

## Investigative Summary

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

---

### CASE OVERVIEW

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

### ALLEGATIONS

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

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

## CASE INVESTIGATION

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

### **Minneapolis Police Department Records**

#### **WorkForce Director Records**

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

#### **MPD CAPRS Report 18-129192**

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

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

#### **Security Video from the Scene**

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

---

<sup>1</sup> From public information section of MP 18-129192.

## Cell Phone Video from the Scene

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

## BWC Records

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

## Review of Criminal Investigation

### Saint Paul Police Case 18-089486

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

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

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

<sup>2</sup> This short cell phone video is included in this case file.

<sup>3</sup> See included declination letter from HCAO.

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

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

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

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

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

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

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

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

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

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

<sup>7</sup> See SPPD report, Statement of 13.43 and recorded interview of Chad Tucker.

<sup>8</sup> See SPPD report, Statement of Sergeant Shanley and recorded interview of Cody Balogh.

<sup>9</sup> See SPPD report, Statement of Sergeant Shanley and recorded interview of Mark Corbett.

<sup>10</sup> See SPPD report, Statement of Sergeant Shanley and recorded interview of Mark Corbett.

<sup>11</sup> See SPPD report, Statement of 13.43 and recorded interview of Asher Birdhorse.

<sup>12</sup> The cell phone video is included on an accompanying thumb drive.