

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
19-02291	N/A	19-033475 (St. Paul PD)	February 16, 2019	04:57	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
202 Bridlewood Drive		Saint Paul, MN 55119		February 18, 2019	
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 Minneapolis Police Department Policy and Procedure			
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
7242 ; Tinsley, Patrick		MPD P&P § 5-401 (C) HANDLING OF FIREARMS MPD P&P § 5-405 FIREARMS AUTHORIZED FOR OFF-DUTY MPD P&P § 5-105 (B) (2) PROFESSIONAL CODE OF CONDUCT MPD P&P § 2-101 (B)(2)(a)(b) FIREARMS DISCHARGES MPD P&P § 5-102 CODE OF ETHICS MPD P&P § 5-102.01 - MINNESOTA LAW ENFORCEMENT CODE OF ETHICS			
ALLEGATION SUMMARY					
<p><b>Allegation 1:</b> It is alleged that Officer Tinsley violated MPD policy when he carried a firearm and ammunition off-duty while using or under the influence of alcohol.</p> <p><b>Allegation 2:</b> It is alleged that Officer Tinsley is responsible for the discharge of a firearm in his custody that was <i>“unintentional, reckless, unlawful”</i> or otherwise <i>“inconsistent with MPD training and policy.”</i></p> <p><b>Allegation 3:</b> It is alleged that Officer Tinsley failed to immediately notify his <i>“supervisor or an on-duty supervisor in [his] assigned precinct or division”</i> after he discharged his handgun inside of his residence on 02/16/2019.</p> <p><b>Allegation 4:</b> It is alleged that Officer Tinsley violated the Minneapolis Police Department Code of Ethics and the Minnesota Law Enforcement Code of Ethics when he became engaged in a verbal argument with his fiancée and her step-sister and, during the argument, pulled out a firearm from a concealed location, pulled back on the slide of the firearm to load a live round into the chamber of the firearm, held the firearm in a manner visible to his fiancée and her step-sister, and told the step-sister, <i>“You can either leave on your own or you can leave in a body bag.”</i></p>					

**CITY OF MINNEAPOLIS  
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<b>SUPERVISOR ASSESSMENT</b>	
<p><b>INQUIRY (INTAKE – COMPLAINT FILED)</b> <input type="checkbox"/></p> <p><b>MEDIATION</b> <input type="checkbox"/> Refer to Mediation</p> <p><b>COACHING</b> <input type="checkbox"/> Refer to Precinct</p> <p><b>INVESTIGATIONS</b> <input type="checkbox"/> Preliminary Investigation              <input type="checkbox"/> Civilian Investigator: _____              <input type="checkbox"/> Sworn Investigator: _____  <input checked="" type="checkbox"/> Admin Investigation: Investigator Stephen McKean</p>	<p><b>3401</b> <input type="checkbox"/> Draft  <input checked="" type="checkbox"/> Final approved</p> <p><b>DISMISS</b>  <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: _____</p>
<p><b>FINAL APPROVED INVESTIGATIVE REPORT</b>  <input checked="" type="checkbox"/> Refer to Panel</p>	
IAU Supervisor	Date
Director – Office of Police Conduct Review	Date

## INVESTIGATIVE REPORT

**Complaint Number:** 19-02291

**Investigator:** Stephen J McKean

**Officer (s):** Patrick Tinsley

**Case Type:** Administrative

**Date of Incident:** February 16, 2019

**Complaint Filed:** February 19, 2019

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### CASE OVERVIEW

On February 16, 2019, Officer Patrick Tinsley was off-duty at his residence in **13.43** Shortly before 04:57 hours, Officer Tinsley was reportedly attempting to unload a handgun while he was inside of his bedroom. At that time, Officer Tinsley discharged one round from the firearm. The round passed through some of his bedding and lodged in a wall, which is a common wall with the neighboring townhouse. Officer Tinsley called the Saint Paul Police Department to report the discharge. That agency's investigation is recorded in "CN Detail Report 19-033475".

### POLICY

1. Minneapolis Police Department Policy and Procedure § 5-401 (C) HANDLING OF FIREARMS (03/11/16) (12/17/18)
2. Minneapolis Police Department Policy and Procedure § 5-405 FIREARMS AUTHORIZED FOR OFF-DUTY USE (11/27/02)
3. Minneapolis Police Department Policy and Procedure § 5-105 (B) (2) PROFESSIONAL CODE OF CONDUCT (01/05/16)
4. Minneapolis Police Department Policy and Procedure § 2-101 (B)(2)(a)(b) FIREARMS DISCHARGES (04/05/16)
5. Minneapolis Police Department Policy and Procedure § 5-102 CODE OF ETHICS (08/01/91)
6. Minneapolis Police Department Policy and Procedure § 5-102.01 MINNESOTA LAW ENFORCEMENT CODE OF ETHICS (08/01/91)

## **ALLEGATIONS**

**Allegation 1:** It is alleged that Officer Tinsley violated MPD policy when he carried a firearm and ammunition off-duty while using or under the influence of alcohol.

**Allegation 2:** It is alleged that Officer Tinsley is responsible for the discharge of a firearm in his custody that was *“unintentional, reckless, unlawful”* or otherwise *“inconsistent with MPD training and policy.”*

**Allegation 3:** It is alleged that Officer Tinsley failed to immediately notify his *“supervisor or an on-duty supervisor in [his] assigned precinct or division”* after he discharged his handgun inside of his residence on 02/16/2019.

**Allegation 4:** It is alleged that Officer Tinsley violated the Minneapolis Police Department Code of Ethics and the Minnesota Law Enforcement Code of Ethics when he became engaged in a verbal argument with his fiancée and her step-sister and, during the argument, pulled out a firearm from a concealed location, pulled back on the slide of the firearm to load a live round into the chamber of the firearm, held the firearm in a manner visible to his fiancée and her step-sister, and told the step-sister, *“You can either leave on your own or you can leave in a body bag.”*

## **CASE INVESTIGATION**

Lt. Thomas Wheeler of Internal Affairs was notified by the Minneapolis Police Federation Lt. Robert Kroll on February 16, 2019, at 13:34 hours that Officer Patrick Tinsley was involved in an incident at his home, involving the discharge of a firearm. At that time, the circumstances surrounding the incident were not known. Saint Paul PD responded and their incident number was 19-033475. <sup>1</sup>

MPD Shift Lieutenant Nicholas Torborg was notified about the incident through a phone call from Officer Tinsley on February 16, 2019, at 13:32 hours. Lt. Torborg was out of town on his off days; however, he took the call and notified Internal Affairs on February 16, 2019, at 14:17 hours. <sup>2</sup>

On February 16, 2019, at about 14:13 hours, Lt. Torborg sent Lt. Wheeler (IA) an email, confirming that he had just been notified by Officer Tinsley that he accidentally discharged his secondary or off-duty handgun at about 02:30 hours that same date. Lt. Torborg also stated in the email that the incident occurred in the bedroom at Officer Tinsley’s residence **13.43** Saint Paul PD responded and took an accidental discharge report. <sup>3</sup>

On February 16, 2019, at 20:00 hours, Lt. Wheeler met with Officer Tinsley and Federation Treasurer David Garman at MPD Internal Affairs. Officer Tinsley was provided verbal and written instructions and placed on paid Relieved of Duty (R.O.D.) status. <sup>4</sup>

On February 22, 2019, at 13:00 hours, Sgt. Rebecca Lane received a call from Officer Patrick Tinsley. He stated he had been contacted by a detective from the Saint Paul Police Department. Officer Tinsley called

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<sup>1</sup> Lt. Wheeler memo (Tinsley timeline) PDF

<sup>2</sup> Email from Lt. Wheeler dated 02/18/2019 02:08 PM; Subject For JTS review 02/19/2018 (Expedite please)

<sup>3</sup> Lt\_Torborg notification to Internal Affairs.pdf

<sup>4</sup> Lt. Wheeler memo (Tinsley timeline) PDF

to notify Internal Affairs that he was the subject of a criminal investigation for the incident that occurred on February 16, 2019.<sup>5</sup>

On March 12, 2019, Commander Sean Johnson, Internal Affairs, Saint Paul Police Department, contacted Lt. Wheeler and advised him that the criminal investigation of Officer Tinsley was completed. Both the City Attorney's Office in Saint Paul and the Ramsey County Attorney's Office declined to charge Officer Tinsley for any criminal offense. The matter was assigned to the Office of Police Conduct Review for an Administrative Review.

The Saint Paul Police Department provided this office with a copy of their criminal investigation report.<sup>6</sup> This file was reviewed to understand what had occurred. The report detailed the events of the evening and early morning hours of February 15<sup>th</sup> and 16<sup>th</sup>, 2019. The incident in question involved a total of three (3) people:

1. Officer Patrick Tinsley
2. Privacy Policy identified as Officer Tinsley's fiancée
3. Privacy Policy identified as a step-sister to Privacy Policy

The report provides details of statements made by Officer Tinsley after a reported accidental discharge of a firearm in his residence in the early morning hours of February 16, 2019. In that statement, Officer Tinsley provided information about the discharge of the firearm and certain events that occurred prior to the shot being fired. These events detail his interactions with his fiancée and Privacy Policy

Also included in the report are summaries of interviews with Privacy Policy which occurred later during the investigation, photographs taken at the scene by Saint Paul Police Officers, Body Worn Camera (BWC) videos, and audio recordings of interviews and conversations with various persons.

On April 29, 2019, this office filed a data practices request with the City of Saint Paul and the Saint Paul Police Department. The purpose of this request was to secure copies of all BWC videos and all audio recordings related to their criminal investigation. These items were received by this office via US Mail on May 17, 2019.

On May 1, 2019, Privacy Policy was interviewed at her Saint Paul residence by the OPCR Investigator. This statement was recorded and transcribed.<sup>7</sup> On May 2, 2019, Privacy Policy was contacted by phone for some follow up questions. This conversation was recorded with her permission.<sup>8</sup> Both interviews were transcribed and copies of the transcripts were mailed to Privacy Policy

On Monday, May 6, 2019, Privacy Policy was contacted via phone by the OPCR Investigator to set up an appointment for an interview. She agreed to come to the Civil Rights Department on Tuesday, May 7, 2019, at 11:00 hours. She was given verbal directions to the office along with the address. Privacy Policy provided what she said was her email address Privacy Policy and an email was sent to her to confirm the appointment date and time. She was also provided the phone number to this office.

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<sup>5</sup> Officer Patrick Tinsley Criminal Investigation Notification.pdf

<sup>6</sup> St Paul PD file on Officer Tinsley incident CN 19-033475

<sup>7</sup> Recording of Statement – Privacy Policy 19-02291 Privacy Policy

<sup>8</sup> Phone call to Witness PPI – follow up to interview; 19-02291 Privacy Policy Telephone Interview

On May 7, 2019, [Privacy Policy] failed to attend the 11:00 hours meeting. Additionally, she did not call the office to advise that she would not be making her appointment and/or attempt to reschedule her interview.

