

## **‘THEY WERE SUPPOSED TO HELP ME’**

Minnesota rarely sanctions police officers in domestic violence cases, a glaring weakness that police chiefs and victim advocates say needs to change.

By Jennifer Bjorhus (<http://www.startribune.com/x/34031274/>) and MaryJo Webster  
(<http://www.startribune.com/x/303594441/>) • Star Tribune    OCTOBER 2, 2017 - 12:00AM

**L**aura Bloomberg can still feel her ex-husband's hands around her throat. She can still taste the blood.

She has rebuilt her life, remarried, and moved to a different city. But the death threats he made nearly 20 years ago haunt her even today.

"I still look over my shoulder when I let my dog out," she said.

A slight woman who works from home doing medical billing, Bloomberg avoids Minneapolis for fear of running into her former husband. And while her house in a freshly minted subdivision outside the Twin Cities is a picture of calm, Bloomberg's disquiet simmers.

How, she asks, can he still be a Minneapolis police officer despite having been arrested twice for domestic assault?

The answer to that question reveals glaring weaknesses in Minnesota's oversight of cops who are charged with or convicted of crimes related to domestic abuse.

A Star Tribune review of court documents and state licensing records found more than 500 sworn officers convicted of crimes since 1995. Nearly one in 10 of those convictions stemmed from a domestic altercation — at least 50 officers with crimes ranging from property damage to domestic assault. Just four of them lost their state law enforcement licenses.

One officer disconnected his ex-wife's frantic 911 calls, declaring "I am 911."

Another put his hands around his girlfriend's neck in a fight, knocked her into the furniture and pulled a clump of hair from her head.

Both kept their licenses and badges.

Police chiefs and victim advocates alike say Minnesota should take a harder line. Officers who resort to fear or violence in their personal lives have no place in a job that often requires responding to domestic altercations, said Mark Wynn, a former Nashville lieutenant who consults on police domestic violence.

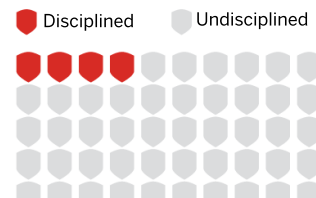
"You don't want criminals in uniforms," he said. "I don't know how else to put this. This is a crime. To make it less than, you are colluding with criminals."

Licensing authorities in several other states agree. In Oregon, officers lose their licenses for any conviction with an element of domestic violence. In Alaska, any domestic-violence-related conviction — even one ultimately reduced to harassment — permanently disqualifies an officer.

### LESS THAN 10% OF OFFICERS CONVICTED IN DOMESTIC INCIDENTS ARE DISCIPLINED

Since 1995, only four Minnesota officers have had their license revoked by the state POST Board for a domestic incident. Those cases involved convictions for assault or harassment/stalking.

#### TOTAL OFFICERS



Source: Star Tribune and state court records

In Minnesota, domestic violence is barely mentioned in the conduct rules of the Peace Officer Standards and Training (POST) Board, the agency that sets and enforces standards of conduct for Minnesota's 10,750 active officers.

A felony conviction is automatic grounds for revocation by the board. Beyond that, the shortlist of behaviors that can trigger POST Board sanction mentions only violating an order for protection or a harassment restraining order.

Among the officers convicted of domestic-abuse-related offenses over the past two decades, some have since retired, changed careers or died. But a third of them — 17 — are still working.

In addition, the Star Tribune found 25 officers who were prosecuted on charges stemming from domestic altercations but whose cases were ultimately reduced to petty misdemeanors or dismissed altogether. As a result, their cases never came under review

by the POST Board.

And even those officers don't tell the full story, said Paul Schnell, who retired recently as police chief of Maplewood and left the POST Board after a three-year term. Domestic violence by police officers is under-reported and under-prosecuted, he said — an observation supported by domestic violence advocates and law enforcement authorities alike.

Schnell called the Star Tribune's findings "way the tip of the iceberg."

## Frightened victims

Why do domestic incidents seldom result in state discipline for officers?

Safia Khan, a former manager at the Minnesota Coalition for Battered Women, cited breakdowns at many points along the criminal justice continuum. Many women never even make a report to police, she said: Some are frightened, some don't want their spouse to lose his job, especially if they have children.

