

EXHIBIT

59

September 8, 2020

VIA ELECTRONIC MAIL

Afsheen Foroozan, Chair
Police Conduct Oversight Commission
Foroozan.pcoc@gmail.com

Dear Chair Foroozan:

Thank you for your communication to our office dated August 26, 2020. The City appreciates the time, effort and dedication by the PCOC subcommittee to review materials and raise questions.

As Chair of the PCOC, you requested a legal opinion from the City Attorney's Office regarding the subcommittee's recommendation to make past coaching enterprise-wide public data. Specifically, you asked our office to address these questions:

1. Does the analysis correctly conclude that, under the current Minneapolis Police Department (MPD) Policy and Procedure Manual, coaching is discipline? If not, please explain.

Short answer: under the current MPD Policy and Procedure Manual, coaching is not discipline. An explanation for each short answer is provided below.

2. Are the Joint Supervisors authorized to issue discipline under state law and the current MPD Manual (including the IAU Complaint Manual)? Please explain.

Short answer: police oversight bodies—including the Joint Supervisors—are not authorized to issue discipline.

3. Does the lack of a (1) *Garrity* warning, (2) opportunity for *Loudermill* hearing, and (3) opportunity to grieve the case, impact whether past cases of coaching can be made public? Please explain.

Short answer: Minnesota's Government Data Practices Act (DPA) determines what is public data. The police chief's disciplinary decisions can become public, but coaching is not public under the DPA because coaching is not discipline.

Does the analysis correctly conclude that, under the current MPD Manual, coaching is discipline? If not, please explain.

Coaching is not discipline. Coaching offers organizations in the private and public sectors, including the MPD, a valuable performance management tool for swiftly addressing everyday decisions and behavior. Minneapolis' Human Resources (HR) department published a guide defining coaching and providing guidance regarding how to use coaching effectively. HR's guide states:

Coaching is frequent, spontaneous, one-on-one training.

As a **performance tool**, coaching provides immediate, specific feedback and correction.

As a **motivational tool**, coaching gives personal attention and recognition.

As a **participation tool**, coaching involves employees in advancing their growth and achievement.

(emphasis in original).

Coaching is referenced in several of the City's labor agreements with its represented workforce. For example, the labor agreement with Supervisors defines coaching:

Coaching is a management tool intended to assist supervisors and employees to learn to work together and become an effective work unit. The process is described under the guidelines and procedures established by the Employer's Department of Human Resources. See Section 4.03 of this Agreement.

Article 4, section 4.03 of the Supervisors' labor agreement states:

Coaching is an acceptable manner in which supervisors and employees learn to work together and become an effective work unit. Coaching informally is part of everyday work efforts. If a coaching session is needed to address work results which fail to meet satisfactory quality and/or quantity standards, the supervisor will schedule a private conversation between the supervisor and employee about the performance problems, causes and solutions. The employee will be asked to develop a plan to correct the performance problem, or, if the employee asks for assistance, the supervisor will work with the employee to develop a plan (collaboratively). The supervisor will schedule follow-up sessions and document the sessions. Such sessions may be used in performance reviews, and may be the basis for an oral reprimand, following repeated coaching sessions.

The Minneapolis Civil Service Rules, which are promulgated by authority of the City Charter Article 8.4, do not list coaching as discipline. Rule 11.04 lists as “types of disciplinary action” a warning, written reprimand, suspension, demotion and discharge. Rule 11.04 A defines warning as “[a] disciplinary warning includes a verbal discussion between the employee and supervisor covering the details of the problem, plans for correcting the problem and a written memo to document the event.” Disciplinary warnings are distinguishable from coaching. Disciplinary warnings are not mentioned in HR’s guide to coaching. In the MPD, coaching is documented on a form labeled “Coaching Documentation.”

Coaching is one of a few examples of non-disciplinary corrective actions any employer, including the MPD, might take. These include training, counseling and “documented oral correction.” *See, e.g.,* MPD Policy and Procedure Manual section 1-101.02. The MPD has utilized a coaching process and documentation for several years. Coaching is documented on a form that the supervisor is required to complete. The OPCR joint supervisors or their designees monitor completion of and receipt of the coaching documentation.

Minneapolis’ civilian oversight ordinance specifically allows some complaints to be referred to a supervisor for coaching: “...in the case of allegations which rise only to a potential "A" level infraction under the police department's adopted discipline matrix, may be referred to a program of mandatory mediation instituted by the office of police conduct review or directly to the officer's supervisor for coaching. Such complaints may also, pursuant to the authority and discretion of the office, be referred for formal investigation pursuant to subsection (c).” M.C.O. § 172.30 (b). If the MPD Policy and Procedure Manual conflicts with city ordinance, the ordinance supersedes the manual.

In practice, M.C.O. § 172.30 (b) operates as follows: the intake investigator collects all available evidence, including BWC, PIMS reports, Visinet, and anything provided by a complainant. The Joint Supervisors review all the evidence and the intake investigator presents the case at the weekly case screening meeting. Some cases are designated for coaching at the initial screening stage or after the conclusion of a preliminary case investigation. Only A-level violations are considered for officers that have no same or similar violations within the past year. The nature of the violation is considered. No administrative case is sent for coaching by the Joint Supervisors as it is sent straight to the police conduct review panel (PCRP) but the police chief has discretion to send cases to coaching after receiving the decision from the panel.

The current MPD Discipline Process Manual identifies coaching as non-disciplinary on page 3:

Non-Disciplinary Actions

There are some instances where an employee’s behavior may not have been appropriate however it does not rise to the level of discipline. In such cases, non-disciplinary action may be taken as soon after the unacceptable behavior or poor performance was first noted. Examples of non-disciplinary action include, but are not limited to performance mentoring, training, and coaching.

In addition, page 10 of the MPD Discipline Process Manual states:

Non-Discipline Category (A)

Category A violations can only result in non-disciplinary corrective actions and are not considered public data. These outcomes cannot be grieved by the employee.

Coaching Documentation - A form used to document conversations with an employee for instances that involve Category A policy violations.

Training – The employee’s supervisor will collaborate with personnel assigned to the In-Service Training Unit to develop a customized training plan. Failure to successfully complete a training plan may result in additional training or discipline.

The reference above to “Category (A)” is explained in section 1-102.01 of the MPD Policy and Procedure Manual:

1-102.01 DISCIPLINARY SYSTEM USED IN THE POLICY AND PROCEDURE MANUAL (12/05/01)

A disciplinary system was implemented to provide a comprehensive, uniform discipline process to assist the Chief of Police in administering a final disposition of employee misconduct in an appropriate and timely manner.

Disciplinary categories or ranges are designated beneath the section numbers throughout the Policy and Procedure Manual. These disciplinary ranges denote the level or range of discipline for violation of the policy or procedure.

While the MPD Policy & Procedure Manual denotes the discipline category or range for a specific policy violation, disciplinary categories may be enhanced based upon previous sustained violations within the specified reckoning period (see Complaint Process Manual).

Disciplinary categories are listed below for violations of MPD policy and procedure:

Category "A": Training, counseling, documented oral correction.

Category "B": Written reprimand, documented oral reprimand, up to 40 hours suspension.

Category "C": Documented oral reprimand, written reprimand, up to 80 hours suspension, demotion.

Category "D": Up to 720 hours suspension, demotion, termination.

An *example* of the disciplinary range notation in the Policy and Procedure Manual is as follows:

1-101 POLICY AND PROCEDURE MANUAL ESTABLISHED

(A-C)

The concepts of range of violation and enhancing to the next range up is reflected in the note on the Discipline Matrix:

Special Notes on Matrix:

These are general guidelines. Chief of Police makes all final determinations on discipline. ***A-Level*** violations are not listed in matrix and are considered coaching, not discipline. Repeat violations may result in enhanced discipline up to and including termination. Examples of ranges can be found to the right. These may be modified by the circumstances of the violation(s). D-Level violations may include suspension, demotion or termination and may have varying baselines. The matrix is not an all-inclusive list of policy violations.

Section 5-101.02 of the MPD Policy and Procedure Manual further supports the conclusion that coaching is not discipline. Section 5-101.02 states that “discipline may range from a written reprimand to termination.” Coaching is outside of this range. The reference that all violations “will result” in discipline is apparently being construed as a requirement that every single violation, including low level violations, must result in discipline. To avoid confusion, this sentence could be clarified to read that violations above an “A” level will result in discipline. However, as drafted, it accurately captures the concept in the police oversight ordinance and MPD Discipline Complaint Process manual that repeated incidents of coaching that fail to correct an employee’s behavior will likely result in discipline the next time a violation recurs. Thus, multiple past A-level violations can lead to future A-level misconduct being subject to discipline due to an employee’s ongoing failure to correct behavior. *See, e.g.* discussion of aggravating factors in Matrix Narrative.

If there are inconsistencies in MPD documents, the inconsistencies do not convert coaching to discipline. Rather, the inconsistencies should be reviewed and discussed. Revisions to the MPD Policy and Procedures Manual can and do occur. Those changes go into effect at a future date; they have no retroactive application. Thus, if the manual is rewritten to clarify any language that could be misconstrued as coaching being discipline, then those changes would not affect any documents of past coaching.

Are the Joint Supervisors authorized to issue discipline under state law and the current MPD Manual (including the IAU Complaint Manual)? Please explain.

Police oversight bodies-including the Joint Supervisors--have no disciplinary authority. The Peace Officer Discipline Procedures Act states: “A civilian review board, commission, or other oversight body shall not have the authority to make a finding of fact or determination regarding a complaint

against an officer or impose discipline on an officer. A civilian review board, commission, or other oversight body may make a recommendation regarding the merits of a complaint, however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government.” Minn. Stat. §626.89 subd. 17 (2012).

Recommendations are sent to the chief of police, who makes the decision regarding whether to discipline and, if so, what level of discipline. M.C.O. §172.70.

Does the lack of a (1) Garrity warning, (2) opportunity for Loudermill hearing, and (3) opportunity to grieve the case, impact whether past cases of coaching can be made public? Please explain.

Minnesota’s Government Data Practices Act (DPA) governs what is public data. Discipline that has reached final disposition is public data. Non-disciplinary corrective actions such as coaching are not public data. See Minn. Stat. §13.43.

In *Citizens United Against Police Brutality*, the Minnesota Court of Appeals reasoned:

Similarly, the chief’s decision not to impose discipline is a neutral status step in the complaint process, particularly if all files are forwarded to the chief. We come to the conclusion under Minn. Stat. §13.43, subd. 2 (a)(4); we do not view the decision not to impose discipline as a final disposition of a disciplinary action under Minn. Stat. §13.43, subd. 2(a)(5), based on our analysis in *State v. Renneke*, 563 N.W.2d 335, 338 (Minn. App. 1997). In *Renneke*, we stated that “[t]he mere investigation of a citizen complaint, without any attempt to impose discipline on the police officer, is not a ‘disciplinary action.’

Citizens United Against Police Brutality v. City of Minneapolis, 2010 WL 2035961 (May 25, 2010) *5.

The DPA does not mention Garrity warnings, the opportunity for a Loudermill hearing, or the opportunity to grieve a case as factors for determining whether an employer’s action with its employee is public.

Among other provisions in the DPA, section 13.43 subdivision 2 mandates what is public. Section 13.43 identifies public personnel data as:

- Subd. 2(a)(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
- Subd. 2(a)(5) the final disposition of any *disciplinary action* together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

Subd. 2(b) a final disposition occurs when the government entity makes its final decision about the disciplinary action, regardless of any later proceedings or court proceedings. ... In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. A disciplinary action does not become public data if an arbitrator sustains a grievance and reverses all aspects of any disciplinary action.

The last sentence in §13.43 sub. 2 (b) indirectly reinforces the conclusion that non-disciplinary employment actions are not public.

Accordingly, the lack of a *Garrity* warning is not in and of itself determinative of whether coaching is discipline, such that coaching could become public. A *Garrity* warning involves a type of advisory that a public employer may opt to give an employee in conjunction with an investigatory interview. *See Garrity v. State of N.J.*, 385 U.S. 493, 87 S. Ct. 616 (1967). Not all inquiries into employee conduct result in an investigative interview, however. This fact is reflected, for example, in City ordinance. *See, e.g.* M.C.O. §172.30(b). An employee could give a statement following administration of a *Garrity* warning, but it could later be determined that the only sustained violation was Category A-level. Coaching instead of discipline could result regardless of whether a *Garrity* warning had been given.

The lack of a *Loudermill* hearing is not in and of itself determinative of whether coaching is discipline, such that coaching could become public. However, *Loudermill* applies to a pre-deprivation process that involves a property interest. *See Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 105 S. Ct. 1487 (1985). With coaching, there is no deprivation. Coaching might be documented, but documentation does not convert coaching to discipline.

The lack of opportunity to grieve a case is not determinative of whether coaching is discipline, such that coaching could become public. The Public Employment Labor Relations Act (PELRA) requires labor agreements to contain a grievance procedure for “grievances including all written disciplinary actions.” Minn. Stat. §179A.20 subd. 4. Minnesota’s new Police Accountability Act defines grievance as “a dispute or disagreement regarding any written disciplinary action, discharge or termination decision of a peace officer arising under a collective bargaining agreement covering peace officers.” Ch. 1, MN Session Laws - 2020, 2nd Special Session, section 24 (new state statute section 626.892 subd. 1(d)).

Thus, if there is no written discipline, the employer’s action is not subject to the grievance procedure.

You also asked our office to provide citations and copies or links to the references. Documents referenced herein that are not publicly available on the internet are attached hereto.

Thank you and your colleagues of the Police Conduct Oversight Commission for their dedication and careful consideration of the discussion above.

Please contact me or Assistant City Attorney Joel Fussy, legal liaison to the PCOC, if you have any further legal questions.

Sincerely,

/s/ Trina Chernos

Trina Chernos
Assistant City Attorney HR/LR
Trina.Chernos@minneapolismn.gov

ATTACHMENTS AND WEBSITES

Minneapolis Human Resources Coaching Guide: attached

Minneapolis Civil Service Rules: <http://www2.minneapolismn.gov/hr/civilservice/index.htm>

MPD Discipline Process Manual (current): attached

Police oversight ordinance:
https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT9F_IPOPR_CH172POCOOV

Labor agreements: <http://www2.minneapolismn.gov/hr/laboragreements/index.htm>

MPD Discipline Matrix (current): attached

MPD Discipline Matrix Booklet (current): attached

MPD Policy and Procedure Manual: <http://www2.minneapolismn.gov/police/policy/index.htm>

Reprinted from Minneapolis Human Resources' intranet site:

<http://wcms/intranet/hr/performance/WCMS1Q-004751>

Coaching

Once performance objectives and standards are established and clearly communicated, supervisors should observe employees' performance and provide feedback.

Coaching is frequent, spontaneous, one-on-one training.

As a **performance tool**, coaching provides immediate, specific feedback and correction.

As a **motivational tool**, coaching gives personal attention and recognition.

As a **participation tool**, coaching involves employees in advancing their growth and achievement.

Guidelines for Successful Coaching

A coaching session focuses on one or two aspects of performance, rather than the total review that takes place in a performance evaluation.

To make a coaching session effective, supervisors must understand the key elements of coaching:

- Coach when you want to focus attention on any specific aspect of the employee's performance.
- Observe the employee's work and solicit feedback from others.
- When performance is successful, take the time to understand why.
- Advise the employee ahead of time on issues to be discussed.
- Ask the employee for help in problem identification and resolution. Use active listening to show you understand.
- Agree on action to be taken.
- Set specific goals and maintain communication. Schedule follow-up meeting(s) to measure results.
- Recognize successes and improvements.
- Document key elements of coaching session.

To provide effective feedback you must understand the elements of performance and analyze marginal performance. Keep these questions in mind:

- How is the employee expected to perform?
- Does the employee understand these expectations? If not, why not?
- Does the employee know what successful results look like? How do you know?
- Does the employee know the performance is marginal? How do you know?
- Are there obstacles beyond the employee's control? Can you remove them?
- Has the employee ever performed this task satisfactorily?
- Is the employee willing and able to learn?
- Does satisfactory performance result in excessive work being assigned?
- Does unsatisfactory performance result in positive consequences such as an undesirable task being reassigned?

Follow-Up Sessions

Begin by reviewing previous discussions. Examine how much progress has been made since the last session; discuss insufficient improvement and ask for reasons why. When coaching to correct performance, be sure that the employee understands the consequences of continued lack of improvement. (Do not threaten. This isn't an oral warning.)