On Wednesday, May 8, 2019, another email was sent to [Privacy Policy] at the above email address, reminding her of the missed appointment. In the email, she was asked to contact this office as soon as possible to reschedule. On Thursday, May 9, 2019, at about 10:35 am, another call was placed to the same telephone number called on Monday, attempting to contact [Privacy Policy] with the hope of rescheduling her appointment. [Privacy Policy] did not answer her phone. A voice message was left for her asking her to call this office. As of the writing of this report, there has been no contact from [Privacy Policy]

Officer Tinsley was interviewed and provided his statement to the OPCR on May 16, 2019, at 12:30 hours. Due to his R.O.D. status, the transcript of Officer Tinsley's statement, including directions to review, sign, and return one copy of the document, was sent to Sgt. Rebecca Lane (Internal Affairs) on May 17, 2019. The transcript was delivered to Officer Tinsley at 09:50 hours on Monday, May 20, 2019. Officer Tinsley has not yet returned a signed copy of his transcript.

### **SAINT PAUL POLICE DEPARTMENT RESPONSE AND INVESTIGATION**

On February 16, 2019, at about 04:57 hours, Officer Tinsley called the Saint Paul Police Department following the discharge of his personal off-duty firearm [13.43 - Personnel Data]. He identified himself as an off-duty Minneapolis Police Officer. Saint Paul Police officers responded and investigated the circumstances surrounding the discharge of the handgun. Officer Tinsley told the officers that he was in the process of unloading the handgun when it discharged. He also described the events of the evening of February 15, 2019 and the early morning hours of February 16, 2019, leading up to the time of the discharge of the firearm. He identified two individuals whom he was with during that timeline; however, he said he was alone in his residence at the time the shot was fired.

**SPPD Officers Kyle Vollrath and Jonathan Becker (Squad 327T)** were assigned as the primary reporting officers and responded to Officer Tinsley's residence. At that time, Officer Vollrath was in field training with Officer Becker as his Field Training Officer (FTO). Officer Vollrath interviewed Officer Tinsley and completed a supplemental report summarizing his investigation at the scene. Both officers were equipped with BWC's and recorded video during the time they were at Officer Tinsley's residence.

Officer Vollrath wrote in his report that the information he received about the call stated *"the complainant had accidentally fired one round from his off duty secondary gun, into the wall adjacent to his neighbors town home. The complainant stated he was an off duty Minneapolis police officer."*<sup>9</sup>

Officer Vollrath reported that Officer Tinsley told him, while he was unloading his handgun, he had forgotten that there was a round in the chamber and he accidentally fired one round into the wall, towards his neighbor's townhome. Officer Vollrath added:

*"TINSLEY said that he does not normally have a round in the chamber. He said that he had an argument with his girlfriend and her friend and that during the argument he charged his gun."*<sup>10</sup>

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<sup>9</sup> St Paul PD file on Officer Tinsley incident CN 19-033475, Page 5, paragraph 4 [Officer Vollrath supplement]

<sup>10</sup> Ibid., Page 5, paragraph 6 [Officer Vollrath supplement]

Officer Vollrath's report continued with a narrative about events from earlier in the morning and the previous evening leading up to the discharge of the firearm, as related to him by Officer Tinsley.<sup>11</sup> In this narrative, Officer Vollrath explained that Officer Tinsley drove [Privacy Policy] from his 13.43 - Personnel Data to Minneapolis, where he dropped them off at the Orpheum Theater. Officer Tinsley told Officer Vollrath that, while they attended a show, he went to Augie's Cabaret, where he drank two (2) beers. Officer Vollrath wrote that, later, Officer Tinsley picked up the two women from the Orpheum Theater and drove them back and forth to a couple of "after parties". After dropping them off a second time at Belle Ame Lounge, Officer Tinsley returned to Augie's Cabaret, where he had another drink (Hennessy and Coke). Officer Tinsley later picked up [Privacy Policy] from the event at Belle Ame Lounge. He became engaged in a verbal argument with both women that continued during the drive back to Saint Paul. Officer Tinsley reported to Officer Vollrath that [Privacy Policy] made verbal threats against him during the arguments. Officer Tinsley went inside his home and locked the door. After the women banged on his window with a shovel, he let them inside to retrieve their belongings. Officer Vollrath wrote:

*"TINSLEY said that [PPI] threatened to assault him again so he grabbed his back up hand gun from in between the mattress and box spring. TINSLEY'S said the hand gun was on the left side of the bed when facing the bed from the bottom. TINSLEY told me that he removed the hand gun from the holster and charged it one time putting a round into the chamber. He said he put the gun into his waste [sic] band after he charged it and told [Privacy Policy] to leave. TINSLEY told me that at no point did he point the hand gun at either [Privacy Policy]"<sup>12</sup>*

Officer Vollrath wrote that he went downstairs to lock the door thinking that [Privacy Policy] [PPI] left, but they were in the kitchen. Officer Tinsley said he went to open the door for them due to a faulty door lock:

*"TINSLEY said that the front door handle is partially broken and that he had difficulty opening it. He said that [PPI] then grabbed a kitchen knife from the drawer next to the oven and held it in her hand and started to argue with him. TINSLEY said that [PPI] got in between himself and [PPI] to keep them from fighting. TINSLEY said that [Privacy Policy] then left the house and he locked the front door."<sup>13</sup>*

Officer Vollrath reported the discharge of the firearm:

*"TINSLEY told me that he was on the phone with 2 other people for approximately 3-4 hours. TINSLEY said that after he got off the phone he was tired and wanted to go to bed. TINSLEY said that he went to clear his handgun holding the gun in his left hand. TINSLEY said that he forgot there was a round in the chamber. He said that he went to pull back the slide with his right hand when he accidentally pulled the trigger because he is right handed and not used to using his left hand.*

*"TINSLEY said that the bullet went through the comforter on his bed, a pillow and into the south wall of his town home."<sup>14</sup>*

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<sup>11</sup> Ibid., Page 5, paragraph 7 through Page 6, paragraph 3 [Officer Vollrath supplement]

<sup>12</sup> Ibid., Page 6, paragraph 2 [Officer Vollrath supplement]

<sup>13</sup> Ibid., Page 6, paragraph 3 [Officer Vollrath supplement]

<sup>14</sup> Ibid., Page 6, paragraphs 4 and 5 [Officer Vollrath supplement]

**Sergeant Thomas Tanghe** (Squad 301) was the patrol supervisor on duty during this incident and he responded to Officer Tinsley's residence. Sgt. Tanghe completed a supplemental report to provide additional information for this matter.<sup>15</sup> In his report, he stated that he was wearing a BWC and he recorded video while he was involved in the incident. Sgt. Tanghe wrote that he noticed a knife on Officer Tinsley's driveway and directed that it be collected for evidence. While the other officers were attending to that, he remained with Officer Tinsley. When Sgt. Tanghe told Officer Tinsley about the knife outside, Officer Tinsley reportedly told him that the knife was irrelevant, saying that he (Officer Tinsley) thought **Privacy Policy** only took the knife out of fear after he (Officer Tinsley) cocked his pistol. In his report, Sgt. Tanghe also wrote that Officer Tinsley stated that he had three (3) more drinks after **PPI** **Privacy Policy** eft.

Sgt. Tanghe also wrote that he instructed Officer Vollrath to have Officer Tinsley do a walk-through of the events. Sgt. Tanghe wrote:

*"TINSLEY then demonstrated and described more detail of what occurred in the bedroom. TINSLEY said he pulled the gun from under the mattress where he keeps it. He keeps the chamber empty. He said he racked the gun and put it in his waistband. The sister began gathering stuff and put it on the bed and said she was not leaving. TINSLEY said he swiped her stuff onto the floor and said "Get the fuck out of my house, leave right now. They argued chest to chest and his fiance got up and told her sister to just go. In the kitchen the sister still talked shit and grabbed the knife. TINSLEY's fiance got between TINSLEY and her sister." <sup>16</sup>*

Sgt. Tanghe directed Officer Vue to collect the physical evidence in this matter, including the firearm, magazine, spent casing, holster, a comforter, and pillow.

**Sergeant Eric Kammerer and Sergeant Robert Edwards** (Squad 303) interviewed **Privacy Policy** on February 18, 2019, at about 09:11 hours, when she went on her own volition to Saint Paul Police Headquarters, 367 Grove Street, Saint Paul, MN, to speak with someone about this incident. Both sergeants were wearing BWC cameras during their time with **Privacy Policy**. Sgt. Kammerer completed a supplemental report to document this meeting.<sup>17</sup>

The statements provided by **Privacy Policy** describe her accounting of the interactions between Officer Tinsley, **Privacy Policy**. Her statement paralleled that of Officer Tinsley regarding the sequence of events downtown Minneapolis, including where they went and in what order. She included additional details about Officer Tinsley's behavior, the arguments that ensued, and some explanation for those arguments:

*"**PPI** stated they remained at Belle Ame and at approximately 0100 hours (02/16/19), TINSLEY showed up. **PPI** stated TINSLEY started acting jealous as the females had been talking with other males when he arrived. **Privacy Policy** stated TINSLEY and **PPI** started verbally arguing about their relationship. **Privacy Policy** admitted she was getting mad at TINSLEY for embarrassing her sister in the club and for intruding on their girls' night out. **PPI** stated TINSLEY had made mention he*

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<sup>15</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/19/2019 23:55:00; Tanghe, Thomas R

<sup>16</sup> Ibid., Page 3, 1<sup>st</sup> full paragraph

<sup>17</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/18/2019 10:24:00; Kammerer, Eric

had gone back to Augie's in the meanwhile, but that his friends had already left. Privacy Policy stated the three of them eventually left Belle Ame together, but the verbally arguing continued. Privacy Policy stated TINSLEY retrieved his car, which PPI described as a pearl white 2013 Cadillac CTS with a red interior, from a parking lot/alley near Sneaky Pete's bar. PPI stated it was parked in an area where she was told Minneapolis police officers park. Privacy Policy stated TINSLEY then drove them home.

