

**Rook E. Greenwood vs. Chief
Billie Durden, in His/Her
Individual Capacity as Chief of
the Reillyville Police Department**

*A Discussion of Exhibits, Potential Objections, and Procedural Notes
For the 2011 – 2012 Minnesota State Bar Association
High School Mock Trial Program*

Presented by Trina Alvero Iijima

The ReillyBook Post



A screenshot of a Facebook post. The post is from a user named Rook E. Greenwood, whose profile picture is a black vest with the word "POLICE" written on it. The text of the post reads: "When word of the mayor's decision came down to the local division that our lives aren't on par with the Chief's brand new car it was met with unanimous derision. Fo shizzle." Below the text, there is a grey bar indicating that 20 people like this post, and another grey bar with a comment icon and the text "View all 12 comments". Below these are two comment boxes. The first comment box shows a profile picture of a person and is currently empty. The second comment box shows a profile picture of a person and contains the text: "Marge Gunderson I can't believe they send you out in worn-out equipment like that..it is amazing nobody has died because of it." Below the second comment, it says "April 5 at 1:22 am" and "Like".

Rook E. Greenwood When word of the mayor's decision came down to the local division that our lives aren't on par with the Chief's brand new car it was met with unanimous derision. Fo shizzle.

20 people like this.

View all 12 comments

Marge Gunderson I can't believe they send you out in worn-out equipment like that..it is amazing nobody has died because of it.

April 5 at 1:22 am · Like

Exhibit 1, page 39

Termination of Employment at Reillyville Police Department

Exhibit 2, page 41

222.20 Termination of Employees

All temporary and probationary employees may be terminated at any time, with or without cause. All permanent employees may be terminated only for good cause.

222.30 Definition of Good Cause

Good cause means reasonable job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reasons.

Was Greenwood fired for good cause?

The Complaint Letter

Exhibit 3, page 42

Exhibit 3

 People Against  Discrimination f Animals 
Route 21
Reillyville, MN 55102

Rin T. Tin
FOUNDER & CO-ORGANIZER

April 2, 2011

Chief Billie Durden
Reillyville Police Station
Reillyville, MN 55102

DELIVERED BY HAND

My Dear Chief,

I cannot TELL you how upset I am!!

I have just returned from the 2nd Precinct house, having discovered the most AWFUL betrayal (again) by one of your police officers... YES, it was Rook E. Greenwood, just as before, taking threats against the helpless, animals of this, our community as though they were merely TRIVIAL!

Exhibit 3

City of Reillyville Police Department



INTERNAL REPORT FORM

DATE: April 5, 2011

- Citizen Complaint
- Fellow Officer Complaint
- Administrative complaint- Supervisory
- Administrative Complaint-Prosecutor/Court
- City hall/Political

Exhibit 3 (continued)

Officer Schorr Reports on Tin's complaint

City of Reillyville Police Department

Exhibit 4



TERMINATION NOTICE

Employee name: Rook E. Greenwood

Position: Detective

Reason for termination (attach additional pages if necessary):

Conduct unbecoming an officer, to wit: insensitive and unprofessional handling of citizen report

The Termination Notice

Exhibit 4

Page 45

Reillyville Police
Internet and Social Networking Policy

Exhibit 5A

253.11 Policy The Internet, blogs, Twitter™, the worldwide web, social networking sites and any other medium of electronic communication shall not be used in a manner which is detrimental to the mission and function of this agency.

... Any publication, through any medium which is potentially adverse to the operation, morale, or efficiency of this agency will be deemed as violation of this policy.