When victims do call the authorities, it doesn't always lead to an arrest, or even a police report. A recent study by Minneapolis' police conduct commission found that just 20 percent of all domestic calls in the city resulted in an arrest or a report.

Often, Khan said, police show up, talk with both parties and advise the woman to get an order for protection — then write up such a sparse report that it does not trigger an investigation.

"It's kind of going back 30 years — like this is a personal matter, handle it this way," Khan said.

Even when a victim does file a report, pressure to recant or back out of prosecution can be particularly acute for the spouses of law enforcement personnel.

Janet Baker told the Star Tribune that when Anoka County deputies responded to one of her 911 calls years ago, they cautioned her about pressing charges against her husband, a police officer. They noted that she had children and risked losing her beautiful home if he lost his gun and couldn't work.

"This was my call for help," she said. "They were supposed to help me. Instead they helped him."

When officers are arrested, charges don't always stick.

Consider Minneapolis police officer Dustin Dupre. He was arrested in 2003 for misdemeanor fifth-degree domestic assault and interfering with a 911 call, a gross misdemeanor. He ultimately pleaded guilty to the 911 interference, but it was a misdemeanor. A court transcript shows that the sentence was “specifically tailored” to exempt him from firearms restrictions — so that he could keep his gun and his job. Dupre was required to check his firearm in and out at work.

“I don’t even know what fifth degree means, but he beat the tar out of me,” said his ex-wife, who said she suffered a torn rotator cuff. “It was bad.”

Wynn, the officer-turned-consultant, acknowledged that it can be hard to prove an assault charge in court. But that doesn’t explain Minnesota’s pattern of prosecutions, he said; the state’s legal definition of domestic abuse and domestic assault are fairly broad, including actions intended to cause fear of harm or death.

### CONVICTIONS FROM DOMESTIC INCIDENTS

Out of the total 55 domestic charges, 41 involved disorderly conduct or assault.

Disorderly conduct	30
Domestic assault	7
Assault	4
Violate order for protection	3
Interfere with 911 call	3
Harassment / stalking	3
Property damage	1
Obstruct legal process	1
Gun violation	1
False imprisonment	1
Damage to property	1
<b>Total</b>	<b>55</b>

Source: Star Tribune analysis of Minnesota district court

“We’ve been watering these crimes down for so many years. ... That has to stop,” Wynn said.

In 2013, Khan and members of the Minnesota Chiefs of Police Association met with the POST Board's standards committee. They asked it to establish rules that would govern the way police handle officer-involved domestic cases. The International Association of Chiefs of Police has promoted a zero-tolerance model policy for many years.

The proposal went nowhere. Meeting minutes show that state Rep. Tony Cornish, R-Vernon Center, a retired police chief who chairs the House Public Safety Committee, appeared at the meeting, as did Dennis Flaherty, former head of the Minnesota Police and Peace Officers Association. Both lobbied against it.

"Why should you treat a police officer involved in a crime any different than anybody else?" Cornish said, according to the minutes. "Leave it up to the chief or sheriff of their department to figure out what's best for their community and their department."

Nathan Gove, head of the POST Board, said the meeting occurred before his tenure, but said the board typically does not adopt model policies without direction from the Legislature. Asked whether the board should set stronger standards on domestic violence by officers, Gove said it relies on the criminal justice system to prosecute such cases.

He also noted that some of the officers who were convicted in court but not disciplined by the board might have lost their jobs, which would cause their licenses to expire. As a result, the POST Board never revoked their credentials.

## 'Her face was completely purple'

The Star Tribune normally does not identify victims of domestic assault, but Laura Bloomberg agreed to tell her story to help the public understand a problem that remains largely invisible.

Her ex-husband, James A. Carlson, has worked for the Minneapolis Police Department since 1990 and now patrols in the Second Precinct.

Carlson said through an attorney that he didn't want to comment.

In court documents and police records, Carlson denied abusing Laura, arguing that she was suicidal, lied to police and was the aggressor.