PPI stated TINSLEY was driving erratically and stated he was going "100 mph" as they traveled Hennepin Ave and then onto 6th Street. PPI described TINSLEY as being intoxicated and swerving from side to side. She stated near HCMC, TINSLEY pulled over, popped the trunk on the vehicle and told them to get out. Privacy Policy stated at this time, PPI and TINSLEY were again actively arguing, with PPI climbing over onto TINSLEY in the driver's seat while they argued. PPI stated PPI eventually sat back down in the front passenger seat, at which time PPI stated TINSLEY accelerated at a high rate of speed. She stated when he did that, some of her belongings began to fall out of the trunk which was still open. PPI stated she yelled at TINSLEY to stop, which he did. PPI stated she got out of the car and retrieved her belongings before getting back into the vehicle." <sup>18</sup>

Sgt. Kammerer reported that, after arriving at Officer Tinsley's residence, Privacy Policy stated that the arguing continued and Officer Tinsley told Ms. PPI and Ms. 13.43 that he didn't want them in his residence. Privacy Policy told him that Officer Tinsley locked them out, so Privacy Policy banged on the window with a shovel until he let them in. They then went to the master bedroom to retrieve their belongings. According to the report, Privacy Policy stated:

"Once upstairs, Privacy Policy said TINSLEY began grabbing her stuff, which upset her. PPI stated she grabbed her jacket and swung it/whipped it in the direction/vicinity of TINSLEY. Privacy Policy admitted that she had probably hit TINSLEY with her jacket.

"PPI stated after swinging her jacket near TINSLEY, she stated TINSLEY, whom she described as being on the left side of the bed and her on the right when looking/standing at the foot of the bed, reached under the mattress next to him, near the foot of the bed, and pulled out a handgun. Privacy Policy stated the handgun was not "his cop gun" and that it was "smaller". Privacy Policy described the handgun as black, about the size of her hand and thought it might have been a .380. Privacy Policy stated when TINSLEY pulled the gun out, he pointed it at the ground and racked the slide on the handgun. PPI said TINSLEY then brought the gun, which she described as being in his left hand, to his side near his waistband. PPI stated at that time, it was not pointed at anyone. WILLIAMS stated the verbally [sic] arguing continued and she stated during this time, TINSLEY stated that PPI was going to leave "voluntarily or in a body bag." PPI stated they continued to argue and at this time, her sister, PPI, was laying down on the bed, saying she just wanted to go to sleep. PPI stated TINSLEY then placed the handgun in the center of his front waistband and covered it with his clothing. PPI stated TINSLEY never pointed the gun at her or her sister." <sup>19</sup>

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<sup>18</sup> Ibid., Page 3, paragraphs 2 and 3

<sup>19</sup> Ibid., Page 4, paragraphs 1 and 2

Sgt. Kammerer reported that [Privacy Policy] went downstairs to leave; however, there was a problem with the lock on the front door, so there was a delay while Officer Tinsley and [Privacy Policy] tried opening it. According to [Privacy Policy] the arguing continued:

*" [PPI] stated the verbal arguing continued to go on. During this time, [PPI] stated she saw TINSLEY move his hands to the front of his waistband where she had previously seen him place the gun. [PPI] stated TINSLEY again made the comment about leaving voluntarily or in a body bag. [PPI] stated she believed the gun was still there, however she stated TINSLEY never lifted his clothing or exposed the gun that [PPI] believed to be there. [PPI] she believed the gun was still there because she stated he had followed right behind them when they went downstairs. [PPI] stated she did not believe TINSLEY had time to put the gun away. [PPI] stated during this time, she ([PPI]) called 911 from her cell phone, but did not put the phone to her face (unknown if placed in pocket or elsewhere). [PPI] stated she kept the line open and was trying to talk loud enough for the dispatcher to hear. [PPI] then showed me her call log on her cell phone. On her log, a 911 call was placed on Feb 16th at 0212 hours. [PPI] then stated she received two incoming phone calls from an unknown number immediately after. [PPI] believed it was a 911 operator trying to call her back."* <sup>20</sup>

Sgt. Kammerer also reported:

*"Before ending the conversation, [PPI] was asked how she felt and what was going through her mind at the time TINSLEY grabbed the handgun. [PPI] made comments that indicated she was not immediately concerned. She stated she had grown up with brothers and that she was willing to fight with TINSLEY if it came down to it. [PPI] was specifically asked if she felt threatened during the encounter and it was at that time that [PPI] stated she did feel threatened and indicated it was due to him racking the slide and believing him to have put a round in the chamber of the firearm."* <sup>21</sup>

Sgt. Kammerer wrote that [Privacy Policy] told him, since this event occurred, she received a text message from [Privacy Policy] asking her to not speak to the police about this matter. SPPD photographed [PPI] [PPI] cell phone screen showing the text message.<sup>22</sup>

**Sergeant James Nash** was assigned as the investigating officer in the criminal investigation for SPPD. During his investigation, he spoke with the three (3) people involved in this matter.

At the time of the incident, Officer Tinsley identified [Privacy Policy] as his fiancée. She resided with Officer Tinsley; however, she was not at the location when Saint Paul Police Officers arrived and she had not yet been interviewed. On February 21, 2109, Sgt. Nash interviewed her over the telephone. This conversation was recorded by Sgt. Nash and the recording was preserved per SPPD procedures.<sup>23</sup> The events as described by [Privacy Policy] are very different from the descriptions given by either Officer Tinsley or [Privacy Policy]

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<sup>20</sup> Ibid., Page 4, paragraph 3

<sup>21</sup> Ibid., Page 5, paragraph 1

<sup>22</sup> Ibid., Page 4, paragraph 5 and Page 5, paragraph 4

<sup>23</sup> 19033475-[Privacy Policy]-02122019-NashJames [audio recording of phone interview]

During this conversation, [Privacy Policy] said that she had gotten into an argument with Officer Tinsley “over driving”<sup>24</sup> while they were at their townhome. [Privacy Policy] tried to get involved in the argument, but [Privacy Policy] said she “shut it down.” Sgt. Nash documented the following summary of [Privacy Policy] statement:

“ [PPI] stated Tinsley carries a gun while off-duty but never showed the gun while they were at the 13.43 address. She stated Tinsley didn't threaten anyone that night. She stated [ PPI ] didn't produce a knife while they were arguing but she did see [ PPI ] with a knife when they were leaving and walking to the car outside. [PPI] asked [ PPI ] about the knife and [ PPI ] threw it. [PPI] stated she drove [ PPI ] home and spent the night there. [PPI] stated the only threat she heard that night was [ PPI ] stating to Tinsley; “I'll fuck you up!”. [PPI] stated [ PPI ] did not have the knife at the time of the threat. [PPI] stated Tinsley never produced the gun while they were there and never threatened anyone. [PPI] stated [ PPI ] is mad because she ( [ PPI ] ) is still with Tinsley. [PPI] stated that she was sober during the time of the incident, Tinsley had had one beer and [ PPI ] was “drunker than hell”.<sup>25</sup>

On February 22, 2019, Sgt. Nash spoke with [Privacy Policy]. The conversation was recorded and preserved. During this conversation, [Privacy Policy] reportedly told Sgt. Nash that she had begun receiving threats over her phone from [Privacy Policy] and from [Privacy Policy] “people”, telling her, “It's gonna start a lot of problems” and “It's about to be a lot of funk.”<sup>26</sup> Sgt. Nash wrote that she had received text messages from [Privacy Policy] asking, “Why you snitching?”, along with text messages telling her to not speak with the police about the incident.<sup>27</sup> Sgt. Nash also wrote:

“ [PPI] stated that on the day of the incident, 02/16/2019, the suspect, Patrick Tinsley, had threatened to put her in a “body bag” while he was in possession of a handgun. [PPI] stated the threat was directed only at her. She stated she was afraid as soon as he pulled the gun out. He's a cop and can get away with it... [PPI] stated she did get a knife from the kitchen. She stated she got the knife because Tinsley still had the gun when she was preparing to leave and she didn't know what he was going to do. She said she held it at her side until she was safely outside and then she ‘chucked’ it...”<sup>28</sup>

Sgt. Nash spoke with [Privacy Policy] again on February 26, 2109. At that time, [Privacy Policy] told Sgt. Nash that a candy bar had been shoved into her vehicle’s gas tank; however, there were no witnesses or no video evidence to the vandalism. [Privacy Policy] added that she does suspect that [Privacy Policy] is responsible.<sup>29</sup>

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<sup>24</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/21/2019 13:51:00; Nash, James T, Page 1, paragraph 3

<sup>25</sup> Ibid., Page 1, paragraph 3

<sup>26</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/25/2019 13:54:00; Nash, James T, Page 1, paragraph 2

<sup>27</sup> Ibid., Page 1, paragraph 3

<sup>28</sup> Ibid., Page 1, paragraph 4

<sup>29</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/26/2019 10:36:00; Nash, James T

Sgt. Nash spoke with **Officer Patrick Tinsley** on the phone on February 22, 2019. This conversation was also recorded and preserved.<sup>30</sup> Sgt. Nash reported that he called Officer Tinsley to get contact information for the two (2) people with whom Officer Tinsley spoke between the time **Privacy Policy** and **Privacy Policy** left his home and the firearm discharged. Sgt. Nash reported that, during this conversation, Officer Tinsley began talking to him *“about how he had accidentally discharged the gun”*:

*“He stated he was "downloading" the gun because their [sic] were children coming over in the morning and he "messed up" and it went off. He wanted to know why I needed to talk with them. I explained to Tinsley that I was also investigating a claim that he had threatened **PPI** after he had taken a gun out, chambered a round and threatened **PPI**. Tinsley stated he had downloaded the gun because there were kids coming over. It was unclear whether Tinsley was talking about downloading the gun when it was accidentally discharged or if he was downloading the gun while he was arguing with **Privacy Policy**.”*

Sgt. Nash wrote in his report that he needed to clarify Officer Tinsley’s statements because he appeared to be changing from his original statements to the officers on the night of the incident:

*I had to ask Tinsley several times why he retrieved the gun while he was arguing with **PPI** and **PPI**. Tinsley was very evasive and kept going to the time he accidentally discharged his weapon. I was eventually able to get him to tell me why he had taken out the gun while he was arguing with **PPI** and **PPI**. Tinsley stated they were leaving and he was getting ready for bed. He stated he was downloading the gun as part of his "nightly routine". **PPI** was conversing with him and he was getting distracted. He told **PPI** to leave. He never threatened her and never pointed a gun at her. He stated he did have the gun in his waistband when he went downstairs while **PPI** and **PPI** were leaving.*

Sgt. Nash reported that he explained to Officer Tinsley that he initially told the officers at his home that he pulled the gun because **Privacy Policy** had threatened him and that conversation was recorded on BWC:

*“Tinsley now insisted that he never took the gun out and charged it because **PPI** had threatened him. He stated he was a police officer and always keeps the gun loaded. He insisted he had taken the gun out of a lock box while he was conversing with **PPI** as part of his normal routine to download it because he was going to bed. He stated he probably turned away from **PPI** to check that the gun was loaded and then put it in his waistband. He's not dumb and knows what he is doing.*

*“Tinsley stated **PPI** had threatened to "Fuck me up.". He did not feel **PPI** threats were credible because she was drunk and just 'talking shit". He has only met **PPI** twice. He stated he has training and is not going to be afraid of a woman beating him up in his home. I asked him if he thought it was a good idea to go through his normal routine with his gun in front of somebody you hardly new [sic] and had just had an argument with. He stated he would not say it was a good idea.”*

Officer Tinsley reportedly told Sgt. Nash that, between 19:00 hours and 01:40 hours, he consumed two (2) beers. After **Privacy Policy** left, and while he was on the phone, he had two (2) more beers.