Exhibit 5B

Section 253

Internet and Social Networking Policy

253.12 Procedure


- A. Employees of this agency are prohibited from using agency computers for any unauthorized purpose including surfing the Internet or participating in social networking sites.
- B. Employees of this agency are prohibited from posting, or in any other way broadcasting, without prior agency approval, information on the Internet, or other medium of communication, the business of this agency to include but not limited to:
1. Photographs/images relating to any investigation of this agency.
 2. Video or audio files related to any investigation of this agency.
 3. Video, audio, photographs, or any other images etc. which memorialize a law enforcement related action of this agency.
 4. Logos/Uniforms/Badges or other items which are symbols associated with this agency.
 5. Any other item or material which is identifiable to this agency.
- C. Employees of this agency who utilize social networking sites, blogs, Twitter™ or other mediums of electronic communication in their off-duty time shall maintain an appropriate level of professionalism and appropriate conduct so as not to broadcast in a manner which is detrimental to the mission and function of this agency.
1. Employees shall not use references in these social networking sites or other mediums of communication that in any way represent themselves as an employee of this agency without prior agency approval. This shall include but not be limited to:
 - a. Text which identifies this agency.
 - b. Photos that depict the logos, patches, badge or other identifying symbol of this agency.
 - c. Accounts of events which occur within this agency.
 - d. Any other material, text, audio, video, photograph, or image which would be identifiable to this agency.
 2. Employees shall not use a social networking site or other medium of Internet communication to post any materials of a sexually graphic nature.
 3. Employees shall not use a social networking site or other medium of communication to post any materials which promote violence or weaponry.
 4. Employees shall not use a social networking site or other medium of communication to post or broadcast any materials which would be detrimental to the mission and function of this agency.
- D. Employees of this agency are prohibited from using their title as well as any reference to this agency in any correspondence to include emails, postings, blogs, Twitter™, social network sites such as ReillyBook unless the communication is of an official nature and is serving the mission of this agency. This prohibition also includes signature lines in personal email accounts. An employee may seek agency approval for such use.
- E. New employees: All candidates seeking employment with this agency shall be required to complete an affidavit indicating their participation in any social networking sites. This affidavit shall include the name of the sites. The candidate shall provide the agency with access to their site as part of any background information.
- F. Administrative Investigations: Employees who are subject to administrative investigations may be ordered to provide the agency with access to the social networking site when the subject of the investigation is directly, narrowly, and specifically related to the employee's performance or ability to perform his or her function within the agency or when the subject of the investigation is potentially adverse to the operation, morale, or efficiency of the agency.

Exhibit 5B

Procedures for the Internet and Social Networking Policy

Rin T. Tin's March 15 Dog Incident

Exhibit 6



City of Reillyville Police Department—Incident Report

CASE NUMBER: 010-16001664		DATE OF REPORT - TIME: 03/15/11 22:05	<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT
DATE OF OCCURRENCE: 3/15/11	TIME OF OCCURRENCE: 19:55	DOW: <input type="checkbox"/> 1 Sun <input checked="" type="checkbox"/> 2 Mon <input type="checkbox"/> 3 Tues <input type="checkbox"/> 4 Wed <input type="checkbox"/> 5 Thur <input type="checkbox"/> 6 Fri <input type="checkbox"/> 7 Sat <input type="checkbox"/> 8 Unk	
INCIDENT LOCATION: Route 21, Reillyville, MN 55102			
COMMON/BUSINESS NAME:	BEAT:	MAPR:	
DISTRICT:	ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	DRUG: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
LOCATION TYPE: Residential	DEPT. CLASSIFICATION:		
CASE STATUS: <input type="checkbox"/> 1 cleared by arrest <input type="checkbox"/> 2 exceptionally cleared <input type="checkbox"/> 3 unfounded <input type="checkbox"/> 4 inactive <input type="checkbox"/> 5 pending arrest <input type="checkbox"/> 6 pending inv. results <input type="checkbox"/> 7 info. Only <input checked="" type="checkbox"/> 8 admin. cleared		DATE: 03/15/10	
UCR STATE CLASSIFICATION: (STATUTE NUMBER AND TEXT)		UCR CLASSIFICATION: (TABLE #8)	
ATTEMPTED/COMMITTED: <input type="checkbox"/> 1 Committed <input type="checkbox"/> 2 Accessory After <input type="checkbox"/> 3 Accessory Before <input type="checkbox"/> 4 Aid/Abet <input type="checkbox"/> 5 Assault To Victim <input type="checkbox"/> 6 Attempt to <input type="checkbox"/> 7 Conspiracy To <input type="checkbox"/> 8 Facilitation Of <input type="checkbox"/> 9 Solicitation To <input type="checkbox"/> 10 Threat To <input type="checkbox"/> 11 Unfounded			
ATTACK REASON: <input type="checkbox"/> 1 Assault <input type="checkbox"/> 2 Theft <input type="checkbox"/> 3 Menace <input type="checkbox"/> 4 Concerned Citizen <input type="checkbox"/> 5 Mental		WEAPON TYPE: <input type="checkbox"/> 1 Firearm <input type="checkbox"/> 2 Knife/Cutting Instrument <input type="checkbox"/> 3 Hands/Fists/Feet, etc. <input type="checkbox"/> 4 Other Weapon	

Exhibit 6, page 49

At approximately 19:00, a call came in from Rin T. Tin, and I was dispatched. Upon arrival, I found the civilian in a state of distress, kneeling on the clay shoulder of Route 21.