Trouble first surfaced in 1997 in Coon Rapids, not long after Laura and Jim married. Laura called 911 after a fight that started with Carlson asking about her whereabouts a night or two earlier. According to Coon Rapids police reports, Carlson slapped her, knocking off her earrings, and grabbed her jaw to head-butt her several times before choking her and threatening to kill her.

Carlson told police he didn't do it.

He was arrested and charged with fifth-degree assault, domestic assault and disorderly conduct. He pleaded not guilty to domestic assault, court records show. The case was dismissed after he completed one year of probation with counseling and no similar incidents — a typical outcome for first-time domestic violence offenses.

Laura said she felt sorry for him. He was remorseful, she said — for a while. And then it got worse.

In 2001, she called 911 again, now from their home in Woodbury. This time the argument started after drinks in a restaurant at the Mall of America, when Carlson accused her of lifting up her shirt to get some Mardi Gras beads from a staffer. The fight followed them home. Laura said she was covered in blood. Again Carlson was arrested for domestic assault.

This time Laura recanted under threats from Carlson, court documents show. Carlson pleaded guilty to disorderly conduct, a misdemeanor.

Laura's daughter Lauren, 10 at the time, recalled meeting her mother at the police station. "Her face was completely purple," Lauren said. "Her nose looked like it had been broken."

Carlson was fired, but the POST Board never took any action on his license.

Months later, Laura got an emergency order for protection, then a domestic-abuse protection order, and then a divorce. Carlson got his own harassment restraining order against Laura, writing that she repeatedly threatened him, once pointed his service gun at him and "lied to police and got me fired."

In March 2002, an arbitrator ordered the Minneapolis Police Department to suspend Carlson for 40 days but give him his job back with full back pay. The arbitrator reasoned that the department treated Carlson more harshly than it had other officers found guilty of similar offenses.

Carlson tried to get the conviction reduced to a petty misdemeanor. A judge denied it.

Officials with the Minneapolis Police Department wouldn't comment on Carlson's case, saying it happened under a prior administration. Discipline records show Carlson has been the subject of six internal investigations since 1990, including one related to his criminal conviction, and was disciplined three times.

Laura still feels outrage.

"He's out handing victim cards to women to get help," she said, referring to small cards police give abuse victims, with phone numbers and other resources. "It just isn't right."

Even people who are close to such cases acknowledge they can be hard to prosecute because the facts are often ambiguous.

James Osowski was a deputy in Mille Lacs County in 2006 when he was arrested for stalking and harassing his former girlfriend, Janice Jude. Jude, the Mille Lacs County attorney at the time, was trying to end their relationship.

According to police reports and court documents, Osowski besieged her with phone calls, left objects in her mailbox and garage, cruised past her office window and banged on her bedroom window at night, terrifying her and her children.

Court records show that in one five-month period he called her 1,586 times.

Jude, who still works as a lawyer in Milaca, recalled the Hennepin County prosecutor telling her they were dropping the stalking charge. "I sat in his conference room and cried," she said.

Osowski's lawyer, Paul Rogosheske, said the stalking case fell apart because phone records showed long conversations between the two, and "pictures of a sexual nature" that the judge sealed. Instead, Osowski was convicted of one misdemeanor count of making harassing phone calls. He was fined and ordered to get 10 hours of anger counseling. At work he was given a 60-day suspension without pay. He later resigned.

Mike Mott, the retired Milaca police chief who investigated the case, said he couldn't believe prosecutors did not pursue the stalking charge, which if convicted would probably have cost Osowski his job. It was "one of the most compelling and upsetting cases I've ever investigated," he said.

"That man should never have carried a badge after that day," Mott added.

Osowski, now a deputy in Mahnomen County, said the allegations were "just that, allegations" and that he accepted a plea deal because he had reached his financial limits. "The public can have absolute confidence in my doing my job honestly ... in spite of what happened 10 years ago," he told the Star Tribune.

Mahnomen County Sheriff Doug Krier said he has had no complaints about Osowski. He's solved a lot of cases, Krier said, and was promoted from deputy to investigator.



GLEN STUBBE, STAR TRIBUNE

**SPEAKING OUT:** Laura Bloomberg wanted to highlight a problem that remains largely invisible: domestic violence by police officers.