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<sup>30</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/25/2019 13:54:00; Nash, James T, Page 1, paragraph; Transcript – 19-02291 Phone Call SPPD-Nash Tinsley Interview

During the phone call with Officer Tinsley, [Privacy Policy] came on the line with Sgt. Nash and said the following:

*‘[Privacy Policy] then came on the line. She stated [PPI] was a compulsive liar and she didn't see a gun. They had all been arguing over driving. She stated it was not a domestic situation.’*

On March 1, 2019, **Officer Joshua Nyhus**, from the Saint Paul Police Forensic Services Unit, reported that he took Officer Tinsley’s handgun to the Saint Paul Police indoor range for “function testing and test firing.” Officer Nyhus reported that he checked the functionality and “deemed this firearm safe to test fire.” He then loaded the firearm with two (2) live rounds and successfully test fired the weapon. After completing the tests, Officer Nyhus returned the firearm to the Saint Paul Police Department Property Room.<sup>31</sup>

### **BODY WORN CAMERAS (BWC)**

The videos from the SPPD Officers that were recorded and preserved were reviewed for their content. The reports submitted by the officers involved in this incident and subsequent investigation are accurate representations of the events that were recorded by their BWC’s.

### **INTERVIEWS**

[Privacy Policy] was interviewed on May 1, 2019. This interview was recorded and transcribed.<sup>32</sup> [PPI] stated that [Privacy Policy] is “like a half or a step-sibling. Um, her younger brother is one of my dad’s kids.”<sup>33</sup> She also said that she has not known Officer Tinsley for very long, just meeting him through [Privacy Policy]. Her statement to the Office of Police Conduct Review was consistent with the statement she provided to the Saint Paul Police Sergeants with whom she spoke on February 18, 2019.

[Privacy Policy] stated that she had plans with [Privacy Policy] for a “girls’ night” and go to the Orpheum Theater in Minneapolis on February 15<sup>th</sup>. “We knew we were gonna be drinking so, um, we arranged for Patrick or Officer Tinsley to be the sober driver.”<sup>34</sup> She said that Officer Tinsley drove them to the theater and, after the show, drove them to the after party at Belle Ame. Officer Tinsley then went to “another club” to kill some time until coming back to pick them up. When Officer Tinsley arrived, he got into a fight with [Privacy Policy] because [Privacy Policy] was not paying attention to him.<sup>35</sup> They then left Belle Ame to return to Officer Tinsley’s residence:

*“Um, at this point, it was very clear that he was intoxicated and he was driving very erratically, swerving through downtown Minneapolis doing well over 60, 70 miles an hour down 6th Avenue towards 94. Um, they got into such a dispute, [PPI] didn’t want him to drive. She had been in a car accident recently and was scared that that was gonna be another event that was going to occur.*

*“She, they, got kind of physical. She pretty much hopped onto his lap. I was in the backseat. Um, there was an open bottle in the car but it was in the trunk. He was gonna try to get the bottle and take a*

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<sup>31</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 03/01/2019 11:26:00, Nyhus, Joshua

<sup>32</sup> 19-02291 [Privacy Policy]

<sup>33</sup> Ibid., Page 2, lines 19 – 20

<sup>34</sup> Ibid., Page 2, lines 33 – 34

<sup>35</sup> Ibid., Page 2, lines 40 – 43

*few more drinks but she hopped on his lap and told him, "No. Don't drive. I don't want you to drive." And it was gonna get very physical.*

*"When we returned back to the residence, um, everything kind of escalated again and he got very verbal and disrespectful with me. Um, I didn't like how he was talking to my sister, so things kind of got escalated.*

*"He pulled out his pistol, which was underneath the mattress. Um, if you're looking at the mattress, looking towards the front of the bed, it would have been on the left side...Um, he grabbed it by the foot of the bed, grabbed out his pistol, cocked it back and put it in his front waistband.*

*"I did verbally mention that, "You're a police officer. You have no business pulling out your gun to me when the situation had never been anywhere that serious for those actions to be taken." And more verbal arguments. He followed us downstairs.*

*"Um, mind you, his gun was still in his waistband. He was pullin' up his shirt, kind of grabbed his, the waistband, um, the gun back in his waistband. Never pulled it back out but had his hand on the waistband. And was tellin' me, you know, "You can either leave on your own or you can leave in a body bag." And he said that a couple of times. So, he was verbally tare, terroristically threatening, threatening me."<sup>36</sup>*

Later in her statement, **Privacy Policy** stated:

*"It definitely was a very fearful, scary moment and I felt like my sister was kind of fearful too, otherwise she wouldn't have left with me...[the gun] never left his waistband. He kept it in the front and like I told the officers before when we got downstairs and we were havin' trouble opening the door to lead me outside, he, the argument and verbal argument continued and he went back and had his hand over with his shirt and grabbed the gun again. Never pulled it back out but he had his hand on the gun again. So, just the fact, you know, that he was intoxicated, was dealing with a weapon, had it cocked, one was in the chamber. It was a full clip so that was already known."<sup>37</sup>*

**Privacy Policy** also stated that she received text messages from **Privacy Policy** later asking her to not speak with the police about this matter. She also stated that she has suffered some vandalism to her car and to her apartment. **Privacy Policy** stated that someone had put a candy bar into her gas tank requiring her to replace the tank. She suspected that **Privacy Policy** was responsible for that so she called her on the phone and confronted her. **Privacy Policy** said that **Privacy Policy** just laughed and hung up the phone.<sup>38</sup> Additionally, she said that someone had painted on the front of her apartment, "Lying Ho."<sup>39</sup>

*Q. Okay. And, ah, do you have any, anything to, to help establish who's responsible for those particular actions other than the, the events as they, they're occurring?*

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<sup>36</sup> Ibid., Page 2, line 50 through Page 3, line 28

<sup>37</sup> Ibid., Page 8, lines 15 – 16, 26-31

<sup>38</sup> Ibid., Page 9, lines 25 – 35

<sup>39</sup> Ibid, Page 9, lines 27 and 41

A. *Um, no. I haven't had any issues with anybody, my vehicle, my home or anything prior to so, just in the timeline of events, it doesn't, you know, take rocket science to figure out that they're connected.*<sup>40</sup>

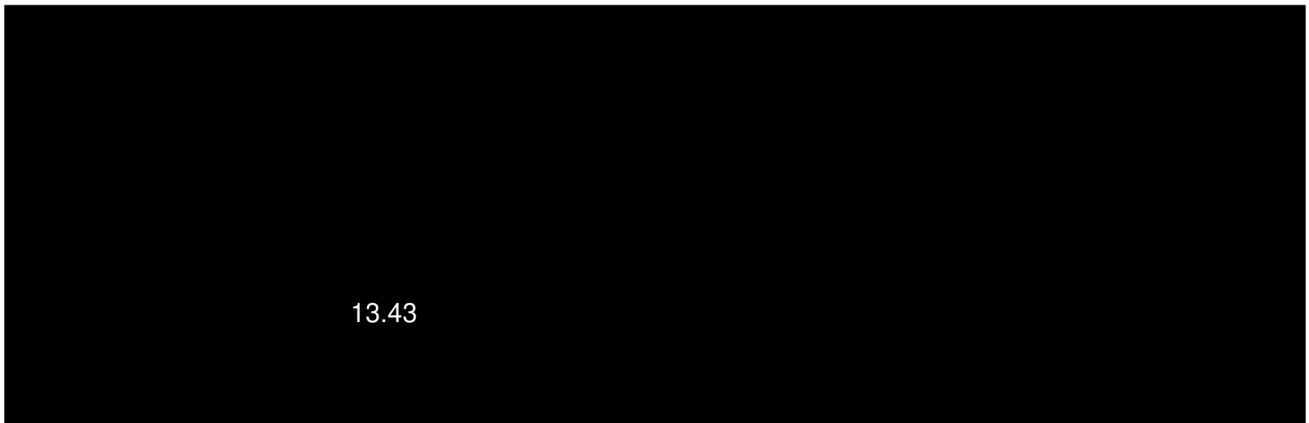
**Privacy Policy** was contacted again, via telephone, on May 2, 2019, for some follow up questions. This conversation was also recorded, with her permission, and later transcribed. She was asked if she had armed herself with anything from within the residence after going downstairs to leave:

A. *Yes. I went into the kitchen because he had once again grabbed for his waistband where the gun was still in his waistband and I went into the kitchen and I grabbed a knife for my protection and I kept that down by my side until I was, until I exited the house and then I threw it.*<sup>41</sup>

Q. *All right. And, um, what you were saying is that the reason you, ah, took, ah, the knife from the kitchen was because you felt threatened from him? Is that...*

A. *Yeah. He reached back to the front of his waistband and grabbed the gun over his shirt. Didn't pull it out again but just grabbed a hold of the waistband what seemed like to visually remind me that he had it there and at that point, I felt even more threatened so I went and grabbed the knife. Like, you pull this gun out at me, I'm gonna defend myself.*<sup>42</sup>

**Officer Patrick Tinsley** was interviewed at the Office of Police Conduct Review on May 16, 2019. He was first questioned about the firearm involved in this matter. He stated that it was a Glock Gen 4 in 9-millemeter caliber.<sup>43</sup> He stated that the magazine holds six (6) rounds. When asked how he stores the weapon, Officer Tinsley stated he keeps it under his mattress or in the lockbox in his vehicle. Asked whether he keeps a round in the chamber or not, Officer Tinsley stated:



*“Well, I had. It was a long night. It was an argument. My girlfriend and her friend left after the argument. Um, I continued to drink, you know, I was gettin' the house locked up, gettin' the, I was gettin' the firearm put away and I made a mistake and it discharged into the wall.*

<sup>40</sup> Ibid., Page 9, lines 49 – 53

<sup>41</sup> 19-02291 **Privacy Policy** Telephone Interview, Page 1, lines 45-47

<sup>42</sup> Ibid., Page 2, lines 11 – 16

<sup>43</sup> The firearm seized by SPPD was, in fact, a .380 caliber Glock

<sup>44</sup> 19-02291 Officer Patrick Tinsley, Page 2, lines 11 – 40

<sup>45</sup> Ibid., Page 4, lines 9 – 12

*“So, I was, um, attempting to take the round out the chamber and take the magazine out and my finger slipped on the trigger and, um, the bullet went through some bedding and into the wall.”<sup>46</sup>*