To conclude the follow-up, agree on action to be taken and set a follow-up date, if appropriate. Be sure to convey your confidence in the employee and congratulate him or her on progress made. And, of course, document your discussion.

Examples

Conducting a coaching session to provide positive feedback to the employee:

- Describe the positive performance result or work habit using specific details.
- Solicit your employee's opinion of the same product or behavior.
- Ask the employee to identify elements that contributed to success (adequate time or resources, support from management or other employees, the employee's talent and interest in the project).
- Discuss ways in which you and the employee can support continued positive results.
- Reinforce for the employee the value of the work and how it fits in with the mission, vision, values and goals of the work unit or department.
- Show your appreciation of the positive results and your confidence that the employee will continue to perform satisfactorily.

Document your discussion for the employee's file, as you would all coaching and counseling sessions, noting day, date, time and key elements.

Conducting a coaching session to improve performance:

- Describe the issue or problem, referring to specific behaviors.
- Involve the employee in the problem-solving process.
- Discuss causes of the problem.
- Identify and write down possible solutions.
- Decide on specific actions to be taken by each of you.
- Agree on a follow-up date.
- Document key elements of the session.

Addressing poor work habits such as continued tardiness:

- Describe in detail the poor work habit observed.
- Say why it concerns you. Tie it to the performance standards and goals.
- Ask why it occurred and listen non-judgmentally to the explanation. Describe the need for change and ask for ideas.
- Discuss each idea and offer your help.
- Agree on specific actions to be taken and set a specific follow-up date.
- Document results from the session.

Other Resources

[“Employee Coaching: The Way to Gain Commitment, Not Just Compliance” \(pdf\)](#) – Lois Frankel, Ph.D.

[“Ten Keys for Successfully Coaching Employees” \(pdf\)](#) – Mark Campbell



Minneapolis Police Department

Discipline Process Manual

August - 2017

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Responsibility to Investigate Complaints

In 2012, the City of Minneapolis established the Office of Police Conduct Review (OPCR) as a means to incorporate civilian oversight into the process of investigating and reviewing complaints of misconduct made against sworn MPD employees. Listed below are the city entities responsible for reviewing and investigating complaints of misconduct against all MPD employees.

Internal Affairs Unit - The Internal Affairs Unit (IAU) is an entity designated to investigate alleged violations of MPD policy and procedure, Civil Service rules, and department operations manuals that arise from public complaints, internal complaints, civil lawsuits, or criminal investigations of MPD employees.

Office of Police Conduct Review - The Office of Police Conduct Review (OPCR) is a joint office comprised of civilian staff that investigates cases along with sworn staff in accordance with standard operating procedures that are implemented by the Commander of Internal Affairs and the Director of OPCR, who are considered Joint Supervisors. Officers are required to respond to all mandates and requests from OPCR in the same manner as if being directed by a sworn investigator assigned to the Internal Affairs Unit.

Joint Supervisors - Shall be considered the MPD Commander of Internal Affairs and the Director of the Office of Police Conduct Review. The Joint Supervisors, in their absence, may delegate operational job duties to a designee.

A description of the OPCR and the specific procedures for filling a complaint are documented in the *Office of Police Conduct Review & Minneapolis Police Department Complaint Process Manual*. The Complaint Process Manual is available electronically online or in hard copy at MPD Police Precincts or the Internal Affairs Unit located in City Hall – Room 112.

Questions regarding the content of this manual or other matters relating to discipline may be directed to the Internal Affairs Unit at (612) 673-3074 or emailing PoliceIAUAdminGroup@minneapolismn.gov.

MPD Discipline Process

The *Minneapolis Police - Discipline Process Manual* is intended to outline the specific procedures used by the Department to facilitate the results of investigations which were conducted subsequent to an allegation of misconduct made against an MPD employee. These procedures shall supersede any previous written and/or oral processes used in making decisions related to allegations of misconduct.

Disciplinary Actions

In most circumstances, the MPD uses a progressive discipline model to address issues of employee misconduct. In this context, progressive discipline is defined as a process or method that is used to address and correct an employee's work performance or inappropriate workplace behavior by providing clear and constructive feedback through a series of increasingly formal steps.

However, there are some circumstances which by their nature are so egregious that adhering to a model of progressive discipline would only erode the public's trust in our system of oversight. Examples include chronic substandard performance, an employee who is no longer qualified for the position, repeated misconduct or severe initial misconduct

Non-Disciplinary Actions

There are some instances where an employee's behavior may not have been appropriate however it does not rise to the level of discipline. In such cases, non-disciplinary action may be taken as soon after the unacceptable behavior or poor performance was first noted. Examples of non-disciplinary action include, but are not limited to performance mentoring, training, and coaching.

Alleged Misconduct - Category A

When complaints of misconduct are alleged, that if sustained would be an "A" level policy violation, the complaint investigation will be forwarded to the appropriate Inspector or Commander with specific direction to complete the investigation and make a recommendation if a policy violation is sustained.

The final decision on such a recommendation shall be made by the Chief of Police or their designee.

When a supervisor is made aware of allegations of misconduct by an employee, regardless of the potential level of the policy violations, they shall notify the Internal Affairs Unit in writing. Documentation maybe in the form of a memo or email and shall include all known facts regarding the allegation.

Supervisors shall take appropriate steps to conduct performance mentoring with the employee based on known facts. However, they have no authority to determine that they have conducted coaching consistent with a sustained A level policy violation. Only the Chief or their designee can make the determination when coaching is the appropriate outcome.

Investigating Allegations of Misconduct

Preliminary Investigations

Preliminary investigations include the gathering of facts and evidence as related to a specific allegation of misconduct. Investigations of this category can include formal interviews with the Complainant and others who have information related to allegations of misconduct.

A preliminary case is not public information however the subject of the data does have the right to view data on the subject.

Administrative Investigation

Administrative investigations include all work done during a preliminary investigations as well as interviews with any MPD employees or others that may have knowledge of the incident.

Administrative cases are closed absent any recommendations from the investigators. Ultimately the case file will be presented to the Deputy Chief of Professional Standards for review and further actions.

Letter of Notice

A Letter of Notice is an employee's official notice directing them to appear on a specific date and time for the purpose of providing a formal statement. The letter will inform the employee if they are a witness or focus officer and will contain a brief summary of allegations.

Formal Statements

In most instances statements will be taken at the Internal Affairs Office or the Office of Police Conduct Review. However, there are circumstances that may require the statement to be taken at a different location.

All formal statements of sworn statements will be audio recorded and transcribed for review by the investigator as well as the employee being interviewed. The employee providing a statement has the right to have a federation representative and/or legal counsel present during the interview. However, the role of the representative is solely to provide counsel for the employee. The representative is not allowed to answer a question on behalf of the employee or make statements regarding the allegations of misconduct.

All statements taken from MPD employees shall adhere to the guidelines set forth in the Minnesota Peace Officers Discipline Procedures Act ((Minn. Stat. sec. 629.89) and the most current approved Labor Agreement between the City of Minneapolis and the Minneapolis Police Officers Federation.

Administrative Case Review

The Administrative Case Review includes a systematic review of evidence that has been collected during the course of an investigation. The Joint Supervisors will review each Administrative Case and authorize the case to proceed forward for further review by the Police Conduct Review Panel (PCRP).

There are circumstances in which an allegation shall proceed solely through the Internal Affairs Unit. In these instances, the Commander of Internal Affairs will review the case, which will then be presented directly to the Deputy Chief of Professional Standards for further review. The circumstances that follow this path include but are not limited to:

1. Respect in the workplace investigations
2. Complaints involving civilian employees
3. Critical incident or force reviews
4. Incidents that exceed the reckoning period of 270 days¹

Police Conduct Review Panel (PCRP)

The PCRP is comprised of 2 civilians, who are appointed by the City Council or Mayor, and 2 Lieutenants drawn from a pool of individuals assigned to each group respectively. The panel meets on a regular basis to make recommendations of “Merit” or “No Merit” to the Chief of Police on matters involving complaints with alleged violations of the MPD Policy and Procedures Manual.

No Merit - A finding of “No Merit” is a recommendation to the Chief of Police indicating that a preponderance of the evidence does not support an allegation in a complaint.

Merit - A finding of “Merit” is a recommendation to the Chief of Police indicating that a preponderance of the evidence supports an allegation in a complaint.

All cases reviewed by the PCRP are sent to the Deputy Chief of Professional Standards for further review.

Amended violations

Policies may be amended at any point during the investigation or review process.

¹ Minneapolis City Ordinance: 172.30. - Complaint filing, preliminary review and investigation

Deputy Chief of Professional Standards Review

The Deputy Chief of Professional Standards or his/her designee will be presented with completed cases. A case is considered to be completed once it is approved by the Commander of the Internal Affairs Division or the Police Conduct Review Panel has indicated the case has “merit” or “no merit”.

There are several paths in which the case can follow depending on decisions made by the Deputy Chief of Professional Standards², which include but are not limited to:

1. The Deputy Chief recommends the alleged violations are “Not Sustained” or to otherwise not have any policies “Sustained”. The case will then be forwarded to the Chief of Police or their designee for final review and closure.
2. The Deputy Chief reviews Police Conduct Review Panels finding of “Merit” or “No Merit”. If the Deputy Chief concurs with the finding of merit, the Deputy Chief assigns the case to the involved officers Precinct or Division for the purpose of facilitating a Loudermill Hearing. The Deputy Chief may designate an MPD employee of appointed rank to conduct an additional review prior to sending the case to a Precinct or Division.

In instances where the Deputy Chief reviews recommendations of “No Merit” and determines that there may, in fact be merit to the allegations, they shall forward the case to the employee’s commander for a Loudermill Hearing.

There are times in which the Deputy Chief will depart from this process and will instead recommend the matter be closed in a different manner, which may include but is not limited to Performance Mentoring, “Coaching Documentation” and/or a “Coaching Memo”. In these instances the Deputy Chief will complete a memorandum describing the rationale behind the decision and include a copy with the case file. The case will then be sent to the Chief of Police or their designee for final approval.

Discipline Worksheets

This is a form that will be completed by the Deputy Chief of Professional Standards or their designee. The purpose is to document policy violations being reviewed by the Discipline Panel and Chief of Police.

The policy violations will most often reflect those violations listed on the original Form 3401. However, depending on circumstances, policy violations may be amended at any point to address information that may not have been known to those who conducted the investigation or those who had reviewed the case file at a lower level.

² See process maps included in appendix A

Loudermill Hearing

The Loudermill hearing is a pre-deprivation process afforded to certain public employees. This hearing is meant to serve as a venue for the employee and/or the employee's representative to address the allegations of misconduct prior to any possible discipline being imposed.

Minn. Stat. sec. 626.89 section 6 and the Minnesota Government Data Practices Act govern access to the data. Currently, in cases where a Loudermill hearing will take place, a party is entitled to copies of the case file. It is the responsibility of the involved employee to obtain a copy of the summary, in person, from the Internal Affairs Office located in room 112 of City Hall.

The involved employee shall provide a written request via email to the Lieutenant of Internal Affairs should the involved employee choose to have the investigative summary released to their Union Representative and/or Legal Counsel.

It is incumbent upon the employees' Inspector or Commander to complete the hearing within 20 days after the date in which the focus employee has been given a Loudermill Notice and return the case to the Chiefs office.³

In general an employee should be given 7 days to review the information contained in the case file and make arrangements to have a federation representative or attorney present with them at the time of the Loudermill.

Loudermill Panel Selection

The panel should consist of the employee's Inspector or Commander as well as the employee's Lieutenant. A Sergeant may be included if it will not delay the Panel meeting. In the event that the employee's Lieutenant/Sergeant is not available, then an alternate Lieutenant within the involved officer(s) command should be selected.

Notification of Loudermill Hearing

The involved employee's Inspector or Commander shall notify the employee by sending a letter via email, as to the date, time, and location of the Loudermill hearing. A hard copy of this letter should also be sent to the officer via interoffice mail or placed in their department mailbox.

Loudermill Hearing

The Loudermill Hearing itself should be conducted at a place that affords the employee an appropriate level of privacy. The entire Loudermill Hearing shall be audio recorded and included in the administrative case file. Once the employee or their representative provide his or her statement, the panel will adjourn the hearing with closing remarks and advise the employee that the next step of review will be that conducted by the Discipline Panel.

Loudermill Summary

The Loudermill summary is a written document that is meant to provide a synopsis of the focus officer's remarks and/or evidence presented during the hearing. The summary may also include remarks made on behalf of the focus officer' by their representative.

The employee's Inspector/Commander will be responsible for returning the written summary to the Deputy Chief of Professional Standards within 20 days of receiving the case.

³ Per MPD Policy & Procedure 7-121, employees shall check their department email at least once per workday.

Discipline Panel

The Discipline Panel will review all known facts and any additional information provided by the focus officer during the Loudermill hearing. The following are general guidelines related to the Discipline Panel:

1. Discipline Panel will be selected and organized by the Deputy Chief of Professional Standards.
2. The Panel will be comprised of at least 3 MPD employees who hold the rank of Lieutenant or higher.
3. Generally, one of the panel members should be in the accused employee's direct chain of command. This will most often be a person who holds the rank of Lieutenant or higher.

When the panel reviews a case of alleged misconduct the members should make a determination as to whether or not there is a violation in the following areas:

- MPD policy and/or procedures
- Civil service rules

The panel shall apply the standard of proof known as the "preponderance of the evidence" when determining whether or not there is sufficient evidence to establish that a violation occurred

For the purpose of this guidebook the phrase "preponderance of the evidence" shall mean:

"The available evidence establishes that it is more likely than not that the alleged violation was committed and that the focus officer was in fact the person who committed the misconduct."

If the evidence fails to establish, by preponderance, that the subject officer has committed the violation in question or if the evidence is so balanced that preponderance cannot be determined, the allegation must not be sustained.

However, if the evidence does establish by preponderance that the officer committed the violation in question, then the allegation must be sustained. After thoroughly reviewing all the evidence, the reviewer must make one of the following findings for each of the allegations being reviewed:

Case Closure Codes

- Cleared by Exception:** The complaint was investigated but a finding is not noted due to an employee's separation, death, or other similar circumstances.
- Exonerated:** The incident did occur, but was proper.
- Unfounded:** The complaint is false.
- Policy Failure:** The complaint is true, but the employee's actions were not inconsistent with MPD policy. Policy is then examined for possible revision.
- Not sustained:** There is insufficient evidence to either prove or disprove the complaint.
- Sustained:** The complaint is supported by preponderance of the evidence to indicate the complaint is true. This is 51% or more likely than not. Note that this is much less than the criminal standard of proof beyond a reasonable doubt.

Panel Inquiry

There may be circumstances that arise in which the discipline panel seeks additional information for purposes of making their recommendations on discipline. A panel inquiry shall be conveyed at the sole discretion of the discipline panel and initiated on a case-by-case basis. In these circumstances, the panel chair will remand the case file back to the appropriate investigator and give specific instructions on next steps.

The panel inquiry shall be considered part of the investigative process and as such any documents or conclusions created as a result of the panel inquiry process shall be included in the case file.

All procedures and laws governing the taking of a formal statement from an employee shall be followed if any employee is ordered to provide a formal statement during the course of a panel inquiry.

Recommendation of Discipline

The Department recognizes that every discipline situation is different and that an employee's actions and history may affect discipline. When making a determination as to the category and type of discipline the Discipline Panel should review the employee's record to make a determination regarding enhancements.

Recommendation for Discipline

Once the discipline panel reaches a decision, the Chair will compose a Recommendation for Discipline memorandum to the Chief of Police. The memorandum will be sent to the Deputy Chief of Professional Standards and should include, but is not limited to:

1. A summary of information that was gathered during the Loudermill hearing
2. Opinions and conclusions of those on the discipline panel
3. Supporting facts used in making a determination whether to sustain or not sustain a violation
4. Departures from the schedule of discipline and/or the discipline matrix
5. Factors that were considered in making the determination

Factors for Consideration

The variables listed below may be taken into account when making a determination of discipline. These variables are not exhaustive nor should they be considered a mandate for inclusion when preparing the Recommendation for Discipline memorandum.

Prior Discipline	Prior corrective actions imposed as a result of sustained allegations
Seniority	Years in service
Rank	Employees of higher rank may be held to a higher standard of conduct and knowledge of policies and procedures
Culpability	Did the employee know or should have known that the behavior would constitute misconduct?
Liability	Actions that could result in civil liability

Chief of Police – Final Discipline

The Chief of Police or their designee, will review the case file and make a final determination as to what discipline should be imposed on the focus officer.