By my cruiser's headlights, I saw that the civilian, Rin T. Tin, was attending a medium-large canine of unknown or mixed breed.

There was no sign of blood or external injury, but the canine was obviously near death: eyes unfocused and dry tongue hanging from its mouth. Tin protested ("cruelty") as I secured the dog's muzzle with a length of string (all immediately available) to prevent being bitten, and I had to order the civilian back while I attempted first aid. These attempts proved unsuccessful.

Judging that discretion, not arrest, was the best case management technique for the distressed Tin, I allowed the civilian to assist in loading the animal into my cruiser for what Tin believed to be a forensic examination. I then transported the corpse to the crematorium. After a brief call to my superior, Sgt. Goddard, reporting the location and circumstances of the casualty, I released the body to them for disposal rather than transfer for necropsy.

Did Greenwood show a
pattern of misconduct? Is the timing of
the termination relevant?


Rin T. Tin's February 6
"Prowler Incident"

Exhibit 7, page 51

"Insensitive and
Unprofessional handling"

Exhibit 8

City of Reillyville Police Department—Incident Report



CASE NUMBER: 010-16001664	DATE OF REPORT - TIME: 03/16/11 11:23	<input type="checkbox"/> ORIGINAL REPORT
DATE OF OCCURRENCE: 3/16/11	TIME OF OCCURRENCE: 11:04	<input checked="" type="checkbox"/> SUPPLEMENTAL REPORT
INCIDENT LOCATION: 2 nd Precinct, Reillyville, MN 55102	BEAT:	DOW: <input type="checkbox"/> 1 Sun <input type="checkbox"/> 2 Mon <input checked="" type="checkbox"/> 3 Tues <input type="checkbox"/> 4 Wed <input type="checkbox"/> 5 Thur <input type="checkbox"/> 6 Fri <input type="checkbox"/> 7 Sat <input type="checkbox"/> 98 Unk
COMMON/BUSINESS NAME:	ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	MAPR:
DISTRICT:	DEPT. CLASSIFICATION:	DRUG: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK
LOCATION TYPE: Commercial	CASE STATUS: <input type="checkbox"/> 1 cleared by arrest <input checked="" type="checkbox"/> 3 unfounded <input type="checkbox"/> 15 pending arrest	DATE: 03/16/11
	<input type="checkbox"/> 2 exceptionally cleared <input type="checkbox"/> 4 inactive <input type="checkbox"/> 16 pending inv results	

The Citizen's Report

Exhibit 8

Schorr's Report on Tin's
Return to the Station

Life in the Small Pond of Reillyville

Where everybody knows everybody else,
and everybody has an opinion

Exhibit 9, page 54

Leslie Loudermouth's Version of the Facts on the Smith Child Deprivation Case

Exhibit 9

**Leslie Loudermouth
1060 W. Addison St
Reillyville, MN**

RE: Jeanette Smith, Case No. 101102

Dear Director:

At your request, I am memorializing my involvement in the Jeanette Smith case beyond previously written reports and testimony. I do want to note that this request is highly unorthodox, and I feel as if my authority is being undermined because of a verbal complaint made by the Chief of Police.

Greenwood's Signed Receipt for the City of Reillyville Police Department Handbook


Exhibit 10, page 55

Greenwood knew that the Department policies prohibited certain content in internet posts

Question: How are the Handbook Procedures for internet usage relevant if Greenwood engaged in protected speech?

Exhibit 10

City of Reillyville Police Department Handbook



Receipt

The undersigned hereby acknowledges receipt of the City of Reillyville Police Department Handbook (including all updates), and the undersigned further states that s/he is familiar with the contents found herein.