Officer Tinsley then spoke about the events that occurred in Minneapolis when he took **Privacy Policy** and **Privacy Policy** to the Orpheum Theater and the various after parties.<sup>47</sup> He spoke of the arguments. The sequence was consistent with his previous statement to SPPD. Officer Tinsley then discussed the events at his residence upon their return from Minneapolis:

*“Her friend’s still yelling in my face about how she’s gonna beat me up and all this other stuff. Talkin’ about she’s gonna make me lose my job and I just kinda went in or I was...Her friend’s not a good person, you know, she’s like. I told her about how everyone can see that she’s cheating on her baby’s father, you know. We previously went to a store earlier and saw one of her tricks quote unquote who was there buyin’ her stuff and so I just, I basically called her out on it and they ended up leaving.*

*“Never touched anyone. Never threatened anyone. None of that. They ended up leaving and, ah, you know, I’m stressed out. I was pissed off that the, the fact that my, she’s supposed to be my girl then, never stepped up to her friend to calm down, get out my face or none of that stuff so I’m just, you know, I’ve been doin’ all this stuff for this girl and, when shit hits the fan, she doesn’t have my back. So I’m stressed. I’m stressed out.*

*“So, I just started. I drank about four beers like I said. And I’m gettin’ ready for bed and I made the mistake of shootin’ a round into a wall on accident and then I called the police and that’s how I ended up here.”<sup>48</sup>*

Officer Tinsley was asked about Officer Vollrath’s report in which he wrote that Officer Tinsley pulled a handgun from underneath his mattress and racked a round in the chamber while arguing with Ms. Williams<sup>49</sup>:

Q. *“Okay. In the, ah, the Saint Paul police report there’s, ah, um, part that where it said the officer that came, ah, that spoke with you says that you told him that you had, when you took the gun or you took the pistol out from under the mattress and racked a round into the chamber of your pistol while you were arguing.*

A. *“No... I spoke to the investigator. I always have the gun in the car. I brought in the house. When I originally got out the vehicle, I brought it in the house. I told him this. I brought it in the house and put it under the mattress. They started bangin’ on the windows with the shovel, all right? When they were leaving, I started getting the house set up for bed, you know? I’m lock, I’m checkin’ the windows, lockin’ the doors, making sure the gun, you know, is relatively safe ‘cause if I grab it, I don’t want to accidentally shoot myself or somethin’. So, that’s what I was doin’ and I told him that.*

Q. *“Okay. Um, what then, did the other officer, ah, misunderstand what you were saying? I mean, ‘cause he wrote in his report that you claim you racked, racked one into the chamber ‘cause you normally keep it, keep it, the chamber empty.*

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<sup>46</sup> Ibid., Page 2, lines 44 – 53

<sup>47</sup> Ibid., Page 4, lines 24 – 44

<sup>48</sup> Ibid., Page 4, line 52 to Page 5, line 12

<sup>49</sup> Ibid., Page 5, lines 14 – 45

A. *"I can't attest to what he wrote in his report. I haven't actually read his report. All I know is what I actually did and that's what I just explained to you.*

Q. *"Okay. So, you didn't pull it out and rack it and put it in your waistband and display kind of...*

A. *"Like I said, I was gettin' ready for bed at that point they were leaving, all right? So, I was gettin' the gun. They were walkin' out the door. I'm gettin'. I'm checkin' the gun. Makin' sure it was all right. I'm about to go lock the door. About to go check the windows and all that stuff. That's what I explained to the investigator. I forget his name. It's written down at my house somewhere."*

Officer Tinsley said he has a lockbox under the front seat of his car when he is driving. He stated:

*"It's underneath the front seat. When I got home, I have a routine. I took it out, waistband, went in the house, went upstairs. They start bangin' on the windows. I put the gun where I usually put it at, all right? There was a round in the chamber.*

*"All right. Um, I put it where I usually put it at. They come back inside after bangin' on the windows. Short argument. They're gonna to leave. I get the gun out again. I...this was so long ago. I can't remember if I checked it or what but I know for a fact I put it back in my waistband and went to lock the door. They left, they were leaving. I locked the door, checked the windows. Um, because sometimes my, my, um, my back sliding door, it, the lock, 'cause you have to push it up and sometimes it falls down. So, I'm checking everything. I go back upstairs and I mean I'm drinking doing this. I go back upstairs. I go to download the gun or whatever 'cause it's still in my waistband and I accidentally shot.*

*"I don't even know if they even saw me that I put it in my waistband. Like, at this point, I just wanted them to leave. I didn't. I wasn't arguing with them anymore. They were walking out the room. Like, my bed is here. The door is here. So, if they're walkin' out, there's no, once they look back at me, there's no way they gonna see anything. I never threatened anyone. I never told anyone that I had the gun. Like, they were leaving."<sup>50</sup>*

Regarding Privacy Policy Officer Tinsley stated:

*"I never told her that I was gonna assault her. I basically just said, "You're a ho. You live a ho lifestyle." She's on Section 8. So, I'm like, "You're a nobody basically." And she just got more and more mad."<sup>51</sup>*

Privacy Policy was not interviewed by the Office of Police Conduct Review as she failed to attend her scheduled appointment. She did not respond to several attempts to communicate with her after she failed to appear.

## **DISCUSSION**

### ***Allegation 1:***

Officer Tinsley stated to the SPPD officers with whom he spoke during this incident that he had consumed several alcoholic beverages during the evening and early morning hours leading up to the discharge of his firearm. Officer Tinsley told Officer Vollrath he drank two (2) beers and one (1) Coke and

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<sup>50</sup> Ibid., Page 6, lines 4 – 16, lines 29 – 33

<sup>51</sup> Ibid., Page 7, lines 46 – 51

Hennessey at Augie's Cabaret.<sup>52</sup> Not addressed in Officer Vollrath's report but recorded on his BWC, Officer Tinsley told Officer Vollrath that he had an additional three (3) beers after [Privacy Policy] PPI left the residence, between the phone calls, and before the discharge of the firearm.<sup>53</sup> He told Sgt. Tanghe that he had an additional three (3) beers after [Privacy Policy] left the residence and before the shot was fired.<sup>54</sup>

Officer Tinsley admitted to consuming alcoholic beverages during his statement to Office of Police Conduct Review:

Q. *After they left, ah, you had consumed some more or some alcohol?*

A. *Mhmm.*

Q. *Um, what were you drinking?*

A. *Bud Light.*

Q. *Do you know how many you had?*

A. *About three or four back to back.*

Q. *Okay. And over what period of time was that? From after they left to the time that, ah, the round was discharged.*

A. *Within an hour.*

Q. *All right. Had you had anything to, to, anything to drink earlier in the evening?*

A. *Yes. I had, um, two Jack cokes between 8 and 2 a.m.*

Q. *Okay. All right. Um, do you think the alcohol that you had that night contributed to, ah, having the, ah, the gun go off?*

A. *I didn't believe myself to be overly intoxicated. I think I was just stressed out you know, um, wasn't thinking clearly. I allowed myself to be placed in a position where, you know, my character was questioned and I just was feelin' the weight of the world and I wasn't really payin' attention to anything.*<sup>55</sup>

Later during his statement, Officer Tinsley stated:

*"But, in reality, I know that in the first place after having drank anything, I shouldn't have been handling a gun so I'm in the wrong in the first place. So, I, I know that, understand that."*<sup>56</sup>

Regarding the firearm, Officer Tinsley stated the following:

*"I spoke to the investigator. I always have the gun in the car. I brought in the house. When I originally got out the vehicle, I brought it in the house. I told him this. I brought it in the house and put it under the mattress."*<sup>57</sup>

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

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<sup>52</sup> St Paul PD file on Officer Tinsley incident CN 19-033475, Page 5, paragraph 7 [Officer Vollrath supplement]

<sup>53</sup> WEAPONS-RECKLESS\_DISCHARG\_OF\_FIREARM-vollrath; 24:00 minutes into video

<sup>54</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/19/2019 23:55:00; Tanghe, Thomas R

<sup>55</sup> 19-02291 Officer Patrick Tinsley.pdf, Page 3, line 30 to Page 4, line 2

<sup>56</sup> Ibid., Page 5, lines 48-49

<sup>57</sup> Ibid., Page 5, lines 21 - 23

**§ 5-405 FIREARMS AUTHORIZED FOR OFF-DUTY USE (11/27/02)**

The decision to carry a handgun while off-duty is left to the personal preference of each officer. The MPD prohibits any officer from carrying a handgun or ammunition off-duty while using or under the influence of alcohol or drugs.

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

**B. Drugs and Alcohol (01/05/16)**

2. Off-duty employees shall not carry any firearm or ammunition while under the influence of alcohol or any controlled substance. (05/05/89) (04/01/93)
5. A reading of .02 blood/alcohol concentration is considered under the influence of alcohol.

***Allegation 2:***

It is being alleged that Officer Tinsley is responsible for the discharge of his firearm in violation of Minneapolis Police Department policies dealing with the safe handling of firearms. Officer Tinsley admits to consuming numerous alcoholic beverages prior to the discharge of his handgun. Officer Tinsley claims that he was unloading the handgun at the time, but he had forgotten that there was a round in the chamber.

His own statements about the condition of the firearm are in conflict with one another. In his original statement to SPPD Officer Vollrath, Officer Tinsley said he normally keeps the chamber empty. Officer Tinsley said he intentionally pulled back on the slide of the firearm to load a round into the chamber during an argument with **Privacy Policy**. He said that, when he later attempted to unload the firearm, he had forgotten there was a round in the chamber. On a later date while speaking with SPPD Sgt. Nash, he denied the above statement, saying that he always keeps a round in the chamber, therefore he did not have to rack the slide back on the firearm.

Officer Tinsley said during his interview with the Office of Police Conduct Review, *"Yeah. So, I was, um, attempting to take the round out the chamber and take the magazine out and my finger slipped on the trigger and, um, the bullet went through some bedding and into the wall."*<sup>58</sup> In this statement, Officer Tinsley said that he was specifically attempting to remove the round from the chamber when the firearm discharged. Officer Tinsley's statements tend to undermine his argument that he forgot there was a round in the chamber.