The Chief of Police or the Chief's designee may also draft a letter to the disciplined employee explaining the rationale for the disciplinary decision

Non-Discipline Category (A)

Category A violations can only result in non-disciplinary corrective actions and are not considered public data. These outcomes cannot be grieved by the employee.

Coaching Documentation - A form used to document conversations with an employee for instances that involve Category A policy violations.

Training – The employee's supervisor will collaborate with personnel assigned to the In-Service Training Unit to develop a customized training plan. Failure to successfully complete a training plan may result in additional training or discipline.

Discipline Categories (B-D)

B-Level Violation A violation of the MPD Policy and Procedure Manual that could result in, Education Based Discipline, Letter of Reprimand, or up to 40 hours of suspension.

C-Level Violation A violation of the MPD Policy and Procedure Manual that could result in, Education Based Discipline, Letter of Reprimand, or up to 80 hours of suspension, or demotion.

D-Level Violation A violation of the MPD Policy and Procedure Manual that could result in, Suspension, Demotion, or Termination

Letter of Reprimand – A formal written notice advising the employee that an allegation of misconduct has been sustained. The letter should include a list of the sustained policy violation(s).

Suspension – The permanent deprivation of wages for a specific period of time. This is generally imposed in 10 or 8 hour blocks of time equivalent to an employee's workday.

Demotion – The temporary or permanent reduction in civil service rank or appointment.

Termination – The permanent separation of an employee from the Minneapolis Police Department

Schedule of Discipline

Non-Disciplinary

<u>Type of Corrective Action</u>	<u>Code</u>
Coaching Documentation	CD
Training	T
Performance Mentoring	PM

Disciplinary

<u>Type of Corrective Action</u>	<u>Code</u>
Letter of Reprimand	LOR
Suspension	SUSP
Demotion	DEM
Termination	TERM

Range of Corrective Actions								
Category	Reckoning Period	CD	T	PM	LOR	SUSP	DEM	TERM
A	1 year	X	X	X				
B	3 years	X	X		X	X		
C	5 years	X	X		X	X	X	
D	Length of employment	X	X		X	X	X	X
Reckoning Period Enhancements* of Discipline								
Category	Ratio/year	Type	Enhancement					
A	2 in 1	Same/Similar	B					
A	3 in 1	Any	B					
B	2 in 3	Same/ Similar	C					
B	3 in 3	Any	C					
C	2 in 5	Any	D					
D	No Enhancements							

* **Enhancement** – Repeated violations of MPD Policy & Procedure may result in more severe corrective actions being taken against the involved employee. The enhancement schedule for discipline is listed above. In addition, the MPD may consider corrective actions outside of the reckoning period to evaluate whether the employee knew or should have known that the behavior is improper, whether the employee is responsive to corrective action or for purposes other than enhancing the level of discipline.

**Minneapolis Police Department
Discipline Matrix**

Policy #	Policy Title	Subject	Example/Result	Clause	Range/ Category	Baseline Discipline	Mitigating	Baseline	Aggravating
1-403	Compliance with Lawful Orders	Lawful orders	Routine or administrative situations	Paragraph 1	B	10 Hours	WR	10 Hours	20+ Hours
1-403	Compliance with Lawful Orders	Lawful orders	Critical orders	Paragraph 1	D	Termination		Termination	
1-405	Responsibility of Supervisors	Failure to supervise	Supervisor does not enforce MPD rules, regulations or orders	3	C	40 hours	20 Hours	40 Hours	60+ Hours
2-101	Internal Affairs Call-Out Notification	IAU Notification	Supervisor failure to make notification to IAU of employee situation requiring immediate notification (as laid out in [B])	A-2	C	40 hours	20 Hours	40 Hours	60+ Hours
2-101	Internal Affairs Call-Out Notification	Supervisor notification	Failure to directly notify supervisor of situation requiring immediate notification	A-1	D	Termination	Up to 720 Hours	Termination	
2-106	Complaint Investigations- Garrity Decision	Garrity statements	Failure to give a statement	Paragraph 1	D	Termination		Termination	
2-106	Complaint Investigations- Garrity Decision	Truthfulness	Answer questions untruthfully or fail to fully render material and relevant statements when compelled by a representative of the Employer.	Paragraph 2	D	Termination		Termination	
2-109	Office of Police Conduct Review (OPCR)	Garrity statements	Failure to respond to an investigator and arrange for an interview	III-B	B	10 Hours	WR	10 Hours	20+ Hours
2-501	Training	Training	Failure to attend and participate in In-Service Training, as assigned	III-E-2	B	10 Hours	WR	10 Hours	20+ Hours
2-502	POST Licensing Requirements	Job Qualifications	Sworn employee failure to maintain a valid and active POST license	II	D	Termination		Termination	
3-201	Authorized Equipment and Weapons	Equipment	Carrying (but not using) unauthorized equipment or weapons (excluding firearms)	II-Paragraph 1	B	10 Hours	WR	10 Hours	20+ Hours
3-203	Required Equipment	Equipment	Failure to carry required equipment		B	10 Hours	WR	10 Hours	20+ Hours
3-204	Duty Handguns	Equipment	Carrying an unauthorized handgun		C	40 hours	20 Hours	40 Hours	60+ Hours
3-707	Standby Court Time	Court	Failure to be available, return call or appear when on standby	Paragraph 1	B	10 Hours	WR	10 Hours	20+ Hours
3-712	Employees Late or Failing to Appear For Court	Court	Unexcused tardiness or absence from court resulting in dismissal of a case or generating a written complaint	Paragraph 2	B	10 Hours	WR	10 Hours	20+ Hours
3-801	Off-Duty Employment	Off-Duty Employment	Working off-duty before applying for and receiving approval (excludes failure to renew prior approvals)	III-A-1	B	10 Hours	WR	10 Hours	20+ Hours
3-801	Off-Duty Employment	Off-Duty Employment	Working off-duty for another law enforcement agency in a law enforcement capacity, before applying for and receiving approval or entering into required agreement between outside agency and City of Minneapolis	III-B-4	C	40 hours	20 Hours	40 Hours	60+ Hours
3-801	Off-Duty Employment	Off-Duty Employment	Working off-duty at a prohibited site, or after approval was denied	III-A-1	C	40 hours	20 Hours	40 Hours	60+ Hours
3-801	Off-Duty Employment	Off-Duty Employment	Working off-duty while on limited duty, sick leave, IOD status, or a medical leave of absence for self	III-D-3	C	40 hours	20 Hours	40 Hours	60+ Hours
3-801	Off-Duty Employment	Off-Duty Employment	Working off-duty in a law enforcement capacity when not authorized to carry a firearm on-duty or while on suspension or administrative leave	III-D-3-c	D	Termination		Termination	
3-801	Off-Duty Employment	Off-Duty Employment	Knowingly submit time documents to the City or an off-duty employer that result in being paid by more than one employer for the same time period.	IV-D-7	D	Termination		Termination	
4-218	Mobile and Video Recording (MVR) Policy	MVR	Failure to perform startup check	IV-A-3	B	10 Hours	WR	10 Hours	20+ Hours
4-218	Mobile and Video Recording (MVR) Policy	MVR	Failure to wear or turn on microphone	IV-A-4	B	10 Hours	WR	10 Hours	20+ Hours
4-218	Mobile and Video Recording (MVR) Policy	MVR	Failure to record a vehicle stop, transport or a domestic abuse interview inside the squad	IV-A-6	C	40 hours	20 Hours	40 Hours	60+ Hours
4-218	Mobile and Video Recording (MVR) Policy	MVR	Disabling MVR equipment or altering or destroying MVR recordings	IV-A-17	D	Termination	Up to 720 Hours	Termination	

**Minneapolis Police Department
Discipline Matrix**

Policy #	Policy Title	Subject	Example/Result	Clause	Range/Category	Baseline Discipline	Mitigating	Baseline	Aggravating
4-220	Computer Use and Electronic Communication	Communication	Failure to comply with City of Minneapolis Electronic Communications Policy; unprofessional electronic communication	Paragraph 1	B	10 Hours	WR	10 Hours	20+ Hours
4-220	Computer Use and Electronic Communication	Communication	Failure to comply with City of Minneapolis Electronic Communications Policy; offensive electronic communication related to a protected class status	Paragraph 1	D	40 Hours	Up to 720 Hours	Termination	
4-223	Body Worn Cameras	BWC	Failure to document deactivations occurring prior to the conclusion of an event	IV-F	A-C				
4-223	Body Worn Cameras	BWC	Failure to activate when required, in other situations	IV-E	A-D				
4-223	Body Worn Cameras	BWC	Other deactivations in violation of policy	IV-F	A-D				
4-223	Body Worn Cameras	BWC	Failure to document deactivations occurring prior to the conclusion of an event, in situations involving reportable use of force, pursuits involving injuries or significant property damage	IV-F	B-C	10 Hours	WR	10 Hours	40+ Hours
4-223	Body Worn Cameras	BWC	Failure to activate when required, in situations involving reportable use of force, pursuits involving injuries or significant property damage	IV-E	C-D	40+ Hours		40+ Hours	Termination
4-223	Body Worn Cameras	BWC	Deactivation in violation of policy, in situations involving reportable use of force, pursuits involving injuries or significant property damage	IV-F	C-D	40+ Hours		40+ Hours	Termination
4-501	Confidential Department Records, Reports and Information	Records	Access confidential records or information outside of official duties	Paragraph 1	B	10 Hours	WR	10 Hours	20+ Hours
4-501	Confidential Department Records, Reports and Information	Records	Access confidential records or information outside of official duties; for personal gain or personal reasons.	Paragraph 1	D	Termination	Up to 720 Hours	Termination	
4-601	Report Responsibility	Failure to supervise	Supervisor fails to review reports for completeness and accuracy	Paragraph 3	B	10 Hours	WR	10 Hours	20+ Hours
5-101.01	Truthfulness	Truthfulness	Knowingly omitting pertinent information related to duty as an officer	Paragraph 1	D	Termination		Termination	
5-101.01	Truthfulness	Truthfulness	Willfully or knowingly make an untruthful statement in presence of any supervisor, intended for the information of any supervisor, or before any court or hearing.	Paragraph 1	D	Termination		Termination	
5-102	Code of Ethics	Ethics	Identify self as officer or MPD employee with intent to gain special consideration.	Paragraph 1	B-D				
5-102	Code of Ethics	Ethics	Criminal conduct: Other gross misdemeanor or misdemeanor	Paragraph 1	C	40 Hours	20 Hours	40 Hours	60+ Hours
5-102	Code of Ethics	Ethics	Criminal conduct: Any felony crime, domestic assault, sex crimes, narcotics, steroids, interfering with 911 call, theft, discharge weapon or repeat DWI.	Paragraph 1	D	Termination	Up to 720 Hours	Termination	
5-104	Impartial Policing	Policing	Singling out or treating differently as a consequence of protected class status	B, C	D	Termination		Termination	
5-105	Professional Code of Conduct	Language	Derogatory, indecent, profane or unnecessarily harsh language; about an individual or group	C-1	B	10 Hours	WR	10 Hours	20+ Hours
5-105	Professional Code of Conduct	Associations	Regular or continuous associations with known criminals	A-2	C	40 hours	20 Hours	40 Hours	60+ Hours
5-105	Professional Code of Conduct	Alcohol and firearms	Carry firearm or ammunition while under the influence of alcohol or controlled substance- no criminal action as a result	B-2	C	40 hours	20 Hours	40 Hours	60+ Hours
5-105	Professional Code of Conduct	IAU notification	Failure to notify IAU and direct chain of command that employee was charged, arrested or cited for DUI or non-traffic violation, or is being investigated for a criminal offense	A-9	D	Termination	Up to 720 Hours	Termination	
5-105	Professional Code of Conduct	IAU notification	Failure to notify IAU that employee was notified of an Order for Protection, Restraining Order or Harrassment Order filed against employee	A-10	D	Termination	Up to 720 Hours	Termination	
5-105	Professional Code of Conduct	Language	Using discriminatory, derogatory or biased terms regarding protected classes	C-2	D	Termination		Termination	
5-105	Professional Code of Conduct	Display of materials	Display material that may be considered discriminatory, derogatory or biased in or on City property	A-6	D	Termination		Termination	
5-107	Procedural Code of Conduct	Ethics	Make arrest or perform search without authorization under U.S laws	1	C	40 Hours	20 Hours	40 Hours	60+ Hours

**Minneapolis Police Department
Discipline Matrix**

Policy #	Policy Title	Subject	Example/Result	Clause	Range/Category	Baseline Discipline	Mitigating	Baseline	Aggravating
5-107	Procedural Code of Conduct	Records	Removing or destroying report, document or record without authorization	6	D	Termination	Up to 720 Hours	Termination	
5-107	Procedural Code of Conduct	Records	Willfully misrepresent any matter, sign any false statement or report, or commit perjury before any court, grand jury or hearing.	5	D	Termination		Termination	
5-107	Procedural Code of Conduct	Ethics	Falsely arrest or direct malicious prosecution against a person	2	D	Termination	Up to 720 Hours	Termination	
5-301.01	Policy (Use of Force)	Use of Force	Force used that is objectively unreasonable or does not comply with training		C	40 hours	20 Hours	40 Hours	60+ Hours
5-303.01	Duty to Intervene	Use of Force	Failure to stop or attempt to stop force applied inappropriately or no longer required	B	C	40 hours	20 Hours	40 Hours	60+ Hours
5-303.01	Duty to Intervene	Use of Force	Failure to stop or attempt to stop deadly force from being applied inappropriately	B	D	Termination		Termination	
5-305	Authorized Use of Deadly Force	Use of Force	Using deadly force that does not comply with policy, statute or other legal requirements		D	Termination		Termination	
5-305	Authorized Use of Deadly Force	Use of Force	Officer's actions that unnecessarily place themselves, suspects or the public at risk; resulting in the use of deadly force	F	D	Termination		Termination	
5-306	Use of Force- Reporting and Post Incident Requirements	Use of Force	Failure to report use of force in PIMS according to policy	Section 4, 5	B	10 Hours	WR	10 Hours	20+ Hours
5-306	Use of Force- Reporting and Post Incident Requirements	Use of Force	Failure to notify a supervisor of use of force according to policy	Section 4, 5	B	10 Hours	WR	10 Hours	20+ Hours
5-306	Use of Force- Reporting and Post Incident Requirements	Use of Force	Failure to report use of force in PIMS, where force subject claims injuries or has visible injuries, of substantial bodily harm or greater, or force subject loses consciousness	Section 4, 5	C-D	40 Hours	40 Hours	60+ Hours	Termination
5-306	Use of Force- Reporting and Post Incident Requirements	Use of Force	Failure to notify a supervisor of use of force, where force subject claims injuries or has visible injuries, of substantial bodily harm or greater, or force subject loses consciousness	Section 4, 5	C-D	40 Hours	40 Hours	60+ Hours	Termination
5-306	Use of Force- Reporting and Post Incident Requirements	Use of Force	Failure to report use of force in PIMS, where deadly force was used	Section 4, 5	D	Termination		Termination	
5-306	Use of Force- Reporting and Post Incident Requirements	Use of Force	Failure to notify a supervisor of use of force, where deadly force was used	Section 4, 5	D	Termination		Termination	
5-307	Supervisor Force Review	Use of Force	Failure of supervisor to complete Use of Force Review and Summary according to policy	4	B	10 Hours	WR	10 Hours	20+ Hours
5-307	Supervisor Force Review	Use of Force	Failure of supervisor to complete Use of Force Review and Summary, where force subject claims injuries or has visible injuries, of substantial bodily harm or greater, or force subject loses consciousness	4	C-D	40 Hours	40 Hours	60+ Hours	Termination
5-307	Supervisor Force Review	Use of Force	Failure of supervisor to complete Use of Force Review and Summary, where deadly force was used	4	D	Termination		Termination	
5-411.02	Failure to Attend Firearms Training	Training	Failure to attend required firearms training	Paragraph 4	B	10 Hours	WR	10 Hours	20+ Hours
6-202	Responsibility of Employees (Relations with the Media)	Media	Making media contact without going through PIO		B	10 Hours	WR	10 Hours	20+ Hours
6-202	Responsibility of Employees (Relations with the Media)	Media	Releasing information on any case that could jeopardize investigation		D	Termination		Termination	
7-400	Vehicle Operation	Vehicle accidents	Preventable accident; negligent driving resulting in damage or injury of less than substantial bodily harm		B	10 Hours	WR	10 Hours	20+ Hours
7-400	Vehicle Operation	Vehicle accidents	Preventable accident; negligent driving resulting in injury of substantial bodily harm		C	40 hours	20 Hours	40 Hours	60+ Hours