_____/S/ Rook E. Greenwood
Employee

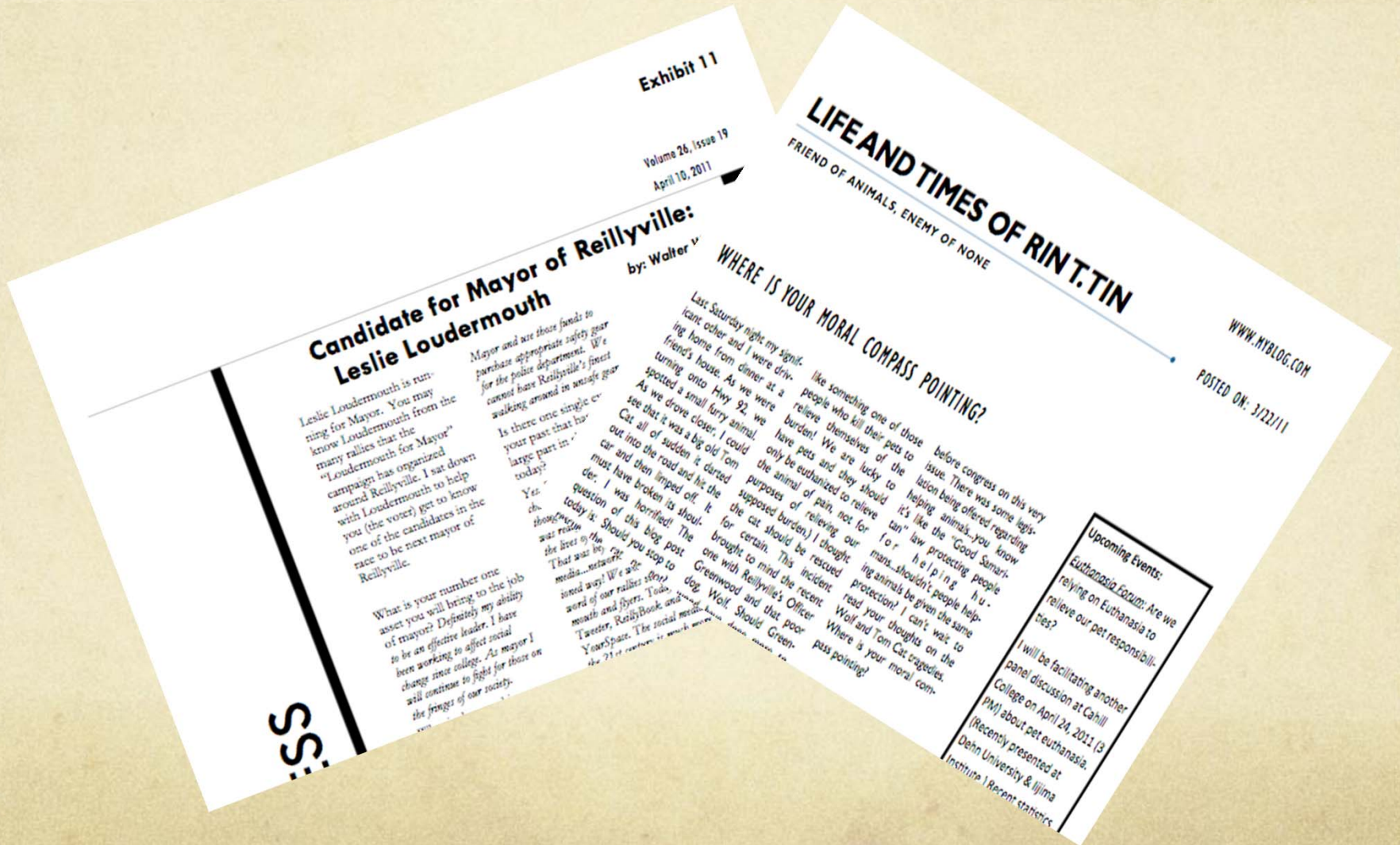
14 February 2005 _____
Date:

Expert Witnesses

Rule 702. (Page 97 – 98) Testimony by Experts If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise.

Question: Is either Leslie Loudermouth or Rin T. Tin an “expert?”

Exhibits 11 and 12



Objections

Relevance - Particularly on Protected Speech Issues

Remember, the legal issue regarding whether Greenwood's speech is protected has been predetermined as a matter of law.

Enlargement of Exhibit 5b - goes to Durden's intent

Unfair Extrapolations

During a mock trial presentation, an extrapolation is the addition or alteration of a fact included in the testimony of a witness.

Whether it is fair or unfair depends on the nature of the expanded testimony and the context within the issues presented by the problem.

The key is to look for an advantage gained by the extrapolating witness.

Hint: Look to case materials and ask for citation to evidence / affidavits.

Questions?

Thank you for volunteering!

We sincerely appreciate your time and efforts to make this year's program a great success. The students benefit from your constructive feedback and insights from the legal profession.

It is our greatest hope that you will enjoy this interaction with the students and find that this program presents a fine and fulfilling opportunity for everyone involved.