Officer Tinsley explained to SPPD Sgt. Tanghe the steps he attempted to unload the firearm, which were contrary to his normal procedures.<sup>59</sup> He stated:

*"I went to unload the gun. When I do that, I usually pull the slide back on my right hand. My left hand accidentally hit the trigger and it went through. When I'm at work, you know, since I'm right handed, I put the gun like this and I pull the slide back with my left hand.*

*I fucked up. Been fuckin' up all year."*

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<sup>58</sup> 19-02291 Officer Patrick Tinsley.pdf, Page 2, lines 52 – 53

<sup>59</sup> (BWC video) WEAPONS-RECKLESS\_DISCHARG\_OF\_FIREARM-tanghe, beginning at 21:45 minutes

Officer Tinsley stated that he had consumed several alcoholic beverages, he had been in a lengthy argument with **13.43 - Personnel Data**, and felt very angry and stressed out before attempting to unload his handgun in a manner he admitted was contrary to his normal procedure.

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

**§ 5-401 HANDLING OF FIREARMS (03/11/16) (12/17/18)**

- A. All employees shall safely handle firearms while performing on-duty assignments or while acting in a law enforcement capacity, in a manner consistent with MPD training and policy.
- B. An employee's finger shall be kept out of the trigger guard and indexed on the frame of the handgun until the employee is on target and intends to fire the gun.
- C. Employees are responsible for any discharge of a firearm in their custody. ***Any unintentional, reckless, unlawful, or other discharge inconsistent with MPD training and policy may result in discipline.***

**Allegation 3:**

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

**§ 2-101 INTERNAL AFFAIRS CALL-OUT NOTIFICATION (12/21/04) (04/05/16)**

**A. Notifying the Internal Affairs Unit (06/14/16)**

Internal Affairs Unit (IAU) personnel shall be notified of allegations of serious employee misconduct 24 hours per day. (07/11/07) (01/15/08)

1. If an employee is involved in a situation requiring notification, the involved employee shall make direct contact with their supervisor or an on-duty supervisor in their assigned precinct or division if their immediate supervisor is unavailable. Notification shall consist of personal telephone communication (no voicemail messages) or in-person contact.
2. The advised/ notified supervisor is responsible for making the notification to IAU. Notification to IAU shall consist of personal telephone communication (no voicemail messages) or in-person contact.
3. The supervisor shall also notify the Watch Commander if outside of normal business hours, and if the event occurred in Minneapolis.

**B. Situations Requiring Immediate Notification**

2. Firearms Discharges (04/05/16)

- a. Firearms discharges in the following situations shall not require notification unless they result in injury to a person:
  - During training, testing or legal recreation purposes.
  - When discharging a firearm with the intention of dispatching an animal.
  - Breaching rounds, specialty impact and chemical munitions discharges by SWAT during the course of duty. (06/14/16)

- b. All other firearms discharges by MPD employees, whether on or off duty, shall require notification to IAU.

As stated in the policy sections quoted above, an employee involved in an event which requires notification is required to notify their own supervisor or an on-duty supervisor working in that employee's assigned precinct if their supervisor is not available. Per Section B above, the discharge of firearms, not including the exceptions listed, requires *immediate* notification to Internal Affairs.

On February 16, 2019, at 04:57 hours, Officer Tinsley called 911 to report to the Saint Paul Police Department the discharge of a firearm in his home. Sgt. Tanghe spoke with Officer Tinsley about notifying his supervisor<sup>60</sup>:

*Sgt. Tanghe: "You probably want to call your boss, then?"*

*Officer Tinsley: "No."*

*Sgt. Tanghe: "What's that?"*

*Officer Tinsley: "No."*

*Sgt. Tanghe: "Oh, you don't. Oh, I know. You don't want to."*

*Officer Tinsley: "It was accidental. Nobody was here."*

*Sgt. Tanghe: "Right."*

*Officer Tinsley: "I don't have anything to hide. I don't need to call my Federation Rep."*

As listed above in this report (Page 2), Lt. Torborg reported that he received a phone call from Officer Tinsley about this matter at 13:32. Lt. Torborg, in turn, sent an email to notify Lt. Wheeler (IAU) at 14:13 hours.

During his interview with the Office of Police Conduct Review, Officer Tinsley was asked about any attempt to contact his immediate supervisor about this incident. He said he contacted Sgt. Dave Garman, a Federation Representative, after Saint Paul officers left, but he didn't know what time that was:

*"No. I wasn't keeping track of time at that point... I was a little more preoccupied by the fact that my life was goin' down the drain." <sup>61</sup>*

Officer Tinsley said he did not recall notifying Lt. Torborg and he didn't know if Sgt. Garman called him.

This incident occurred shortly before 04:57 hours on February 16, 2019. Lt. Torborg reported that he received notification from Officer Tinsley at 13:32 hours, that same date. The time span between the time of occurrence and notification was approximately **8 hours and 35 minutes**.

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<sup>60</sup> (BWC video) WEAPONS-RECKLESS\_DISCHARG\_OF\_FIREARM-tanghe; beginning at 21:10 minutes

<sup>61</sup> 19-02291 Officer Patrick Tinsley, Page 8, lines 38 and 41

**Allegation 4:**

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

**§ MPD Policy and Procedure § 5-102 CODE OF ETHICS (08/01/91)**

*All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. Employees shall abide by the City's Ethics in Government Policy, Chapter 15. (05/23/07)*

**§ MPD Policy and Procedure § 5-102.01 MINNESOTA LAW ENFORCEMENT CODE OF ETHICS (08/01/91)**

"As a Minnesota Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

*I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement."

As discussed above on page 4 of this report, on February 16, 2019, Officer Tinsley provided a statement to Officer Vollrath and other officers present at his residence in response to his 911 call. In this statement, Officer Tinsley gave a lengthy accounting of what he said occurred before the discharge of his firearm. He also performed a "walk through" of those events, demonstrating his actions. He gave details of alleged arguments between [Privacy Policy] and him, as well as between [Privacy Policy] and him, in his bedroom several hours prior to the discharge of his firearm. He also described in detail retrieving a handgun from under his mattress during the arguments, pulling back on the slide to load one round into the chamber of the pistol, and telling the two women to get out of his house, then putting the firearm inside his waistband.

Also discussed above (pages 5 – 7 and 10 – 11) are the statements provided by [Privacy Policy]. The details in her statements parallel those initial statements made by Officer Tinsley on February 16<sup>th</sup>, including the sequence of events and how Officer Tinsley pulled a handgun from underneath his mattress, racked the slide back to load a live round into the chamber, and ordered her to leave his residence. Included in her

statements is the fear created in her by Officer Tinsley's handling of the firearm, including when he placed it in and kept it in his waistband. Additionally, [Privacy Policy] stated during her various statements that Officer Tinsley's manner of ordering her out of his residence was frightening. She quoted Officer Tinsley as telling her, "You can either leave on your own or you can leave in a body bag."<sup>62</sup>

[Privacy Policy] explained that the reason she took the knife from the kitchen was in case she felt the need to defend herself from Officer Tinsley since he had armed himself with the firearm. The statements made by [Privacy Policy] to Sgt. Kammerer and Sgt. Edwards, to Sgt. Nash, and to the Office of Police Conduct Review Investigator are consistent in content and context.

Officer Tinsley discussed the issue of the kitchen knife twice on February 16<sup>th</sup>; once with Officer Becker and once with Sgt. Tanghe. When Officer Becker asked Officer Tinsley to describe the knife, he stated:

*"She didn't point it at me. I think it was just more – even though she was threatening me at first, I think it was more just defensive in the fact that I cocked the gun and put it in my waistband."*<sup>63</sup>

Sgt. Tanghe was talking to Officer Tinsley about the items they were going to seize from his residence, including the knife, and Officer Tinsley volunteered the following statement:

*"The knife is irrelevant. I think she took it out of the drawer more in fear, because I told her to leave and she wouldn't leave and she kept threatening me. So, I cocked the gun. It was like, 'You need to leave, now!' and I put it in my waistband. Then I came downstairs. I followed 'em to lock the door. She obviously pulled the knife. I couldn't get the door unlocked 'cause the frickin', the bottom lock is sticky. And then, while I was trying' to do that, she pulled the knife, or whatever..."*<sup>64</sup>

On February 22, 2019, according to Sgt. Nash's supplement report, Officer Tinsley's version of the events changed. He stated to Sgt. Nash that he took the gun out because there were kids coming over. He denied taking it out because of any arguments with [Privacy Policy]. Officer Tinsley said that he is a police officer and always keeps a round in the chamber. Sgt. Nash reported that he reminded Officer Tinsley his conversations with the officers were captured on video. (Refer to the discussion above on pages 8 and 9 of this report.)

Officer Tinsley gave his statement to Office of Police Conduct Review on May 16, 2019 [refer to discussion above on pages 13 – 15 of this report]. During this interview, Officer Tinsley continued to offer the same version of events that he relayed to Sgt. Nash, denying he told Saint Paul Police Officers that he pulled the pistol from underneath his mattress and "charged" the weapon during the argument.

It should be noted that Officer Tinsley stated during his OPCR interview that the magazine for his pistol holds six (6) rounds.<sup>65</sup> When the firearm is fully loaded, with one round in the chamber, the capacity of the firearm is seven (7) rounds. The SPPD supplemental property report documented the collection of a Glock magazine with five (5) live rounds and one (1) spent casing, for a total number of six (6) rounds.<sup>66</sup> This supports Officer Tinsley's original statement that there was no round in the chamber before he pulled the slide back to chamber a round. Had the handgun been loaded with a round in the chamber as

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<sup>62</sup> 19-02291 [Privacy Policy]; Page 3, lines 26 – 27

<sup>63</sup> (BWC video) WEAPONS-RECKLESS\_DISCHARG\_OF\_FIREARM-vollrath; beginning at 25:30 minutes

<sup>64</sup> (BWC video) WEAPONS-RECKLESS\_DISCHARG\_OF\_FIREARM-tanghe; beginning at 22:50 minutes

<sup>65</sup> 19-02291 Officer Patrick Tinsley, Page 2, line 31

<sup>66</sup> SPPD Complaint Number 19033475, Supplemental Property Report; 02/16/2019 08:30:00, Items 2 and 3

claimed in Officer Tinsley's second version, there should have been six (6) rounds in the magazine when it was seized by SPPD officers.

The SPPD BWC videos, which were recorded at Officer Tinsley's residence, were reviewed. The events and statements which are recorded on these videos contradict Officer Tinsley's statements to Sgt. Nash and the Office of Police Conduct Review Investigator.

Videos from Officer Vollrath, Officer Becker, and Sgt. Tanghe were viewed as each of these officers interacted with Officer Tinsley during their on-scene investigation. The audio and video in these BWC videos is of high quality.