**Minneapolis Police Department
Discipline Matrix**

Policy #	Policy Title	Subject	Example/Result	Clause	Range/ Category	Baseline Discipline	Mitigating	Baseline	Aggravating
7-400	Vehicle Operation	Vehicle accidents	Preventable accident; negligent driving resulting in injury of great bodily harm or death		D	Termination	Up to 720 Hours	Termination	
7-402	Emergency Driving and Vehicular Pursuit Definitions	Pursuit	More than two secondary marked squads involved in a pursuit without authorization	Secondary Squads	B	10 Hours	WR	10 Hours	20+ Hours
7-403	Vehicles- Emergency Response	Vehicle operation	Siren or lights use violation	Paragra ph 1	B	10 Hours	WR	10 Hours	20+ Hours
7-405	Initiating or Continuing a Pursuit	Pursuit	Failure to terminate pursuit when required to or when ordered to by a supervisor; not resulting in property damage or injury	Paragra ph 4	C	40 hours	20 Hours	40 Hours	60+ Hours
7-405	Initiating or Continuing a Pursuit	Pursuit	Failure to terminate pursuit when required to or when ordered to by a supervisor; resulting in property damage or injury	Paragra ph 4	D	Termination		Termination	
7-406.01	Role of Officers in the Primary Pursuit Vehicle	Pursuit	Failure to notify dispatcher by radio of the reason for the pursuit and speed of the squad	3	B	10 Hours	WR	10 Hours	20+ Hours
7-406.04	Role of the Pursuit Supervisor	Pursuit	Failure to acknowledge responsibility for the pursuit over the radio	1	B	10 Hours	WR	10 Hours	20+ Hours
7-406.04	Role of the Pursuit Supervisor	Pursuit	Failure to exercise judgement and terminate a pursuit posing an unreasonable risk to the public or involved officers; not resulting in property damage or injury	4	B	10 Hours	WR	10 Hours	20+ Hours
7-406.04	Role of the Pursuit Supervisor	Pursuit	Failure to exercise judgement and terminate a pursuit posing an unreasonable risk to the public or involved officers; resulting in property damage or injury	4	C	40 hours	20 Hours	40 Hours	60+ Hours
9-115	Police Authority in Immigration Matters	Immigration	Undertaking law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status, including but not limited to questioning any person about their immigration status.	C	C	40 hours	20 Hours	40 Hours	60+ Hours
10-401	Responsibility for Inventory of Property and Evidence	Property and Evidence	Failure to inventory evidence acquired in criminal case	Paragra ph 2	C	40 hours	20 Hours	40 Hours	60+ Hours
			<u>Special Notes on Matrix:</u>						
			<p>These are general guidelines. Chief of Police makes all final determinations on discipline. A- Level violations are not listed in matrix and are considered coaching, not discipline. Repeat violations may result in enhanced discipline up to and including termination. Examples of ranges can be found to the right. These may be modified by the circumstances of the violation(s). D- Level violations may include suspension, demotion or termination and may have varying baselines.</p> <p>The matrix is not an all inclusive list of policy violations.</p>		B	10 Hours	WR	10 Hours	20+ Hours
					C	40 Hours	20 Hours	40 Hours	60+ Hours
					D	Termination	Up to 720 Hours	Termination	

Minneapolis Police Department
Discipline Matrix
Rev: March 2018

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Minneapolis Police Department
Internal Affairs Unit
November 2018

MPD DISCIPLINE MATRIX

The MPD is dedicated to upholding a culture of public accountability, promoting individual responsibility and maintaining the highest standards of professionalism.

An effective discipline system is based on fairness, efficiency, and consistency. The imposition of discipline should reflect the values of the Department while protecting the rights of both officers and citizens. The MPD discipline system strives to encourage respect and trust among Department employees as well as with the community the MPD serves and protects.

This discipline matrix has been developed through extensive research of best standards and is based on input from MPD command staff. This matrix is designed to accomplish the following goals:

- Better delineate conduct categories for specific policy violations
- Outline specific discipline ranges within those categories and for specific policy violations
- Give notice to officers and the community of the likely sanction for a particular violation
- Identify mitigating and aggravating circumstances
- Provide the framework for consistent discipline

The discipline matrix outlines specific and measurable policy violations. These violations are not representative of all possible circumstances of misconduct. Any violation of MPD Policy and Procedures may lead to discipline.

As has always been past practice, the Chief of Police or the Chief's designee retains the right to vary from this matrix as circumstances warrant.

With the establishment of the MPD discipline matrix dated November 2018, employees are on notice that the Department intends to change prior disciplinary practices; this November discipline matrix is now the standard of discipline for the MPD effective with its issuance.

Imposition of Discipline:

THE MPD will impose discipline consistent with Department policy and procedure. The MPD will not impose discipline for SUSTAINED violations which are determined by the command staff to be beyond the reckoning period for that violation as defined by the MPD in its complaint process manual and policy and procedure manual.

Mitigating and Aggravating Circumstances

The Department recognizes that every situation is different and that there may be mitigating or aggravating circumstances that may affect the discipline imposed. The table below outlines mitigating and aggravating factors that may be considered in the imposition of discipline.

<p>Public Trust</p>	<ul style="list-style-type: none"> • Actions that cause the Chief of Police to lose trust <p>MINNESOTA LAW ENFORCEMENT CODE OF ETHICS: "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.</p> <p>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 by 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.</p> <p>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.</p> <p>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."</p>
<p>Chief's Vision</p>	<ul style="list-style-type: none"> • Be truthful in all you say or put in writing • Give others voice • Show respect • Be neutral
<p>Prior Discipline</p>	<ul style="list-style-type: none"> • Includes prior sustained discipline (within reckoning periods) and any other appropriate documentation (recent training and/or warnings specific to the behavior)

Seniority	<ul style="list-style-type: none"> • Seniority will be weighed against the behavior in question based upon the factors surrounding the incident, such as experience, training, culpability, and circumstances of the event.
Statement Rank	<ul style="list-style-type: none"> • Employees of higher rank will be held to a higher standard of conduct and knowledge of departmental policies based on the virtue of their positions.
Culpability	<ul style="list-style-type: none"> • An evaluation of the behavior should consider whether the employee acted intentionally or with knowledge that the behavior amounted to a violation of policy. • Did the employee recklessly disregard factors that a reasonable person would have considered? • Did the employee act negligently, recklessly or carelessly?
Employee Attitude	<ul style="list-style-type: none"> • What is the employee's attitude toward the behavior? • Did the employee accept responsibility for their actions? Did the employee self-report?
Performance Evaluations	<ul style="list-style-type: none"> • Includes both scheduled and unscheduled performance evaluations
Training	<ul style="list-style-type: none"> • Any training specific to the behavior in question should be considered • May be as simple as a review of policy or as formalized as structured classroom or other job-related training
Liability	<ul style="list-style-type: none"> • Actions that could expose the officer and the City to litigation
Commendations	<ul style="list-style-type: none"> • Documented incidents of MPD issued Commendations • Will include the previous five years of commendation history



COACHING DOCUMENTATION

Name of Complainant		Complaint Date	Coaching Number
Home Address		City	Zip
Home Address		City	Phone Numbers
Date of Incident	Time	Location	Case Number
Name of Employee Involved		Employee Number	Assigned Shift

NATURE OF COMPLAINT

Complainant Description of Employee's Actions:

MPD Policy and Procedure Manual Number(s):

DETAILS OF INVESTIGATION

Supervisor that conducted investigation:

Spoke with complainant for full details Date:

Spoke with witnesses (civilian/officers) Date:

Reviewed CAPRS/PIMS Reviewed Squad MVR Reviewed BWC

Reviewed other evidence (describe):

DETAILS OF COACHING SESSION

Supervisor that met with employee:

Meeting Date: Time: Location:

EMPLOYEE'S RESPONSE:

SUPERVISOR'S RECOMMENDATION:

ACTION TAKEN

Policy and Procedure #1:	<input type="text"/>	Policy and Procedure #2:	<input type="text"/>
Did policy violation occur?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	Did policy violation occur?*	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was officer coached?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	Was officer coached?*	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other (describe):	<input type="text" value="Enter description"/>	Other (describe):	<input type="text" value="Enter description"/>
Policy and Procedure #3:	<input type="text"/>	Policy and Procedure #4:	<input type="text"/>
Did policy violation occur?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	Did policy violation occur?*	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was officer coached?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	Was officer coached?*	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other (describe):	<input type="text" value="Enter description"/>	Other (describe):	<input type="text" value="Enter description"/>

*A determination of whether an MPD policy violation occurred must be made for each allegation.

** Supervisor may want to discuss options for handling similar situations in the future to prevent complaints.

Complainant contacted via: Telephone Email Other:

Reviewed and Approved by: Date:
(Shift/Unit Lieutenant)

Received and Approved by: Date:
(Precinct or Division Commander)

ADDITIONAL INFORMATION

Enter additional information

EXHIBIT

72

NOTICE OF DISCIPLINE

5/12/2022

Officer Troy Dillard
4th Precinct - Daywatch
Minneapolis Police Department

RE: OPCR Case 21-08926
Notice of Written Reprimand

Officer Dillard,

The finding for OPCR Case 21-08926 is as follows:

Policy Number	Sub-Section	Policy Description	Category	Disposition
3-801	(III)(A)(1)	Off-Duty Employment	B	Sustained
4-223	(IV)(A)(3)	BWC Start-up Check	A	Sustained
4-223	(IV)(A)(6)	BWC Activation	B	Sustained
3-801	(III)(A)(20)	Off-duty Sign-on	B	Sustained

As discipline for this incident, you will receive this Letter of Reprimand [REDACTED]

This case will remain in OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge.

Sincerely,

DocuSigned by:
Amelia Huffman
FBFE4338427B46A..
Amelia Huffman
Interim Chief of Police

5/12/2022

By: Troy Schoenberger, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Officer Troy Dillard, acknowledge that I have received my Notice of Discipline for OPCR Case 21-08926.

Troy Dillard #1547
Officer Dillard

5/16/22
Date of Receipt

Inspector Charles Adams
Inspector Charles Adams

May 16, 2022
Date

CC: OPCR Case File
Inspector Adams
Payroll
Human Resources

EXHIBIT

73

NOTICE OF DISCIPLINE

5/12/2022

Officer Clifton Toles
4th Precinct - Daywatch
Minneapolis Police Department

RE: OPCR Case 21-08926
Notice of Written Reprimand

Officer Toles,

The finding for OPCR Case 21-08926 is as follows:

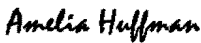
<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
3-801	(III)(A)(1)	Off-Duty Employment	B	Sustained
4-223	(IV)(A)(3)	BWC Start-up Check	A	Sustained
3-801	(III)(A)(20)	Off-duty Logon	B	Sustained

As discipline for this incident, you will receive this Letter of Reprimand [REDACTED]

This case will remain in OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge.

Sincerely,

DocuSigned by:

Amelia Huffman
Amelia Huffman
Interim Chief of Police


5/12/2022

By: Troy Schoenberger, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT


Acknowledgement of receipt:

I, Officer Clifton Toles, acknowledge that I have received my Notice of Discipline for OPCR Case 21-08926.



Officer Toles

5-18-22
Date of Receipt



Inspector Charles Adams

May 18, 2022
Date

CC: OPCR Case File
Inspector Adams
Payroll
Human Resources

EXHIBIT

74



Police Department – Amelia Huffman, Chief of Police
350 S. Fifth St. - Room 130
Minneapolis, MN 55415
TEL 612.673.3000
www.minneapolismn.gov

NOTICE OF DISCIPLINE

September 3, 2022

Officer Lange
2nd Precinct - Dogwatch
Minneapolis Police Department

RE: OPCR Case Number 21-11086
Notice of Discipline: Letter of Reprimand

Officer Lange,

The finding for OPCR Case Number 21-11086 is as follows:

Policy Number	Sub-Section	Policy Description	Category	Disposition
5-301	(III)(G)	De-escalation	B	Sustained
4-602		Report Writing	B	Sustained

As discipline for this incident, you are receiving this Letter of Reprimand. [Redacted]

This case will remain in the OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge.

Sincerely,

DocuSigned by:
Amelia Huffman
FBFE4338427B46A...
Amelia Huffman
Interim Chief of Police

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Officer Lange, acknowledge that I have received my Notice of Discipline for OPCR Case 21-11086.



Officer Lange

9/6/22
Date of Receipt



Inspector McGinty

9/6/22
Date

CC: OPCR Case File
Inspector McGinty

EXHIBIT

75

NOTICE OF DISCIPLINE

5/12/2022

Lt. Charles McCree
5th Precinct - Dogwatch
Minneapolis Police Department

RE: OPCR Case 21-08926
Notice of Suspension: 20 hours suspension without pay

Lt. McCree,

The finding for OPCR Case 21-08926 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
3-801	(III)(A)(1)	Off-Duty Employment	B (10)	Sustained
4-223	(IV)(A)(6)	BWC Activation	B	Sustained
4-223	(IV)(A)(3)	BWC Start-up Check	A	Sustained
3-801	(III)(A)(11)(a)	Off-duty squad use	B (10)	Sustained

As discipline for this incident, you will be suspended for 20 hours without pay, receive a letter of reprimand [REDACTED].

This case will remain in OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge.

Sincerely,

DocuSigned by:
Amelia Huffman
FBFE4338427B46A...
Amelia Huffman
Interim Chief of Police

5/12/2022

By: Troy Schoenberger, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT

Acknowledgement of receipt:

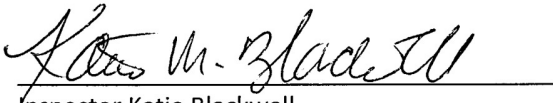
I, Lt. Charles McCree, acknowledge that I have received my Notice of Discipline for OPCR Case 21-08926.



Lt. McCree

5/16/2022

Date of Receipt



Inspector Katie Blackwell

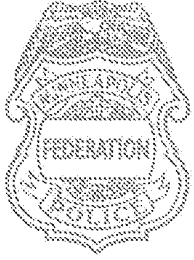
May 16th, 2022

Date

CC: OPCR Case File
Inspector Blackwell
Payroll
Human Resources

EXHIBIT

76



POLICE OFFICERS FEDERATION OF MINNEAPOLIS

1811 University Ave., N.E.
Minneapolis, MN 55418
612-788-8444 phone • 612-788-7135 fax

October 5, 2015

Deputy Chief Travis Glampe
City Hall, Room 130
350 S 5th St
Minneapolis, MN 55415

Dear Chief Glampe:

Enclosed please find the grievance filed on behalf of Officer [REDACTED] regarding IAU Case [REDACTED] which resulted in a B violation and coaching. I would request to meet with you at your earliest convenience regarding POFM grievance number [REDACTED]. Thank you.

Sincerely,

Sergeant Sherral Schmidt

- CC: Chief Harteau
- CC: Assistant Chief Arneson
- CC: Nina Doree, Police Admin Secretary
- CC: Tim Giles, Labor Relations
- CC: Cmdr. Chris Granger, Internal Affairs
- CC: Emily Kokx, Admin Assistant

PRESIDENT
Robert J. Kroll

SECRETARY
Cory H. Fitch

DIRECTORS
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Ronald A. Stenerson

VICE PRESIDENT
Sherral R. Schmidt

TREASURER
David G. O'Connor

Blayne L. Lehner
Todd D. Sauvageau

Adam J. Swierczek
Park Police Representative

Pl.'s Ex.
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**Police Officers' Federation of Minneapolis
Grievance Form**

Grievant: [REDACTED] Grievant's Rank: Officer

Grievant's Work Location: [REDACTED] Grievance Number: [REDACTED]

Name & Title of Grievant's Immediate Supervisor: [REDACTED]

Statement of Grievance: No just cause for discipline.

Contract Violation(s): Section 4.2

Remedy Sought: Make whole.

Dated: October 5, 2015 Name of Federation Representative: Sgt. Sherral Schmidt

Presented to: Deputy Chief Travis Glampe Date: October 5, 2015

EXHIBIT

77

From: Emily Kokx <ekokx@mpdfederation.com>
Sent: Thursday, March 04, 2021 1:40 PM EST
To: Sherral Schmidt <sschmidt@mpdfederation.com>
Subject: Fwd: [EXTERNAL] RE: Step 1 meeting for POFM Grievances [REDACTED]

Get Outlook for iOS

From: Huffman, Amelia <Amelia.Huffman@minneapolismn.gov>
Sent: Thursday, March 4, 2021 12:34:04 PM
To: Steve Fogarty <sfogarty@mpdfederation.com>; Doree, Nina <Nina.Doree@minneapolismn.gov>; Fogarty, Steven <Steven.Fogarty@minneapolismn.gov>; Dave Garman <dgarman@mpdfederation.com>
Cc: Emily Kokx <ekokx@mpdfederation.com>; Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>
Subject: RE: [EXTERNAL] RE: Step 1 meeting for POFM Grievances [REDACTED]

Good afternoon.

