

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

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

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

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

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

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

Internal Affairs Interview with Officer Manley

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

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

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

¹³ See interview with Officer Manley in SPPD Police Report.

¹⁴ Interview of Officer Manley by SPPD [REDACTED].

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

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

DISCUSSION

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

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

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

A. General

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

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

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

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

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

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

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

CLOSING

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

¹⁷ See Huffmaster video for complete context and perspective.

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

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

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

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

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

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



Investigator:



Date

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