At **41:20 minutes** into Officer Vollrath's video<sup>67</sup>, Officer Vollrath asked Officer Tinsley to "walk through" the events to get a clearer picture of the details. The location of the camera allows the viewer to see that Officer Vollrath was taking notes as Officer Tinsley spoke and acted out the scenario. At the time Officer Vollrath asked Officer Tinsley to walk through the events, Officer Tinsley was seated at a table downstairs in what appeared to be a dining area. Officer Tinsley walked to the front door and started discussing the sequence of events from the time he returned home with [Privacy Policy]. He then led the officer upstairs to his bedroom. Officer Vollrath was joined by Officer Becker, Sgt. Tanghe, and Officer Vue. Officer Tinsley said the arguments with [Privacy Policy] continued once upstairs. Officer Tinsley was very animated during this part of the walk-through.

Officer Tinsley said that [Privacy Policy] laid down on the right side of bed while he walked to the left-side foot of the bed, pointing while he spoke to the right-side foot of the bed where [Privacy Policy] presumably was standing. He stated that [Privacy Policy] said, "I'll whoop your ass. You're not goin' to do my sister like that. Blah, Blah Blah Blah." At **43:50 minutes**, Officer Tinsley said he moved to the left side of the bed and cocked the gun, making hand movements consistent with pulling back the slide on a semi-auto pistol, at the same time saying he told [Privacy Policy] she had to leave and to "get the fuck out of my house."

At this point, an officer off-camera asked how [Privacy Policy] was threatening him. Officer Tinsley replied, "She was just saying she would whoop my ass and all types of shit."

At **44:10 minutes**, Officer Tinsley demonstrates how he was holding the gun after he cocked it. He showed that it was in his right hand and he held it in front of his right thigh. In this posture, the muzzle would have been pointed at an angle to the floor and toward the direction in which he indicated [PPI] [PPI] was standing. Officer Tinsley said he told [Privacy Policy] again to get out of his house.

At **44:35 minutes**, Officer Vollrath asked Officer Tinsley where he had the gun. Officer Tinsley showed that he retrieved it from underneath the mattress adjacent to where he was standing. He also stated that he normally keeps it under his mattress. He added that he keeps it with nothing in the chamber and that is why he racked it. He said he then put the gun in his waistband and [Privacy Policy] started getting her stuff to leave. Officer Tinsley then explained that [Privacy Policy] went downstairs ahead of him and he followed to lock the door after they left.

The video confirms that the report written by Officer Vollrath is consistent with the information provided by Officer Tinsley on the date this incident occurred. It is also consistent with the information provided to SPPD and to the Office of Police Conduct Review by [Privacy Policy] statement to Sgt. Nash is

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<sup>67</sup> (BWC video) WEAPONS-RECKLESS\_DISCHARG\_OF\_FIREARM-vollrath; beginning at 41:20 minutes

not consistent with the statement provided by Officer Tinsley on the date of this incident. It appears that Officer Tinsley later changed his story so it would be more in line with that of [Privacy Policy]

[Privacy Policy] was present while Officer Tinsley was speaking with Sgt. Nash on the phone on February 22, 2019. It was during that conversation that his story began to change. [Privacy Policy] also came on the phone during that phone call and called [Privacy Policy] a liar.<sup>68</sup>

SPPD Sgt. Nash presented the findings of his investigation to the Ramsey County Attorney's Office for consideration of filing criminal charges against Officer Tinsley. A letter from the Office of the Ramsey County Attorney, dated February 27, 2019, is attached to the SPPD report. The letter is unsigned and does not provide the name of the attorney who prepared the document. This letter provides their explanation for not filing a criminal complaint against Officer Tinsley. This letter does not specifically exonerate Officer Tinsley in this matter. The letter concludes:

*"The misdemeanor offense of Reckless Handling of a Gun seems to fit the facts better so the matter is referred to the City to consider that or other appropriate misdemeanor charges."*<sup>69</sup>

Minnesota Statutes § 609.66 DANGEROUS WEAPONS states, in part:

Subdivision 1. Misdemeanor and gross misdemeanor crimes.

- (a) Whoever does any of the following is guilty of a crime and may be sentenced as provided in paragraph (b):
  - (1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or
  - (2) intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or **toward** another; ...

The City of Saint Paul Code of Ordinances states, in part:

**Sec. 225.06. - Discharge of firearms.**

- (a) **When discharge permitted.** No firearm shall be discharged or attempted to be discharged within the city except in the following cases:
  - (1) In lawful defense of person or property against an unlawful act.
  - (2) By persons holding permits to carry a firearm pursuant to state statute(s), peace officers or military personnel in the course of their duties and in necessary connection with enforcement of the laws.
  - (3) By persons who discharge blank ammunition in connection with their participation in a public event for which a permit has been issued under [section 225.05\(3\)](#) or as a starter's gun for an organized athletic event.
  - (4) Upon an indoor target range operated under the supervision of a registered target shooting or sportsmen's club.

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<sup>68</sup> SPPD Complaint Number 19033475, Supplemental Offense/Incident Report, 02/26/2019 08:35:00; Nash, James T

<sup>69</sup> Letter from the Office of the Ramsey County Attorney, dated February 27, 2019

- (5) Upon an outdoor target range operated under the supervision of a registered target shooting or sportsmen's club where shotguns are used.
  - (6) In connection with a licensed carnival, where the weapon is so secured as to prevent its being fired except within the confines of an enclosed range impervious to the passage of bullets.
  - (7) By employees of the Como Zoo in the course of their duties.
  - (8) By employees of the animal control division in the course of their duties.
- (b) **Acts deemed attempt to discharge firearm.** For the purposes of this section, any person who does any of the following acts is guilty of an attempt to discharge a firearm:
- (1) The person draws a loaded firearm from a bag, holster or any other container or place of concealment;
  - (2) The person draws an unloaded firearm from a bag, holster or any other container or place of concealment and the ammunition for such firearm is readily available;
  - (3) The person points a loaded firearm at or toward their person, another person, an object or skyward;
  - (4) The person points an unloaded firearm at or toward their person, another person, an object or skyward and the ammunition for such firearm is readily available;
  - (5) The person is carrying a firearm in a public place, or transporting a firearm in a vehicle in a public place unless the person has a permit to carry a firearm or the firearm is carried, possessed or transported in compliance with applicable state statute(s);
  - (6) The person is in possession of a firearm in a room where controlled substances are found and the firearm was loaded or the firearm was unloaded and ammunition for such firearm is readily available;
  - (7) The person does any other act, with the intent to discharge a firearm, which constitutes a substantial step toward and is more than preparation for the discharge of a firearm.
- (c) **Definitions.** For the purpose of this section, the following terms have the meaning given them:
- (1) *Readily available.* With respect to ammunition, this term shall mean any ammunition in the person's possession, or within the person's reach, whether boxed or otherwise, or in any device designed for rapid loading of the firearm.
  - (2) *Controlled substance* shall be defined by the provisions of Minnesota Statutes, section 152.01, subdivision 4.
  - (3) Firearm includes all weapons under [section 225.01](#) of this chapter defining firearms and handguns.

(C.F. No. 07-116, § 1, 2-28-07)

On March 8, 2019, the Office of the City Attorney in Saint Paul issued its decision on this matter. The letter was from Assistant Saint Paul City Attorney Maria Dewolf. She offered her explanation why her

office declined to prosecute this case. Again, Officer Tinsley was not specifically exonerated of any criminal wrongdoing. The letter cites insufficient evidence “to meet the required burden of proof”:

*“03-07-2019 DEWOLF Decline: In meeting with Tara and Jessica, we came to the conclusion that we would not be able to prove beyond a reasonable doubt that the suspect committed a conscious or intentional act in connection with the discharge of a firearm that created a substantial and unjustifiable risk that we [sic] was aware of and disregarded. This standard is cited in State v. Engle, 743 N.W.2d 592 as well as in the jury instructions for the offense of Reckless Handling of a Firearm. The suspect, in this case, was in the process of putting away his gun when the gun unintentionally discharged. He had forgotten that he had loaded it with a bullet a couple hours earlier. We agreed that those facts were insufficient to meet the required burden of proof.”*<sup>70</sup>

The paragraph above only discussed the discharge of the firearm by Officer Tinsley. There is no discussion nor consideration of part (b) [*Acts deemed attempt to discharge firearm*] of § 225.06. - Discharge of firearms. Part (b), sub-section (1), declares it unlawful to draw a loaded firearm from a place of concealment. Officer Tinsley’s action of drawing his firearm from under his mattress and loading a live round into the chamber from a full magazine already inserted into the handgun seems to meet the elements stated in the statute. Additionally, sub-section (3) declares it unlawful to point a loaded firearm at or toward another person. Although both Officer Tinsley and [Privacy Policy] both stated that Officer Tinsley did not aim the firearm at [Privacy Policy] it could be argued that, based upon the description of events demonstrated by Officer Tinsley, he pointed the firearm toward her after loading the round into the chamber and holding it in the position he described and demonstrated.<sup>71</sup>

## **CLOSING**

### ***Allegation 1:***

1. On February 16, 2019, at 04:57 hours, Officer Tinsley called 911 to report to the Saint Paul Police Department that he accidentally discharged one (1) round from his off-duty handgun inside his Saint Paul residence.
2. He told the investigating officers that he was attempting to unload the handgun at the time he accidentally fired the round.
3. Officer Tinsley told Officer Vollrath he drank two (2) beers and one (1) Coke and Hennessey at Augie's Cabaret. Not addressed in Officer Vollrath’s report but recorded on his BWC, Officer Tinsley told Officer Vollrath that he had an additional three (3) beers after [Privacy Policy] left the residence and before the discharge of the firearm.
4. Officer Tinsley told Sgt. Tanghe that he had an additional three (3) beers after [Privacy Policy] and [Privacy Policy] left the residence and before the shot was fired.
5. Officer Tinsley stated during his Office of Police Conduct Review statement that he drank three (3) to four (4) beers between the time that [Privacy Policy] left and when the shot was fired. Additionally, he drank two (2) Jack and Cokes earlier that evening.