I have reviewed OPCR Case # [REDACTED] and met with Minneapolis Police Federation representative Lt. Dave Garman to discuss the resolution of Grievance [REDACTED]

The original finding regarding the allegations against [REDACTED] was three sustained B violations with a 60-hour suspension imposed as discipline:

- 4-401-02 Vehicle Seat Belt B
- 7-401(D)(4) Normal & Emergency Driving B
- 7-401(D)(5)(a) Normal & Emergency Driving B

There is just cause for discipline in this matter as the Emergency Driving and Seatbelt policy violations are supported by the case investigation; the investigation cited the sources of evidence documenting the policy violations; these policy requirements are not new and are in place to protect the safety of officers and the public; and violations of these policies may have serious consequences for the individuals involved as well as the Department.

Lt. Garman and I have verbally agreed to resolve this grievance with the final discipline amended as follows:

- 4-401-02 Vehicle Seat Belt A Coaching
- 7-401(D)(4) Normal & Emergency Driving B Suspension - 20 Hours

I appreciate Lt. Garman's diligent efforts to negotiate a resolution to this grievance. Please confirm that this resolution is accepted by the PFOM on behalf of the employee.

Regards.

*Deputy Chief Amelia Huffman
Minneapolis Police Department
Professional Standards Bureau
612-673-3678*

From: Huffman, Amelia
Sent: Tuesday, February 23, 2021 10:40 AM
To: Steve Fogarty <sfogarty@mpdfederation.com>; Doree, Nina <Nina.Doree@minneapolismn.gov>; Fogarty, Steven <Steven.Fogarty@minneapolismn.gov>; Dave Garman (Federation) <dgarman@mpdfederation.com>
Cc: Kokx, Emily <ekokx@mpdfederation.com>; Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>
Subject: RE: [EXTERNAL] RE: Step 1 meeting for POFM Grievances [REDACTED] & [REDACTED]

Good morning.

Lt. Garman and I met on 2/2 and we are engaged in ongoing discussion about the potential to resolve these grievances.

*Deputy Chief Amelia Huffman
Minneapolis Police Department
Professional Standards Bureau
612-673-3678*

From: Doree, Nina <Nina.Doree@minneapolismn.gov>
Sent: Wednesday, January 20, 2021 12:35 PM
To: Fogarty, Steven <Steven.Fogarty@minneapolismn.gov>; Steve Fogarty <sfogarty@mpdfederation.com>
Cc: Emily Kokx <ekokx@mpdfederation.com>; Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>; Huffman, Amelia <Amelia.Huffman@minneapolismn.gov>
Subject: Re: Step 1 meeting for POFM Grievances [REDACTED] & [REDACTED]

Good morning Sgt. Fogarty,

Here are some dates and times that work on Inspector/soon to be DC Huffman's calendar for the step 1 meeting. Please let me know if any of these dates work for you and I will send out the meeting notice. It will be a Teams meeting and not in person, I will send to both city and federation email to ensure you are able to join the meeting.

- Wed. 1/27 10:00
- Thur. 1/28 9:00 or 3:00
- Tue. 2/2 10:00 or 2:00

Thank you!

Take care and stay safe!

Nina

From: Emily Kokx <ekokx@mpdfederation.com>
Sent: Wednesday, January 20, 2021 10:45 AM
To: Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>
Cc: Arradondo, Medaria <Medaria.Arradondo@minneapolismn.gov>; Kjos, Michael <Michael.Kjos@minneapolismn.gov>; Doree, Nina <Nina.Doree@minneapolismn.gov>; Darling, Valerie <valerie.darling@minneapolismn.gov>; Cook, Joni <Joni.Cook@minneapolismn.gov>; Steve Fogarty <sfogarty@mpdfederation.com>
Subject: [EXTERNAL] POFM Grievances [REDACTED] & [REDACTED]

Hello Chief Halvorson,

I have attached POFM Grievances [REDACTED] filed on behalf of Officers [REDACTED] that resulted in discipline from OPCR Case [REDACTED]

Thank you,
Emily

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.

EXHIBIT

79

From: Emily Kokx <ekokx@mpdfederation.com>
Sent: Thursday, March 04, 2021 1:55 PM EST
To: Sherral Schmidt <sschmidt@mpdfederation.com>
Subject: FW: [EXTERNAL] RE: Step 1 meeting for POFM Grievance [REDACTED]

From: Huffman, Amelia <Amelia.Huffman@minneapolismn.gov>
Sent: Thursday, March 4, 2021 12:48 PM
To: Steve Fogarty <sfogarty@mpdfederation.com>; Doree, Nina <Nina.Doree@minneapolismn.gov>; Fogarty, Steven <Steven.Fogarty@minneapolismn.gov>; Dave Garman <dgarman@mpdfederation.com>
Cc: Emily Kokx <ekokx@mpdfederation.com>; Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>
Subject: RE: [EXTERNAL] RE: Step 1 meeting for POFM Grievance [REDACTED]

Good afternoon.

I have reviewed OPCR Case [REDACTED] and met with Minneapolis Police Federation representative Lt. Dave Garman to discuss the resolution of Grievance [REDACTED]. The original finding regarding the allegation against [REDACTED] was one sustained B violation with a 10-hour suspension imposed as discipline:

- 4-401-02 Vehicle Seat Belt B Suspension – 10 Hours

There is just cause for the finding as the case investigation cited evidence that Officer [REDACTED] was not wearing his seatbelt. This requirement is not new and is in place to protect officers' safety. Riding in a squad car engaged in emergency driving without the use of the seatbelt increases the risk to the officer and is worthy of heightened scrutiny in the future.

Lt. Garman and I have verbally agreed to resolve this grievance with the final discipline amended as follows:

- 4-401-02 Vehicle Seat Belt A Coaching

I appreciate Lt. Garman's diligent efforts to negotiate a resolution to this grievance. Please confirm that this resolution is accepted by the PFOM on behalf of the employee.

Regards.

*Deputy Chief Amelia Huffman
Minneapolis Police Department
Professional Standards Bureau
612-673-3678*

From: Huffman, Amelia
Sent: Tuesday, February 23, 2021 10:40 AM
To: Steve Fogarty <sfogarty@mpdfederation.com>; Doree, Nina <Nina.Doree@minneapolismn.gov>; Fogarty, Steven <Steven.Fogarty@minneapolismn.gov>; Dave Garman (Federation) <dgarman@mpdfederation.com>
Cc: Kokx, Emily <ekokx@mpdfederation.com>; Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>
Subject: RE: [EXTERNAL] RE: Step 1 meeting for POFM Grievances [REDACTED] & [REDACTED]

Good morning.

Lt. Garman and I met on 2/2 and we are engaged in ongoing discussion about the potential to resolve these grievances.

*Deputy Chief Amelia Huffman
Minneapolis Police Department
Professional Standards Bureau
612-673-3678*

From: Doree, Nina <Nina.Doree@minneapolismn.gov>
Sent: Wednesday, January 20, 2021 12:35 PM
To: Fogarty, Steven <Steven.Fogarty@minneapolismn.gov>; Steve Fogarty <sfogarty@mpdfederation.com>
Cc: Emily Kokx <ekokx@mpdfederation.com>; Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>; Huffman, Amelia <Amelia.Huffman@minneapolismn.gov>

Subject: Re: Step 1 meeting for POFM Grievances [REDACTED] & [REDACTED]

Good morning Sgt. Fogarty,

Here are some dates and times that work on Inspector/soon to be DC Huffman's calendar for the step 1 meeting. Please let me know if any of these dates work for you and I will send out the meeting notice. It will be a Teams meeting and not in person, I will send to both city and federation email to ensure you are able to join the meeting.

- Wed. 1/27 10:00
- Thur. 1/28 9:00 or 3:00
- Tue. 2/2 10:00 or 2:00

Thank you!

Take care and stay safe!

Nina

From: Emily Kokx <ekokx@mndfederation.com>
Sent: Wednesday, January 20, 2021 10:45 AM
To: Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>
Cc: Arradondo, Medaria <Medaria.Arradondo@minneapolismn.gov>; Kjos, Michael <Michael.Kjos@minneapolismn.gov>; Doree, Nina <Nina.Doree@minneapolismn.gov>; Darling, Valerie <valerie.darling@minneapolismn.gov>; Cook, Joni <Joni.Cook@minneapolismn.gov>; Steve Fogarty <sfogarty@mndfederation.com>
Subject: [EXTERNAL] POFM Grievances [REDACTED] & [REDACTED]

Hello Chief Halvorson,

I have attached POFM Grievances [REDACTED] and [REDACTED] filed on behalf of [REDACTED] that resulted in discipline from OPCR Case [REDACTED]

Thank you,
Emily

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.

EXHIBIT

80

From: Bob Kroll <bkroll@mpdfederation.com>
Sent: Monday, January 13, 2020 10:43 PM EST
To: Emily Kokx <ekokx@mpdfederation.com>; Sherral Schmidt <sschmidt@mpdfederation.com>
Subject: RE: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Yes let's talk tomorrow before any reply.

Lt. Bob Kroll
President POFM
1811 University Ave. NE
Minneapolis, MN 55418
(612) 788-8444 Office
(612) 290-3919 Cell
bkroll@mpdfederation.com (preferred contact method)



From: Emily Kokx <ekokx@mpdfederation.com>
Sent: Monday, January 13, 2020 8:59 AM
To: Sherral Schmidt <sschmidt@mpdfederation.com>; Bob Kroll <bkroll@mpdfederation.com>
Subject: Fwd: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Maybe we can chat about this later today before I reply back.

Sent from my iPhone

Begin forwarded message:

From: "Cook, Joni" <Joni.Cook@minneapolismn.gov>
Date: January 13, 2020 at 8:02:07 AM CST
To: "MacDonald, Kyle H" <kyle.macdonald@minneapolismn.gov>
Cc: Emily Kokx <ekokx@mpdfederation.com>
Subject: RE: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Kyle, while I do deal with grievance's from the Federation, I do not always receive them. I may or may not have them on file, along with any outcomes. I believe that it would be best to check with the Federation, Emily Kokx, to see what information they can give you.

Also, Mr. MacDonald will have to come up with some sort of time line.

Hope this helps,

Joni Cook
IAU

From: MacDonald, Kyle H
Sent: Friday, January 10, 2020 9:30 AM
To: Police - IAU Admin Group <PoliceIAUAdminGroup@minneapolismn.gov>
Cc: Zenzen, Mary L. <Mary.Zenzen@minneapolismn.gov>; Meuwissen, Caresa M. <Caresa.Meuwissen@minneapolismn.gov>
Subject: FW: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Good morning,

RIU received a request for all settlement agreements arising out of officer discipline for all current officers. The terms of the request are quite broad, though Mr. Webster does clarify his request to a point. He's basing his request on **Minn. Stat. § 13.43, subd. 2(a)(6)** which provides that "the complete terms of any agreement settling any dispute arising out of an employment relationship" is public data.

He clarified what he's looking for in an email below:

"If the dispute relates to the officer's alleged conduct, complaint(s), or discipline, and there is an agreement between the officer and the city (or Federation and MPD relating to that employee) then I am interested. I am not interested in agreements relating to allegations by an officer against the City (e.g. discrimination), or settlement agreements in general like when the City gets sued for alleged excessive force, where the officer isn't a party to the agreement. "

According to Carol Bachun in the City Attorney's Office, the City Attorneys are not the custodians of this information. Apparently the settlements are negotiated between MPD and the Federation, and do not touch the their office. Does IAU track and manage these agreements? If so, is there a way I could receive the relevant settlement agreements? If not, do you know who does? HR maybe?

Carol B. suggests we also look into charging fees before we dive to deeply into this. We are allowed to charge a reasonable fee for retrieving data, and Mr. Webster is asking for all agreements for all current officers which is likely to be labor/time intensive.

Thank you in advance,

Kyle MacDonald
Records Management Specialist

City of Minneapolis – Police Department
Records Information Unit
350 S. Fifth St. – Room # 31
Minneapolis, MN 55415

kyle.macdonald@minneapolismn.gov
(612) 673-2961

From: Bachun, Caroline M.
Sent: Thursday, January 09, 2020 11:09 AM
To: MacDonald, Kyle H <kyle.macdonald@minneapolismn.gov>
Cc: Zenzen, Mary L. <Mary.Zenzen@minneapolismn.gov>; Olson, Kristen L. <Kristen.Olson@minneapolismn.gov>
Subject: FW: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Kyle,

You should be able to get the "the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action" and "the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action" from IAU and OPCR.

With respect to "the complete terms of any agreement settling any dispute arising out of an employment relationship," Mr. Webster has limited that to agreements related to allegations of officer misconduct ("If the dispute relates to the officer's alleged conduct, complaint(s), or discipline, and there is an agreement between the officer and the city (or Federation and MPD relating to that employee)"). The City Attorney's Office is not the office of record for these grievance-type of agreements. Such agreements, after signed by the Police Chief, are probably sent to internal affairs to put them in the investigative file related to the potential discipline. A copy of such agreements may also be placed into an officer's personnel file. Also, if any monetary adjustment is made regarding an officer's salary or there is a reimbursement (such as an officer getting backpay), a copy of such agreement would probably be at payroll.

Please note that settlement agreements are public, even if they result in coaching, and not discipline. If IAU does not keep the settlement agreements in one location, or a summary of all settlement agreements, IAU may have to go through all the IAU /OPCR files to determine if there is a settlement agreement. If a summary of settlements is in one location, then IAU would have to go through the listed files to find the settlement agreements. You should consider whether the City should charge Mr. Webster for the time to gather such data.

Thanks,

Carol

From: MacDonald, Kyle H
Sent: Thursday, January 09, 2020 8:48 AM
To: Bachun, Caroline M. <Caroline.Bachun@minneapolismn.gov>
Cc: Zenzen, Mary L. <Mary.Zenzen@minneapolismn.gov>; Olson, Kristen L. <Kristen.Olson@minneapolismn.gov>
Subject: FW: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Good morning Carol,

I thought I reached out to the City Attorney's Office when we first started this request, however after going through my email it looks like I only got as far as IAU and OPCR.

Here's Mr. Webster's original request. (also attached)

I seek copies of data pertaining to complaints, discipline, and employment dispute agreements for all law enforcement officers at your agency, who are currently employed there.

As background, please note that:

- **Minn. Stat. § 13.43, subd. 2(a)(4)** provides that "the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action" is public data.
- **Minn. Stat. § 13.43, subd. 2(a)(5)** provides that "the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action" is public data.
- **Minn. Stat. § 13.43, subd. 2(a)(6)** provides that "the complete terms of any agreement settling any dispute arising out of an employment relationship" is public data.

The IAU and OPCR complaint data has been provided to Mr. Webster. The settlement agreement data is still outstanding. Mr. Webster would like this data for all current officers, through the entirety of each officer's career. I know we reviewed all arbitrations within the past year, but I doubt those 21 arbitrations would represent all settlement agreements arising out of discipline as Mr. Webster requests. Thoughts on how to approach this part of the request?

Thank you,

Kyle MacDonald
Records Management Specialist

City of Minneapolis -- Police Department
Records Information Unit
350 S. Fifth St. -- Room # 31
Minneapolis, MN 55415

Kyle.macdonald@minneapolismn.gov
(612) 673-2961

From: Tony Webster [<mailto:tony@tonywebster.com>]
Sent: Tuesday, October 22, 2019 1:59 PM
To: MacDonald, Kyle H <kyle.macdonald@minneapolismn.gov>
Cc: Zenzen, Mary L. <Mary.Zenzen@minneapolismn.gov>
Subject: Re: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Hello Kyle,

Thanks for your email. If the dispute relates to the officer's alleged conduct, complaint(s), or discipline, and there is an agreement between the officer and the city (or Federation and MPD relating to that employee) then I am interested.

I am not interested in agreements relating to allegations by an officer against the City (e.g. discrimination), or settlement agreements in general like when the City gets sued for alleged excessive force, where the officer isn't a party to the agreement.

Does that make sense?

