and the semi-truck. At this point, one of the security personnel, later identified as Juan Gandia, positioned himself in front of the vehicle and placed his legs in contact with the bumper of the **13.43** and told the driver to back up. The **13.43** inches forward a couple of times, pushing back Gandia as he stood in front of the vehicle. The driver gets out of the vehicle, since identified as Officer Manley and says "...Minneapolis Police, get the fuck out of the way, move, now...you can't block traffic!"¹⁷. Just after doing so, it appears that Manley pushes one of the picketers, James Schuster, in the area of his right arm and elbow and once again telling them to back up¹⁸ and move away from his vehicle. It then sounds like one of the individuals asked to see Officer Manley's ID and Manley appears to motion towards his waistband¹⁹. Manley keeps telling the individuals that they have to move out of the way as he walks back to the driver's seat. Manley once again begins inching his vehicle forward with Gandia and Schuster attempting to block the vehicle by standing at its front bumper. Both individuals appear to be pushed back slightly as Manley slowing inches forward and is ultimately able to maneuver around the semi-truck and back onto Industrial Boulevard.

Kris Knight, who was in charge of the picket line, called 911 approximately 45 minutes later to report the incident. According to the report of St. Paul Police **13.43 - Personnel Data**, Knight's primary complaint was that "He believed that Michael Manley was not a real officer and that someone had come to their strike line impersonating an officer and was 'razzing the guys up'."

In his Internal Affairs interview, Officer Manley stated that his sole intention was to get around the traffic blockage and make it to his job assignment on time. He further stated he never intended to "hurt, or scare, or intimidate, or anything, anyone there."²⁰ Officer Manley admitted to getting himself into a verbal confrontation with picketers and security at the business site. Officer Manley stated he did not believe the confrontation became physical and did not intend to threaten or harm anyone at the scene. Officer Manley stated that he had no intention of discrediting or disparaging the MPD in any way, however, he did acknowledge that he "definitely should have handled it differently...I should have waited, try to calm myself, relax, and bring myself back to a better place, and call a squad or-, or wait for the blockage to be cleared".²¹

CLOSING

1. Did Officer Manley violate the MPD's Professional Code of Conduct Policy during an interaction with individuals at a labor dispute?

¹⁷ See Huffmaster video for complete context and perspective.

¹⁸ See SPPD report, statement of **13.43 - Personnel Data**.

¹⁹ At this point it is believed that Officer Manley lifted up his shirt and displayed his badge, his gun may have been visible as well.

²⁰ See IAU Interview with Officer Manley, page 7, line 32.

²¹ See IAU Interview with Officer Manley, page 8, line 14.

- a. Officer Manley was in plainclothes and on his way to his assigned shift in his personal car.
- b. Officer Manley encountered a traffic delay caused by picketers at the scene of a labor dispute.
- c. Officer Manley identified himself as a Minneapolis Police Officer and told them to stop blocking traffic.
- d. Officer Manley used profanity towards picketers who were causing a traffic disruption as he advised them that it was illegal for them to block traffic.
- e. Picketers placed themselves in the path of Officer Manley's vehicle in order to keep him from going around a semi-truck that they had blocked with their picket line.
- f. Officer Manley slowly maneuvered his vehicle through the small picket line and got back onto his route to his work assignment.
- g. Officer Manley, in a statement to Internal Affairs, acknowledged that, if given the chance again, he would not have put himself in that position and that the better option would have been to contact a marked police squad to address the traffic blockage.²²

I confirm that my summary of this case is true to the best of my knowledge.



Investigator:



Date

²² See typed statement of Officer Manley, page 7, line 21.