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<sup>70</sup> St Paul PD file on Officer Tinsley incident CN 19-033475, Page 2, “Notes”

<sup>71</sup> (BWC video) WEAPONS-RECKLESS\_DISCHARG\_OF\_FIREARM-vollrath; 44:10 minutes

6. During his Office of Police Conduct Review statement, Officer Tinsley stated that he didn't think that he was "overly intoxicated" at the time he attempted to unload the firearm; however, he added, *"But, in reality, I know that in the first place after having drank anything, I shouldn't have been handling a gun so I'm in the wrong in the first place. So, I, I know that, understand that."*

**Allegation 2:**

1. Officer Tinsley reported to Saint Paul Police that his off-duty firearm accidentally discharged while he was attempting to unload it while inside his bedroom. The round became lodged in the common wall between Officer Tinsley's bedroom and the neighboring townhome.
2. He said that had forgotten there was a round in the chamber; however, he gave two different explanations for there being a round loaded into the chamber. These statements tend to undermine his argument that he forgot.
  - a. February 16, 2019, he explained and demonstrated to Saint Paul Police Officers at his home that he intentionally loaded a round into the chamber of his handgun while in an argument with his fiancée and her step-sister.
  - b. On February 22<sup>nd</sup>, he told SPPD Sgt. Nash that he is a police officer and he always has a round loaded into the chamber.
3. Officer Tinsley made several statements to officers and investigators of the Saint Paul Police Department and to the Office of Police Conduct Review Investigator, admitting to the consumption of numerous alcoholic beverages during events leading up to the discharge of the firearm.
4. Minneapolis Police Department policy prohibits officers while off duty to handle firearms while under the influence or alcohol.
5. Officer Tinsley explained that, while trying to unload the weapon, he was attempting to manipulate the slide with his right hand and his left hand hit the trigger, causing the firearm to discharge. He said he normally pulls the slide with his left hand.
6. Officer Tinsley stated that he had consumed several alcoholic beverages, he had been in a lengthy argument with his fiancée and her step-sister, and felt very angry and stressed out before attempting to unload his handgun in a manner he admitted was contrary to his normal procedure.

**Allegation 3:**

1. On February 16, 2019, at 04:57 hours, Officer Tinsley called 911 to report to the Saint Paul Police Department the discharge of a firearm in his home.
2. Lt. Torborg reported that he received a phone call from Officer Tinsley about this matter at 13:32.
3. Lt. Torborg, in turn, sent an email to notify Lt. Wheeler (IAU) at 14:13 hours.

4. Officer Tinsley was asked about any attempt he made to contact his immediate supervisor about this incident. He said he contacted Sgt. Dave Garman, a Federation Representative, after Saint Paul officers left, but he didn't know what time that was. He did not recall notifying Lt. Torborg
5. Approximately 8 hours and 35 minutes passed between the time when Officer Tinsley discharged his firearm and Lt. Torborg was notified.
6. Minneapolis Police Department Policy and Procedure § 2-101 B (2) requires that the officer immediately notify his supervisor or the on-duty supervisor in his/her assigned precinct or division.

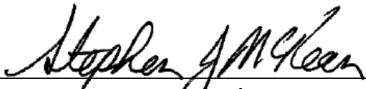
***Allegation 4:***

1. After reporting to Saint Paul Police an accidental discharge of his firearm, Officer Tinsley provided a lengthy and detailed statement about the events leading up to the discharge. He described his interactions with his fiancée, [Privacy Policy] and her step-sister, [Privacy Policy]. He provided an itinerary of their destinations in Minneapolis and how an argument developed between Officer Tinsley and [Privacy Policy], which grew larger, drawing in [Privacy Policy]. This argument continued during the drive back to Officer Tinsley's residence.
2. In his initial statement to Officer Vollrath, Officer Tinsley stated that, during this argument, Ms. [PPI] made verbal threats to "whoop his ass". He stated that he retrieved a firearm from beneath the mattress of his bed. He stated that he usually does not have a round in the chamber of this firearm. During the argument, he pulled back the slide of the firearm in question and loaded a round into the chamber. Officer Tinsley demonstrated how he did this to several officers on the scene of this incident. This demonstration is captured on multiple BWC's worn by the officers at the scene.
3. [Privacy Policy] has alleged that Officer Tinsley told her that she could leave voluntarily or in a "body bag." Officer Tinsley stated he told them to "get the fuck out of my house."
4. After telling the women to get out of his house, he then placed the firearm in his waistband.
5. The women went downstairs to leave and Officer Tinsley followed. He still had the weapon in his waistband. [Privacy Policy] retrieved a knife from the kitchen and held it at her side until she was outside the house.
6. Officer Tinsley told Sgt. Tanghe on the date of this incident that the knife was irrelevant and thought [Privacy Policy] grabbed it out of fear because he cocked the gun. [Privacy Policy] would later report that she grabbed the knife as a defensive measure because Officer Tinsley still had the gun in his waistband and she didn't know what Officer Tinsley would do.
7. Officer Tinsley admitted to having consumed numerous alcoholic beverage during the course of the evening and early morning hours leading up to the discharge of his firearm.
8. Prior to firing the round inside of his bedroom, Officer Tinsley stated that he was attempting to unload the firearm; however, he forgot that there was a round in the chamber.
9. [Privacy Policy] went to the Saint Paul Police Headquarters and provided a statement on her interactions with Officer Tinsley. Her statement was recorded on BWC's worn by the two (2) sergeants who interviewed her. Her statement closely parallels the statement given by Officer

Tinsley on the date of this incident. She also reported receiving text messages from [Privacy Policy] advising her not to talk to police about this matter. [Privacy Policy] later gave a statement to the Office of Police Conduct Review, which was recorded and transcribed. The details provided in both statements are consistent in content and context.

10. [Privacy Policy] refused to cooperate with the Office of Police Conduct Review investigation, but gave a short telephone statement to Sgt. Nash, which is not consistent with statements given by Officer Tinsley or [Privacy Policy]
11. Officer Tinsley spoke with Sgt. Nash, an investigator with Saint Paul PD. During this conversation, which was recorded and preserved, Officer Tinsley changed his accounting of the events. He denied telling officers at his home that he pulled the gun from under his bed during an argument with [Privacy Policy] and said he was just going through his normal bedtime routine of checking the gun because children were coming to the house the next day. He said he did not charge his gun in front of [Privacy Policy] and he always has a round in the chamber.
12. In his statement to the Office of Police Conduct Review Investigator, Officer Tinsley stated he always has a round in the chamber. Officer Tinsley also stated that he can't speak to what is in Officer Vollrath's report as he hasn't read it. He denied that he charged his gun during an argument with [Privacy Policy]. He said he was probably checking the gun as he routinely does and he didn't think she even saw the gun.
13. It is not known why Officer Tinsley changed his statement completely.
14. The Ramsey County Attorney's Office did not specifically exonerate Officer Tinsley in this matter. They referred the matter to the Saint Paul City Attorney, stating, "*The misdemeanor offense of Reckless Handling of a Gun seems to fit the facts better so the matter is referred to the City to consider that or other appropriate misdemeanor charges.*"
15. The City Attorney's Office also declined to file criminal charges, citing insufficient evidence.
16. The City of Saint Paul Code of Ordinances Sec. 225.06. - Discharge of firearms, describes an attempt to discharge a firearm as "*The person draws a loaded firearm from a bag, holster or any other container or place of concealment.*"

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

  
Investigator: Stephen J McKean

July 26, 2019  
Date:

Please enter the requested information directly into the form and provide a copy to the employee once completed and signed.

Employee Name: Patrick Tinsley	Employee ID: 007242
Job Title: Officer	Job Code:
Department: Minneapolis Police Department	
Is this employee a Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	
Has this employee passed probation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**NATURE OF ACTION:**

- Discharge: Effective Date: 6-18-20 At 12:43  a.m.  p.m.
- Probationary Release: Effective Date: At  a.m.  p.m.

Suspension without pay:

Total Working Days (or hours):

Beginning on: Ending on:

Demotion:

Permanent – Effective Date:

Temporary – Beginning on: Ending on:

Demoted to:

Job Title: Job Code: at the following hourly rate of pay or annual salary: \$

**REASON(S) FOR THIS ACTION:** (Check applicable boxes below and attach Letter of Determination that includes specific violations)

Violation of Civil Service Commission Rule 11.03 – Subdivision: B11, B19, B20

A. Substandard Performance

B. Misconduct

Violation of the Department Rule(s), Law(s), Ordinance(s), or Regulation(s) 5-105, 5-401, 2-101, 5-102

**NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS**

**DISCHARGE AND PROBATIONARY RELEASE AND SUSPENSION AND INVOLUNTARY DEMOTION**

**Probationary Employees** – Employees, including veterans separated from the United States military service under honorable conditions, who have not passed an initial hiring probationary period do not have a right to a hearing before the Civil Service Commission (CSC).

**Veteran Employees (Permanent)** - Employees holding a permanent position with the City or Park Board of Minneapolis, and who is a veteran separated from the United States military service under honorable conditions and who has passed an initial hiring probationary period, has a right to a hearing prior to discharge from employment or involuntary demotion. Temporary employees who are veterans do not have a right to a hearing.

**Permanent Non-Veteran Employees** have a right to a hearing by the CSC upon written request. Non-veterans who have passed probation are permanent employees.

**Disciplinary Suspension or Demotion** - Employees may be suspended without pay for disciplinary reasons for periods not to exceed 90 calendar days. Suspensions of 31 to 90 calendar days may be appealed by the employee to the CSC.

Employees may be demoted for disciplinary reasons and/or for substandard performance, either temporarily (up to 180 days) or permanently. Permanent employees may appeal any permanent demotion and/or salary decrease.

**NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS continued**

**REQUESTING A HEARING**

**IMPORTANT:** The employee should refer to the Civil Service Rules and/or the appropriate labor contract to determine what, if any, appeal rights he or she may have. The employee may choose whether to appeal this action through the Civil Service Commission or through processes available through a labor contract, but may not appeal through both.

**Requesting a Hearing: Non-Veterans** - A written request for hearing must be postmarked or received by the Civil Service Commission within 15 calendar days from the date disciplinary action was provided to the employee. The 15 days are counted from the first day after the notice was provided to the employee. If the 15<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The date of postmark must be within that 15-day period. The request for a hearing may be accompanied by the employee's statement of his or her version of the case.

**Requesting a Hearing: Veterans** - A written request for hearing must be received by the Civil Service Commission within 30 calendar days of receipt by the employee of the notice of intent to discharge. The 30 days are counted from the first day after receipt of the notice by the employee. If the 30<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The request for a hearing may be accompanied by the employee's statement of his or her version of the case. A failure to request a hearing within the provided 30 day calendar period constitutes a waiver of the right to a hearing.

**ALL REQUESTS FOR A HEARING AND APPEALS MUST BE MAILED WITHIN THE REQUIRED TIMELINES TO:**


Minneapolis Human Resources Department/Civil Service Commission  
250 South 4th Street, Room 100  
Minneapolis, MN 55415

**NOTIFICATION TO EMPLOYEE:**

The employee was given an opportunity to respond to the written charges at a pre-determination meeting held on: Date: December 18, 2019

The employee failed to appear at the pre-determination meeting.

A copy of this form and relevant accompanying information was given to the employee on \_\_\_\_\_.  
 A copy of this form and relevant accompanying information was sent by US mail, to the employee's address of record provided by employee.

Signature of Department Head: 

Date: 6-18-20

Signature of Person Mailing/Delivering Notice: LT. BRIAN SANDO

Date:

Entered into COMET-HR by: \_\_\_\_\_ Date: \_\_\_\_\_