Thanks,
Tony

On Tue, Oct 22, 2019 at 13:54 MacDonald, Kyle H <kyle.macdonald@minneapolismn.gov> wrote:

Quick question on your request for 'The complete terms of any agreement settling any dispute arising out of the employment relationship'. Are you looking for any settlement for any reason, or any settlements related to Officer complaints and discipline?

Thank you,

Kyle MacDonald
Records Management Specialist

City of Minneapolis -- Police Department
Records Information Unit
350 S. Fifth St. -- Room # 31
Minneapolis, MN 55415

Kyle.macdonald@minneapolismn.gov
(612) 673-2961

From: Tony Webster [<mailto:tony@tonywebster.com>]
Sent: Tuesday, October 22, 2019 12:56 PM
To: datapractices <datapractices@minneapolismn.gov>; Records <Records@minneapolismn.gov>; Carl, Casey J. <Casey.Carl@minneapolismn.gov>
Cc: Olson, Kristen L. <Kristen.Olson@minneapolismn.gov>; Zenzen, Mary L. <Mary.Zenzen@minneapolismn.gov>
Subject: Data Practices Act Request to City of Minneapolis and Minneapolis Police Department (DR19_004525)

Dear responsible authority and designees:

I write to you with a request for copies of government data pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13. To summarize the request, I seek copies of data pertaining to complaints, discipline, and employment dispute agreements for all law enforcement officers at your agency, who are currently employed there.

As background, please note that:

- **Minn. Stat. § 13.43, subd. 2(a)(4)** provides that "the existence and status of any complaints or charges against

the employee, regardless of whether the complaint or charge resulted in a disciplinary action" is public data.

- **Minn. Stat. § 13.43, subd. 2(a)(5)** provides that "the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action" is public data.
- **Minn. Stat. § 13.43, subd. 2(a)(6)** provides that "the complete terms of any agreement settling any dispute arising out of an employment relationship" is public data.

I am interested in all three of these categories—2(a)(4), 2(a)(5), and 2(a)(6) data—for all law enforcement officers at your agency, who are currently employed there, without date limitation. To the extent responsive data does not include the officer's name, I also request their name.

Of course, this data is maintained in a variety of different ways depending on the agency, and I do not know how it is maintained there. As such, I am hoping for a conversation with you about this request and what data is available so that we can move forward with the most efficient scope, with a clear mutual understanding of the request.

For example, another agency recently advised me that they had a database of complaints that indicated sustained/unfounded status which they were able to export as a spreadsheet; and copies of final discipline disposition letters such as memorandums, notices of suspensions, or last chance agreements which included the "specific reasons for the action and data documenting the basis of the action" prescribed by statute; and other employment dispute agreements.

Please get in touch so that we might be able to have a similar conversation. If you decline to have a conversation, then this request seeks all data defined by Minn. Stat. § 13.43, subds. 2(a)(4), 2(a)(5), and 2(a)(6) for all law enforcement officers at your agency, who are currently employed there, without date limitation.

To avoid any uncertainty, "law enforcement officers" includes sworn employees, law enforcement agents, law enforcement officers, police officers, deputies, any person with the power of arrest, and any "peace officer" or "part-time peace officer" as those terms are defined by Minn. Stat. § 626.84. It does not include "reserve officers" lacking the power of arrest. It also does not include non-sworn personnel, unless they are also, or were formerly while in your employment, law enforcement officers.

If I am denied access to any data, I request the responsible authority's written certification, including citation to denial authority, for each and every individual denial of access or redaction. If the data is maintained electronically, I request copies in its original, native electronic form as maintained. This is not a request to create data, and is not a request to change the format of any data. I would appreciate an estimate of time and cost for this request, and ongoing updates. If this data request cannot be fulfilled at the time of the request, I request a rolling production, and we can discuss specifics.

Please let me know if you have questions, and I look forward to hearing from you with respect to the scope of the request.

Thank you,
Tony Webster
202-930-9200

EXHIBIT

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From: [REDACTED]
Sent: Friday, August 28, 2020 11:05 AM EDT
To: [REDACTED]; Sherral Schmidt <sschmidt@mpdfederation.com>; Anna Hedberg <ahedberg@mpdfederation.com>; Rich Walker <rwalker@mpdfederation.com>
Subject: FW: [REDACTED]
[REDACTED]

Below is an email chain from me to HR and the Internal Affairs Commander over [REDACTED] It explains much of the story. I receive "Coaching" because they knew I could not appeal it. They basically strong armed me into it. I knew the cost would be over \$10,000 to arbitrate over a letter or one day suspension, and after consultation with Federation board members and lawyers we thought this was the best course of action. They covered up the false statement by then [REDACTED]. Much has been made in news lately about disclosing investigations ending in coaching, this may be something they want to disclose. I have the entire file, I just need to locate it at home. I will make it available. It fully discredits [REDACTED].

Note- The [REDACTED] term was not originated by me. There was a concurrent IA investigation into that phrase being used throughout the department. [REDACTED] It stemmed from a chain of command of [REDACTED] in power that had a separate set of rules to operate under different from the rest of the department. The involved parties were:

[REDACTED]

This too was covered up. I can forward another email from an Internal Affairs Investigator that retired, and wrote about how corrupt IA was back in those days. That too sheds light on the entire situation.

Side note on then Deputy Chief Gerlicher- He came on the department the class after me (3 months) twice in his short career as a patrol officer he was beat up and disarmed. The first time I led a mini raid that got his gun back. The second time he was beat up by a 16 year old boy. A short time later he was promoted to Sgt. I often teased/tormented him publicly over this.

Bottom line- If [REDACTED] wants to print things from [REDACTED] or [REDACTED] for that matter, they can have at it. But they will regret it. This case illustrates she is a proven liar. [REDACTED] does not have a good history either. Both left the department under sketchy terms. His issue with me was he was not well received in 3rd Pct after he ended up in my spot, and I made Human Rights complaints.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 15, 2008 5:12 PM
To: [REDACTED]
Subject: FW: [REDACTED]

-----Original Message-----
From: [REDACTED]
Sent: Thursday, January 03, 2008 4:31 PM
To: [REDACTED]
Subject: FW: [REDACTED]

-----Original Message-----
From: [REDACTED]
Sent: Thursday, January 03, 2008 4:30 PM
To: Kennedy, Steve G. - HR
Subject: FW: [REDACTED]

Steve,

Exactly what I told you would happen in this case during my interview has. I met with Chief Dolan for a counseling session so they could justify a sustained complaint in this case. They sustained the case despite the facts and recommendations of you and Dennis Hamilton. [REDACTED] against the Chief over this false complaint against me. They are not opening any investigations into this. I'm

Pl.'s Ex.
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making a formal complaint against [REDACTED] Lt. [REDACTED], and Lt. [REDACTED] regarding this case tomorrow.

The problem is, like I said in my statement, and you are uncovering in another investigation, I can't get a fair investigation from inside the MPD. By our department policy, complaints against the [REDACTED] are handled by the [REDACTED]. This is Lt. [REDACTED]. I can't get a fair investigation there either. This directly relates to your current investigation into the [REDACTED], because it is more widespread than just the [REDACTED]. I believe this case ties in to that case also.

Like I said in my statement, our internal affairs unit, and police administration are corrupt and unethical. I'm looking for your assistance in this matter.

Thank you.

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, December 11, 2007 5:17 PM
To: Police - Federation Board; 'Ann Walther'
Subject: FW: [REDACTED]

They put a sustained in my file and never told me. Sherral was my rep at the hearing with Harris, and we taped it.

-----Original Message-----

From: Piontek, Susan
Sent: Tuesday, December 11, 2007 5:12 PM
To: [REDACTED]
Subject: RE: [REDACTED]

I have a copy of your Loudermill Hearing tape for you.

I will check on answers to your questions in #3.

As for the investigations you requested be started, I recall you wanted Sgt. [REDACTED] and Lt. [REDACTED] investigated and also wanted an investigation into who is leaking info to the media.

We will never get to the bottom of who is leaking information to the press. Reporters are not going to reveal their sources; in most cases several officers have some knowledge of the alleged misconduct so any one of them can call a reporter or report anonymously; and when checks have been done to see who ran or printed CAPRS reports a dozen or more names come up. I could spin my wheels for years and never be able to prove with a preponderance of evidence that any specific officer is leaking information to the media. Unfortunately, our department leaks like a sieve.

As for Lt. [REDACTED] I am sure she did talk to Council Member Remington about what you said [REDACTED]. He probably called several people to make sure it became public. She did not commit any policy violation by talking to CM Remington. She told him what she thought she heard you say. She repeated the same in her statement. I can never prove if she heard your statement that way or if she is lying about it. We interviewed many, many people in the case, and all of them had a little different version of what you said. It is not unreasonable for her to have her version of your comments.

Sgt. [REDACTED] reported to me that while she was at an in-service class Lt. [REDACTED] hollered to her asking something about your case. Sgt. [REDACTED] told him she couldn't comment on it. She then conversed with him in an office and deliberately left the door open so others could hear. She again told Lt. [REDACTED] that it was an IAU matter that can't be discussed. I suspect that we could never prove one way or the other what was said in the office. If you want to push the issue on Sgt. [REDACTED] and her conversation with Lt. [REDACTED], please come to the IAU office and file a formal complaint. You also mentioned IAU Case [REDACTED] stating that the case went missing and that it went missing because they wanted to hide falsifications/errors [REDACTED] made in the case. I checked the file and found that case [REDACTED] is there, complete with a sustained finding.

You have not filed any formal paperwork, so it would be imprudent of us to open an IAU without such paperwork. If you chose to file formal paperwork on any of the above issues, we will take a look at it and determine at that time if an investigation will be opened.

-----Original Message-----

From: [REDACTED]
Sent: Monday, December 10, 2007 12:22 AM
To: Piontek, Susan
Subject: RE: IAU [REDACTED]

Sue,

My meeting with the Chief is at 1100 Tuesday 12/11. In regards to our below correspondence-

- 1) I am still waiting on my Lauderdale transcript.
- 2) I agree that the hearing has already been held, however the panel made no recommendation.
- 3) Our attorney would like to add a letter to the file. I agree that it is non disciplinary, and non-public. However even though it's non public, since it is my case, I have the right to release it correct? I have had several requests from the media for this case. And I would like to share it with them to clear my name. Especially after recent events [REDACTED]. I won't be committing any violations by releasing it correct?
- 4) I agree to the A.

Last, With regard to Lt. [REDACTED]. She made this entire issue what it has become. She called Raiph Remington, he called the Chief, and then Gerlicher opened the case. Gerlicher was present and said I did nothing wrong at the time. She may not be the listed complainant, but it was her lies and her lying in a garrity statement that has smeared me [REDACTED]. I insist an investigation is opened on her.

I requested this in my internal affairs interview. You need to read my statement and honor the requests that I made within. There were several things that I requested your office to do. I reiterated this with Steve Kennedy of Human Resources because I knew your office would cover things up. None of the requests of anything I made in my statement to your internal affairs investigator or the human resources investigator has been followed up on. This is negligence out of your office. If you can't request for things to be investigated in an internal affairs statement, that is tape recorded, transcribed, reviewed by the commander of Internal Affairs, reviewed by the D/C of Professional standards, reviewed by a panel of three D/C's or Inspectors, reviewed by the Assistant Chief, and reviewed by the Chief of Police, where can a person go to have a complaint looked into? I find it odd the our internal affairs takes third party complaints by community trouble makers that were not present during incidents,

but will not take them from their own Police [REDACTED] in internal affairs interviews!

-----Original Message-----

From: Piontek, Susan
Sent: Monday, October 29, 2007 12:41 PM
To: [REDACTED]
Subject: FW: IAU [REDACTED]
Importance: High

I checked with DC Gerlicher just to make sure on my answers. It sounds like the Chief just wants to have a chat with you.

-----Original Message-----

From: Gerlicher, Scott
Sent: Monday, October 29, 2007 11:58 AM
To: Piontek, Susan
Subject: RE: IAU 07-06
Importance: High

If he agrees to meet with the Chief, the violation will be classified as an A violation which will remain in his file for a period of one year, consistent with any and all other A violations. My understanding is that the Chief only wants to meet with [REDACTED] briefly for a "counseling/coaching session" for lack of a better term. An A violation is not considered discipline.

If [REDACTED] does not wish to participate, then the violation will be sustained as a B violation as stated in the Chief's findings.

If [REDACTED] agrees to the meeting with the Chief, he should contact Carole Schendel within a week to set that up.

Either way, we need to know by the end of this week how he'd like to go with this.

From: Piontek, Susan
Sent: Monday, October 29, 2007 11:48 AM
To: Gerlicher, Scott
Subject: FW: IAU [REDACTED]

Do you want to consult with the chief about what he wants us to tell [REDACTED]?

-----Original Message-----

From: [REDACTED]
Sent: Friday, October 26, 2007 5:43 PM
To: Piontek, Susan
Cc: Dolan, Tim; Delmonico, John; 'Ann Walther'
Subject: IAU [REDACTED]

Lt. Piontek,

I received your letter dated 10/18/07 on 10/23/07. I discussed the matter with Federation representatives, and legal representation yesterday. They have requested I email you with the following concerns, and ask for more time before giving you a decision by 10/26/07.

- 1) Since this was an unprecedented Laudermill hearing where the panel had no recommendation, because they were told that the Chief had already made a sustained finding, they wish to review the transcript of the Laudermill hearing. Ok, I will get a copy for you.
- 2) Since the case was recommended unsubstantiated by the Human Resources Investigator and not sustained by the Internal Affairs Investigator they have many concerns with the finding and want more time to review the case before giving me a recommendation. It is also important to note that the investigators had concerns of truthfulness on the part of the complainant and seriously questioned her credibility. They feel this should be treated no different than any other Laudermill hearing with proper notice to prepare adequate representation. Three days in this case is insufficient. The front office has overturned the IAU findings in some cases other than this one, it's not totally unheard of. This is not a Laudermill hearing, that has already been held. This is just sitting down and talking with the Chief.
- 3) They have questions regarding what will be maintained in the case, how long it will be retained, and what is public information. And if the Federation can add a written rebuttal to the case. If you talk with the Chief it will be treated as all other A's. It will be in your file for one year from date of incident, it will be non-disciplinary and non-public. The federation is welcome to write a letter and it will be included in the case file.
- 4) The letter says that I must notify you if I agree to meet with Chief Dolan regarding the stipulations to this case. I would be foolish to agree to stipulations without knowing what the stipulations are, so I cannot make an informed decision whether I should take the B violation and resolve it through the grievance process until after meeting with Chief Dolan and learning what the stipulations are. If you don't want to meet with the Chief it will be a B violation with 1 day suspension. If you meet with the Chief, it will be an A violation and treated as all other A violations. See above. I think he just wants to have a chat with you.

My guess is the stipulations may have something to do with preventing me from clearing my name with the public via the media in this matter. If you refer to page 20 of my statement, and what I reiterated at my hearing, this case is turning out exactly like I predicted- I have been condemned by the Mayor and the Chief [REDACTED] before the facts of the case were made available. In fact, the reality is the complainant lied and fabricated the allegations according to the investigators after interviewing the 23 people present.

I feel that I'm being placed under duress to sign off now to a minor offense or have a more serious offense sustained on me. And, this comes after two investigators find no sustained allegations within the case nor did a discipline panel of three.

I would like have a hearing panel with the Chief and have it explained to me where in the complete case the facts are that I violated MPD R/R 5-105.15 other than- because "The Mayor says so". This probably could be covered in your talk with the Chief.

Last, since I was the victim of false allegations, I would like to know what actions are being taken against Lt. [REDACTED] for lying in a Garrity statement, and a confirmatory second Garrity statement? I raised these issues at both my statement and hearing, and I have a right to

know the status of this as it pertains to her. Lt. [REDACTED] did not file the charges against you, the administration did. DC Gerlicher ordered IAU to begin the investigation. Lt. [REDACTED] just gave a statement like everyone else [REDACTED]. She gave us her recollection of what she thought she heard and saw. I don't see any reason to open an IAU case on her since she will say that her statement reflected her honest recollection of what she heard. If her recollection is incorrect, how could we ever prove she is lying as opposed to just misunderstood what you said or heard it wrong?

I apologize for the lateness of this response, but with my responsibilities within this department being what they are, I have not been able to respond until now. [REDACTED]
[REDACTED] I responded at first opportunity. Courts' law, you got back to me in a timely manner.

[REDACTED]

EXHIBIT

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**LABOR-MANAGEMENT
MEETING MINUTES
January 27th, 2015
1100 HOURS**

Members Present: Delmonico, Kroll, Fitch, O'Connor, Stenerson, Harteau, Glampe, and Arradondo.

Call to Order

Demonico called the meeting to order at 1105 hours at the Federation.

Approval of Minutes

The September 30th, 2014 meeting minutes were presented to the members present for review. Harteau made a motion to accept the minutes, seconded by Kroll. The motion carried.

Old Business

- a. Promotion Process: Delmonico will contract Destiny from HR to set up a meeting.
- b. Al Flowers Update: The Federation board will be discussing the issue at the upcoming board meeting.

New Business:

- a. Establish Monthly Body Cam Meetings: Glampe said there has been no change in the SOP. In March the test group will start using the VIEVU Body Cam. Instead of a separate Body Cam meeting, Fitch will add Body Cam as its own item on the LM agenda every month.
- b. Current Grievances: Delmonico brought up ██████████ case where he was given 2 B Level Violations listed as Coaching put in his discipline file. ██████████ never had a Loudermill hearing and was never coached on the incident by a supervisor. This is the first known case of a violation higher than A being listed as Coaching. Management will discuss the issue and Glampe will follow up with O'Connor. ██████████ Arbitration was cancelled due to the fact that ██████████ was allowed to resign. Harteau inquired how the grievance process has been going with the Federation. Kroll told her that LM has been good but there has been difficulties with the attorneys.
- c. OAC/MECC Meeting: Arradondo and Fitch went over highlights from the recent meeting.

Roundtable

- a. Glampe- Handguns. The MPD will be moving away from Smith & Wesson M&P handguns due to quality issues. MPD will be moving to Sig Arms and Glock. Priority 1 is new hires Priority 2 is to convert current officers who carry the M&P. Priority 3 is the rest of the MPD who chose to change to Sig Arms or Glock.

- b. Glampe- Special Olympics Polar Plunge. Admin and Federation will be splitting the hours to support the event. Federation will discuss at the upcoming board meeting.
- c. Kroll- Promotions Update Request. Glampe stated that 4 sergeants will be promoted by February 8th. In July the authorized strength of the MPD will increase to 860 sworn.

Announcements & Updates

- a. Labor-Management Meeting, 2-24-2015, 1100

Adjournment

Kroll made a motion to adjourn, seconded by Glampe. The meeting adjourned at 1153.

Submitted by:

Cory Fitch
Secretary
POFM

EXHIBIT

86

January 13th 2014

Step 1 Grievance Meeting/Deputy Chief Glampe

Officer [REDACTED]

IAU Case # [REDACTED]

Final Discipline Letter, Coaching

Finding:

MPD P/P 5-301.01 Use of Force Not Sustained

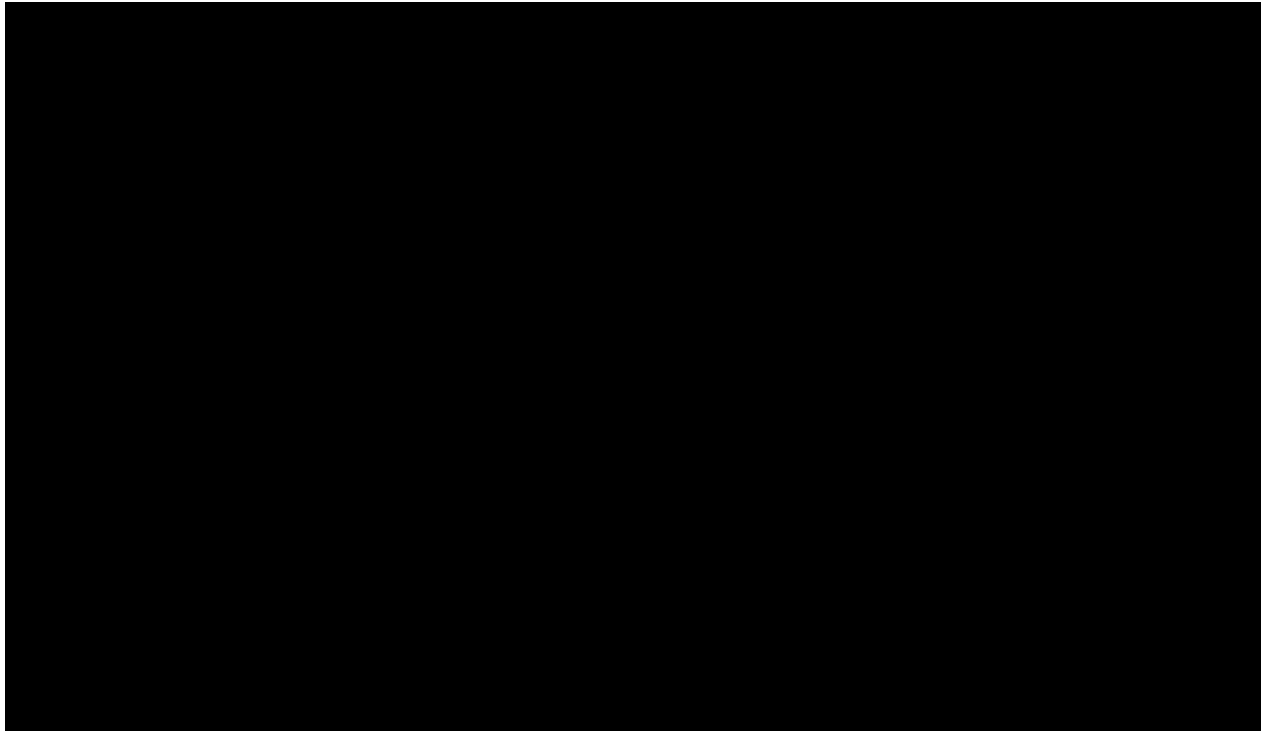
MPD P/P 5-306 Use of Force Reporting Sustained (Category B)

MPD P/P 5-306 Use of Force Post Incident Requirements-Supervisor Notification Sustained (Category B)

In hand I have what appears to be a "final discipline" letter on MPD letterhead that is dated August 28th 2014. It was received by Officer [REDACTED] on December 28th, and promptly brought to the attention of POFM. Although he provided two separate statements to the IAU investigator regarding this incident he was not ever notified of an opportunity to speak at his discipline panel hearing.

I contacted Lt. Halverson via email on December 30th 2014 to follow up on whether there was a log of this having been sent out by IAU to Officer [REDACTED]. He replied the same day, and advised he would get back to me. On January 5th 2015 I contacted Lt. Halverson by phone, and inquired about whether IAU had a log of the discipline letter being sent out. My understanding is that although the letter is dated August 28th the case involved three officers and the issuance of discipline varied based on involvement but that IAU wanted all officers to receive discipline at the same time. Discussion was had regarding the fact that Officer [REDACTED] hadn't had an opportunity to address a panel. We don't have any documentation indicating that this case was see, reviewed, and/or decided on by a panel. Lt. Halverson advise he was going to get back to me on this. As of grievance filing date of 01/12/15 I've not heard back. It would appear that Steps 3, 4, and 5 of the complaint manual process for the issuance of "B" level discipline was skipped. Given opportunity to address a panel on his involvement in the case there is little doubt

he could have explained his actions, and it is likely this would have not been sustained.



By his account Officer [REDACTED] did not notify a supervisor of the defendant's small injury. He also does not believe that his assistance in making this warrant arrest was attributable to the defendant sustaining the light injury. It is due to the fact that he was not the officer in charge at the scene, he was not the officer that initiated the stop, he was not the officer that effected the arrest, and he also does not feel his actions caused injury in any capacity to the defendant.

POFM Position:

MPD P/P Use of Force Reporting 5-306

It's our position that Officer [REDACTED] did not use a level of force requiring a report be completed, and also that his actions in assisting on the arrest did not attribute to defendant getting a cut above his eye. By all accounts the greatest contributing factor is the resistance and non-compliance of the defendant that caused the injury.

MPD P/P Use of Force Post Incident Requirements- Supervisor Notification 5-306

It's our position that Officer [REDACTED] was assisting another officer [REDACTED] in effecting an arrest. That officer [REDACTED] demonstrated through his follow through of an arrest he had initiated that he was the officer "in charge" at this scene. As previously stated it's our position that Officer [REDACTED]'s assistance in effecting the arrest did not attribute to the injury above the defendants eye.

Requested Resolution:

Not Sustain 5-306 Use of Force Reporting

Not Sustain 5-306 Use of Force Post Incident Requirements-Supervisor Notifications

EXHIBIT

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From: Stenerson, Ronald <Ronald.Stenerson@minneapolismn.gov>
Sent: Friday, April 04, 2014 6:19 AM EDT
To: Clark, Matthew <Matthew.Clark@minneapolismn.gov>
CC: Emily Ewald <eewald@mpdfederation.com>
Subject: POFM grievance [REDACTED] STEP 2
April 4, 2014

To: Assistant Chief Clark

Re: OPCR case number [REDACTED]
POFM grievance number [REDACTED]

From: Sgt. Ron Stenerson, Director POFM

Incident Summary: On [REDACTED] MPD Officer [REDACTED], working alone, as a sworn on-duty MPD Officer, in full uniform, in a marked squad, lawfully effected the arrest of a known person for FELONY MV THEFT and FELONY FLEE POLICE IN MV. Stolen MV was occupied by FIVE persons in a known high crime district. Lone Officer was in danger and vastly out-numbered in this felony incident. Officer [REDACTED] reasonably feared person(s) in the car could be armed, and that ambush could occur, as all occupants fled on foot (except the driver) once the STOLEN CAR crashed into private property. Driver of the stolen car willfully ignored marked MPD SQD, with activated lights and siren signaling to stop, and drove in a manner endangering life. Affecting a lawful arrest, under these conditions reasonably and necessarily warranted Officer [REDACTED] to have his sidearm in hand. In danger, under stress, in a rapidly unfolding crime in progress Officer [REDACTED] reasonably used blunt force. Doctor report of offender states no injury, no repair, and headache. Officer [REDACTED] acted proactively and in good faith, under stress, in danger and intervened in this felony crime protecting the community. He summoned a supervisor, arrested person assessed for injury, medical care offered, photographs taken, reports made. It is reported that on this date the offender was on probation and that he was to be placed on EHM by his probation officer. Instead the offender willfully left home, unlawfully stole the car of a law abiding citizen, and endangered life and damaged property while unlawfully fleeing police in a stolen MV.

[REDACTED]

Officer [REDACTED] was ordered to give an OPCR statement, and complied. On March 14, 2013 OPCR held a panel hearing and Officer [REDACTED] gave testimony.

In December 2013 Officer [REDACTED] was called into a meeting by MPD [REDACTED] Lieutenant [REDACTED] and SGT. [REDACTED]. Officer [REDACTED] was informed in that meeting that this matter had been forwarded to the [REDACTED] command staff for reckoning at the Precinct level Command. It is noted that the MPD INSPECTOR [REDACTED] is in charge of the [REDACTED]. Officer [REDACTED] was then informed that their finding in this matter is the following:

5-300 USE OF FORCE violation - NOT SUSTAINED

5-105.15 CODE OF CONDUCT/LANGUAGE - SUSTAINED "A" LEVEL, with COACHING, conducted then and there. Officer [REDACTED] was instructed to seek force training, which he has done, with an Instructor, on his personal time. Officer [REDACTED] was informed that this concluded discipline in this case. Officer [REDACTED] was informed that this discipline would not be put into his personnel file as the incident date was in excess of ONE YEAR from the date of this discipline meeting.

On approximately march 11, 2014 Officer [REDACTED] was summoned to another discipline meeting in this matter, by MPD Commander [REDACTED] and MPD LT. [REDACTED].

Officer [REDACTED] was provided a letter dated March 7, 2014, signed by MPD Assistant Chief CLARK in OPCR case [REDACTED] notifying him of another finding as follows:

NOTICE OF SUSPENSION (10 HOURS WITHOUT PAY)

5-300 USE OF FORCE - SUSTAINED "C" LEVEL

5-105.15 CODE OF CONDUCT – SUSTAINED “B” LEVEL – which WILL REMAIN ON FILE until July 26, 2017 and that any additional violations may result in more severe discipline, including discharge from employment.

During this discipline meeting with COMMANDER [REDACTED] and LT. [REDACTED], Officer [REDACTED] was provided a “DISCHARGE, SUSPENSION OR INVOLUNTARY DEMOTION FORM” in this case with his name and employee number on it, dated March 11, 2014, informing him of 10 hour suspension beginning on March 12, 2014. It is noted on that form, as a reason for this action, “MISCONDUCT”.

Misconduct means, intentional wrongdoing, specifically deliberate violation of the law or standards, which is not true of Officer [REDACTED] in this case. His force was objectively reasonable in light of the facts and circumstances known to him during this dangerous and rapidly unfolding felony incident, per MPD policy 5.301.01, and case law.

On March 12, 2014, MPD [REDACTED] INSPECTOR [REDACTED] informed Officer [REDACTED] that he was just informed by MPD COMMANDER [REDACTED] (lower ranking Officer to him) that FORCE was sustained as a “C” violation and CODE CONDUCT sustained as a “B” violation in this matter. He apologized to Officer [REDACTED] and said he believed the case was closed at the aforementioned [REDACTED] level reckoning. He stated that he disagrees with the “C” and “B” level discipline imposed by Commander [REDACTED]. He further stated that MPD [REDACTED] Lieutenants: [REDACTED], [REDACTED] and [REDACTED] all agreed that appropriate discipline in this case is COACHING “A” level for CODE OF CONDUCT/LANGUAGE.

Remedy sought: “A” COACHING for CODE CONDUCT. NOT SUSTAIN FORCE. Reinstatement 10 hours pay. No entry into Officer [REDACTED] personnel file due to reckoning period from time of incident.

EXHIBIT

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Minneapolis
City of Lakes

Police Department

Janeé L. Harteau
Chief of Police

350 South 5th Street - Room 130
Minneapolis, MN 55415-1389

612 673-2735
TTY 612 673-2157

April 28, 2015

Sgt. [REDACTED]

Minneapolis Police Department

RE: OPCR Case Number [REDACTED]

Sgt. [REDACTED]

This letter is to advise you that OPCR Case Number [REDACTED] has been completed.
The finding is as follows:

[REDACTED] <u>NOT SUSTAINED</u>
[REDACTED] <u>NOT SUSTAINED</u>
[REDACTED] <u>NOT SUSTAINED</u>
MPD P/P 5-105-15 Code of Conduct-Language <u>SUSTAINED (Category A)</u>
[REDACTED] <u>NOT SUSTAINED</u>

You will receive coaching from your supervisor as the finding for MPD P/P 5-105-15 Code of Conduct-Language was sustained at a Category A. The case will remain in the OPCR/IAU files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in more severe disciplinary action up to and including discharge from employment.

Sincerely,

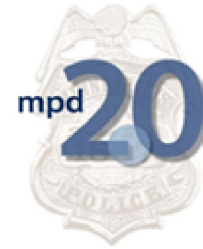
Cmdr. DeChristopher Granger
Internal Affairs Unit
Minneapolis Police Department



CC: OPCR Case File
Inspector Kjos

EXHIBIT

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To: Inspector Kjos

From: [REDACTED]

Date: [REDACTED]

Re: Coaching- OPCR Case Number [REDACTED]

On May 11th 2015, I was forwarded the finding from Internal Affairs sustaining a Category A violation for Sgt. [REDACTED] regards to OPCR Case Number [REDACTED]. Specifically, the sustained violation was for **MPD P/P 5-105-15 Code of Conduct-Language**. The incident date was [REDACTED]. I requested and reviewed the Investigative Report prepared and completed by CRA Investigator Stephen McKean.

On June 2nd, 2015 at 1200 hours I met with Sgt. [REDACTED] at the [REDACTED] Station for the coaching session. The meeting took place in [REDACTED] and Sgt. [REDACTED] was the only one present.

At this time, I discussed with Sgt. [REDACTED] the violation of **MPD P/P 5-105-15 Code of Conduct-Language**. Specifically, Sgt. [REDACTED] (at the time of the violation Officer [REDACTED] was recorded on squad video telling a subject to "Get your hands on the fucking car" and additionally "shut the fuck up". I provided coaching to Sgt. [REDACTED] by reviewing the specific policy:

Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.

I coached Sgt. [REDACTED] on avoiding the use of such language in the future. Sgt. [REDACTED] was receptive, understanding and accepting of the coaching. I discussed with Sgt. [REDACTED] my expectations that officers refrain from the use of indecorous language. I also discussed with Sgt. [REDACTED] her responsibilities to guide her officers in the adherence to departmental policy.

EXHIBIT

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COACHING MEMO

On December 2, 2015 at approximately 1245 hours I conducted Officer [redacted] Coaching in the [redacted] [redacted] small conference room. Officer [redacted] and I went over the Investigative Report that was completed by the Office of Police Conduct Review and the Minneapolis Police Department Discipline Worksheet. We went over the case Law that was presented in their report (State V. Askerooth and State V. Varnado). I gave Officer [redacted] a copy of all the documents so he had them for his records and so he would be able to review them to further educate/refresh him of the Case Law.

I explained to Officer [redacted] that he was receiving a Sustained A Violation for 5-103 Use of Discretion-Placing Suspect in Squad and a Sustained A Violation for 9-200 III(A)(6) Terry Stop and Pat Frisk. I explained to him that for both of these violations he is receiving Coaching. I explained to Officer [redacted] that, because of how old these were they could not be used to aggregate discipline, since they were past the year time frame. I explained to Officer [redacted] that the complainant alleged that he engaged in inappropriate conduct when he searched her. I informed him that the OPCR Review Panel's assessment was that he conducted his pat frisk properly. Officer [redacted] understood the findings and coaching.

We went over Officer [redacted] violation for 5-103 Use of Discretion-Placing Suspect in Squad by discussing the Case Law in State V. Askerooth. In this Case Law it discusses Officer's ability to confine someone in a squad car during a traffic stop. We discussed when you could place a suspect in the back of your squad.

We went over Office [redacted] violation for 9-200 III(A)(6) Terry Stop and Pat Frisk by going over the MPD Policy 9-200 Search and Seizure. I gave him a print out of the MPD Policy 9-200 Search and Seizure to review. We discussed that an Officer may frisk a stopped individual for a dangerous weapons if the Officer reasonably believes the person may have a weapon. We discussed that a Terry Frisk is a pat down of the Suspect's outer clothing and is only for weapons, not for evidence of a crime.

Officer [redacted] understood the two policy violations that he was being coached on. Officer [redacted] understands when he can place someone in the back of the squad and when he can perform a Terry Stop and Pat Frisk. I believe that Officer [redacted] understands the issues and what is needed for improvement. He was very receptive and respectful during the Coaching Meeting. Officer [redacted] stated that he is going to look over the materials that I gave him.

*Approved ✓
Tara [redacted] #4215
1-15-16*

Completed By:

[redacted]

EXHIBIT

91



Minneapolis
City of Lakes

[REDACTED]

This memorandum serves as documentation for coaching of Officer [REDACTED]. The coaching occurred at the [REDACTED] Station on **November 11, 2015**, at [REDACTED] Hours. Present for the coaching: **Lieutenant [REDACTED], Sergeant [REDACTED], and Officer [REDACTED]**

This matter is related to Office of Police Conduct Review (OPCR) investigation, subsequent to a citizen complaint, in which it was determined that Officer [REDACTED] did not have a legal basis to conduct a vehicle search of the complainants vehicle (IAU Case Number [REDACTED]). The complaint against Officer [REDACTED] for violation of MPD Policy 9-200 III (B) (1) Vehicle Searches was **SUSTAINED- A LEVEL (COACHING)**.

During the Coaching Session I discussed with Officer [REDACTED] why it is imperative that Minneapolis Police Officers always be mindful of the US Constitution, state and local laws, and MPD Policy and Procedure while policing. As police officers we must always operate within those perimeters. Once we move outside of those parameters, intentional or not, we put ourselves, the Department, and the City at risk. The risk is not only from a disciplinary or financial risk through potential civil action or even criminal liability in extremely rare cases. Furthermore, when we operate outside those parameters, it can our legitimacy and credibility as a law enforcement agency. It can compromise the public trust which only complicates our efforts.

Based upon Officer [REDACTED] reputation, I do not suspect that his conduct was egregious or that there was nefarious intent as to why he searched the vehicle without any apparent legal authority to do so. I believe that he was just trying to do a good job- crime fighting. I remind him that often we all have to slow down and think these through these legal dilemmas thoroughly keeping in mind that when it comes to the rule of law pertaining to searches and seizures, we need to get it right as defined in the 4th amendment. We cannot conduct warrantless searches absent an exception to the search warrant requirement. Also, we need to clearly articulate these exceptions in our reports as to why a search was conducted. We discussed examples of warrantless searches of automobiles. I believe that Officer [REDACTED] is knowledgeable in this area and no further training is needed. He also understands that future violations of MPD Policy and Procedure, related to vehicle searches, could result in discipline.

Officer [REDACTED] related to me that he recognizes the importance of following the rule of law and that he values the rule of law and is careful to operate within those parameters. It should be noted that this OPCR complaint stemmed from an event from March 2012. Officer [REDACTED] does not have a very detailed recollection of the event. However, Officer [REDACTED] was open and forthright during the conversation and took it as constructive criticism. **///END///**

This Coaching memorandum was prepared and submitted by:
[REDACTED]

EXHIBIT

92



Minneapolis
City of Lakes

Police Department

Janeé L. Harteau
Chief of Police

350 South 5th Street - Room 130
Minneapolis, MN 55415-1389

612 673-2735
TTY 612 673-2157

October 16, 2014

Office [REDACTED]

Minneapolis Police Department

RE: OPCR Case Number [REDACTED]

Officer [REDACTED]

This letter is to advise you that OPCR Case Number [REDACTED] has been completed.
The finding is as follows:

MPD P/P 5-105 (14) Code of Conduct.....SUSTAINED (Category A)

You will receive coaching from your supervisor as the finding was sustained at a Category A.

This case will remain an A violation and can be used as progressive discipline for one year until [REDACTED], which is from the date of incident. The case will remain in the IAU/OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in more severe disciplinary action up to and including discharge from employment.

Sincerely,

Lieutenant Henry Halvorson
Internal Affairs Unit
Minneapolis Police Department



CC: OPCR Case File
Inspector Sullivan

EXHIBIT

96

Glampe, Travis

From: Office of Tim Dolan
Sent: Thursday, January 20, 2011 11:42 AM
To: Miller, Sherral
Cc: Rainville, Mary; Glampe, Travis; Harteau, Janee; [REDACTED]
Subject: [REDACTED]

Sherral, regarding the grievance on [REDACTED] I did talk to Inspector [REDACTED] at length about the case and options. I am going to reduce the discipline to an A-level violation with a warning letter. The mitigating circumstances are that the original incident is a year old, and they have both shown a positive change in their behavior. I very much appreciate that they made that change.

Mike and Sherral, they both should be made aware of the reason for the discipline reduction.

Lt. Glampe, we likely owe them pay for the ten hours they served – if that already occurred.

Thanks all.

Timothy J. Dolan
Chief, Minneapolis Police

Visit us at: www.ci.minneapolis.mn.us/police

1/20/2011

CONFIDENTIAL

CITY069501

Pl.'s Ex.

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EXHIBIT

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**MINNEAPOLIS POLICE DEPARTMENT
POLICY AND PROCEDURE MANUAL**

DISCRIMINATION AND HARASSMENT

The City of Minneapolis and the Minneapolis Police Department prohibits discrimination and harassment of citizens and employees on the basis of race, color, creed, age, religion, ancestry, national origin, affectional preference, disability, marital status, familial status, status with regard to public assistance, or Vietnam era veteran status.

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Minneapolis and the Minneapolis Police Department recognize the authority of the Americans with Disabilities Act (ADA)

MINNEAPOLIS POLICE DEPARTMENT

DEPARTMENT MANUAL

UPDATED AND REVISED - July, 2000

PREFACE

Minneapolis Police Officers are not separate from the citizens of Minneapolis. We draw our authority from the will and consent of the people. The police are the instrument of the people to achieve and maintain order. Our efforts are founded on the principles of public service and ultimate responsibility to the public.

The specific goals and priorities which we establish within the limits of our legislatively granted authority are determined to a large extent by community desires. These desires are transmitted to us through the community and the governing body of the City of Minneapolis. We conscientiously strive to be responsive to these desires, knowing full well that we exist not to serve ourselves but to serve and protect others.

Police officers are accountable to the people for their decisions and the subsequent consequences. A substantial percentage of police work is done in direct response to citizen complaints. This underscores the frequently unrecognized fact that members of the public are an integral part of the criminal justice system. Though many factors play a role in the success of the system, citizen participation is preeminent. Public confidence in the criminal justice system depends primarily on the trust that the people have in their police.

The fundamental purpose and role of the police in a free society is the protection of constitutional guarantees, maintenance of public order, crime prevention and suppression, and dutiful response to the needs of the community.

The role of the Minneapolis Police Department, as stated above, is the guiding principle for the development of the Department Vision Statement and accompanying critical issues; the Policy and Procedural Manual; the goals, objectives, and policies of all organizational components; and the priorities of the Minneapolis Police Department.

MINNEAPOLIS POLICE DEPARTMENT

POLICY MANUAL

UPDATED AND REVISED - July 2000

ALLOCATION OF PERSONNEL (04/01/93)

The policy of this department is to allocate personnel through routine determinations of service demands and ongoing workload assessments for each department component.

ALLOCATION AND DISTRIBUTION OF PERSONNEL

Annual assessments by Commanders and by the Police Administration will determine allocation and distribution or deployment of personnel by establishing service demands with a review of workloads and performance levels.

Workload assessments involve deliberation to ascertain the number of personnel necessary to complete a specific number of tasks or to complete specified objectives. Allocation is the determination of personnel assigned to precincts, divisions, units and sections.

The distribution of personnel is the assignment of personnel within each organizational component according to functional, spatial, and/or temporal workload demands. In creating equalized workloads, Commanders should also consider specialized assignments and the use of civilian personnel resources.

SPECIALIZED ASSIGNMENTS

Specialized assignments are of two types; a temporary assignment requiring specialized skills or a short-term assignment required because of a temporary condition or problem. Specialized assignments of personnel will be reviewed at least annually by the superior officer requesting the assignment, to determine the extent of the continuing problem and reviewed to provide analysis of cost effectiveness in continuing the assignment.

Specialized assignments at all levels, shall be made in accordance with pre-determined criteria for the assignment and the position or assignments shall be announced to all eligible personnel prior to selection for the assignment.

AUDITS/INSPECTIONS (04/01/93)

The policy of this department is to have an audit function at the staff level and an inspection function at the line level to evaluate and ensure the quality of the department's administrative and operational policies and practices.

AUDIT/INSPECTION SERVICES

This relates to the audit/inspection process within the department. This process is an essential mechanism for evaluating the quality of the department's operations, ensuring that the department's goals are being pursued, identifying the need for additional resources, and ensuring that control is maintained throughout the department. Inspections may include, for example, evaluation of facilities, vehicles, equipment, records, personnel, investigative procedures, crime reporting practices, and incident reports. The inspection process compares the department's formal expectations with actual performance. Inspections, conducted with clear objectives and a positive approach, provide a means of communication within the department, "downward" and "upward".

The audit/inspection process, at both the line and the staff levels, provides the Chief of Police, other command officers and supervisors with a means of regularly assessing the department's efficiency and effectiveness and provides information necessary to plan for change. Clear objectives for the audit/inspection process have been established; inspection activity can properly evaluate performance only by comparing it with previously established goals, objectives, policies, procedures, and rules and regulations.

This covers both line inspections and staff audits. Generally, line inspections will be conducted by first-line and mid-line supervisors, on a periodic basis, to ensure that officers are adhering to basic department policy, procedures, and rules and regulations. Staff audits are conducted under the authority of the Chief of Police and are generally in-depth examinations of particular functions or components of the department.

Audits shall be conducted in all precincts, divisions, units and sections of the Department on a twenty four month cycle. Audits will be conducted according to an audit procedure and schedule.

Unannounced audits will also be conducted periodically for those offices, sections, units, and divisions handling cash and property. All department audits will be accomplished in accordance with established guidelines and procedures.

AUTHORITY - LIMITS
(04/01/93)

The policy of this department is to define the limits of law enforcement authority by developing written guidelines on the use of discretion and individual accountability.

AUTHORITY - LEGALLY MANDATED

Legally mandated authority vested in licensed agency personnel is derived from Minnesota State Statutes 629.30 to 629.402 and Minneapolis Code of Ordinances 171.30 to 171.60.

The statutes declare when arrests can be made, where they can be made, by whom, when force can be used and when an arrest can be made without a warrant.

The ordinances describe the general duties of a police officer and arrest procedures.

COMMUNICATIONS
(04/01/93)

It is the policy of this department to utilize the capabilities of the Minneapolis Emergency Communicating Center (MECC), a separate city department, to fulfill the routine and emergency communication needs of the Minneapolis Police Department and the community.

PROCEDURES

One of the basic functions of a communications system is to satisfy the immediate information needs of the Minneapolis Police Department in the course of its normal daily activities and during emergencies. It is the latter situation that places the greatest demands on the communications system and tests the capability of the system to fulfill its functions.

The system, through communications personnel, conveys information from the public to the department, to the officer who responds to the calls for assistance, to other law enforcement and public service agencies, and to information storage facilities and retrieval systems. The speed and accuracy with which information flows through each system component are measures of the department's capability to respond to the needs of the community.

These measures and standards of performance are necessary to assess the effectiveness with which the Minneapolis Police Department utilizes available information technology in fulfillment of its responsibilities.

COMPENSATION, BENEFITS, CONDITIONS OF WORK
(04/01/93)

The policy of this department is to follow the established Civil Service Commission guidelines in conjunction with all union contract agreements in determining (annually) compensation, benefits, conditions and terms of work for all department employees.

The nature of work performed by the Minneapolis Police Department requires that special attention be given to compensation and to benefits offered to employees if the department is to compete successfully in the labor market and retain competent personnel.

This recognizes that the police administration shares responsibility for defining and carrying out personnel functions for the Minneapolis Police Department.

Success in these matters is critical if the agency is to provide service at a reasonable cost, compete for qualified personnel, retain competent personnel, offer advancement and promotion incentives, and reward superior performance.

COURT PROCEDURES
(04/01/93)

It is the policy of this department to present a professional demeanor in court and abide by all Hennepin County Court rules and procedures.

This concerns the Minneapolis Police Department's policies and procedures on professional appearance and demeanor in court as well as keeping informed on Hennepin County policies and procedures relating to court security.

CRIME ANALYSIS
(04/01/93)

The policy of this department is to utilize crime analysis data to regularly assess law enforcement operations and management decisions.

Crime analysis is a law enforcement agency function whereby data relating to crime is collected, collated, analyzed and disseminated. Data are primarily generated from records and reports within the department. Additional data is obtained from outside sources, such as other law enforcement agencies, other agencies of the criminal justice system, other government agencies and private organizations.

Crime analysis represents a system utilizing regularly collected information on reported crimes and criminals to prevent and suppress crime and to apprehend criminal offenders. Crime analysis is a scientific process, in the sense that it involves the collection of valid and reliable data, employs systematic techniques of analysis, and seeks to determine, for predictive purposes, the frequency with which events occur and the extent to which they are associated with other events. Collecting and analyzing readily available crime data and making analyzed information regularly available to line officers and investigators can make them more effective.

The information obtained by analyzing the data is used to support management and operations. Line units are provided with information that can benefit them in the development of daily operational and tactical plans. Staff units receive information for use in strategic planning as it relates to such topics as crime trends, agency resource allocation, crime prevention and other associated areas.

CRIME PREVENTION
(04/01/93)

It is the policy of this department to utilize all available department resources to work with the community to develop plans and programs that are concerned with crime prevention and neighborhood livability issues.

ORGANIZATION, ADMINISTRATION AND OPERATIONS

This relates to the prevention, resistance, and suppression of crime. It also deals with the organizational and administrative elements of crime prevention and the operational considerations that should be brought to bear in establishing and maintaining crime prevention programs.

The Minneapolis Police Department is committed to crime prevention as evidenced by the goals, objectives and policies of each division.

In the Minneapolis Police Department it is understood that all officers and components are responsible for achieving agency crime prevention goals and should assist others in this regard.

CRIMINAL INTELLIGENCE - ADMINISTRATION & OPERATIONS
(04/01/93)

CRIMINAL INTELLIGENCE

Intelligence is principally concerned with collecting, processing, and disseminating information relating to specific crimes, and criminal activities. These areas of concern vary widely among law enforcement jurisdictions but typically include organized crime, vice, illegal drug trafficking, terrorism, gangs and civil disorders. Ordinarily, intelligence personnel do not perform enforcement activities but will be a source of information for operational units.

This addresses the basic concerns of the Minneapolis Police Department in carrying out the intelligence function. It also includes the intelligence gathering activities associated with special events, such as visits by dignitaries or sporting events.

Nothing should be interpreted as encouraging the gathering of data for political or other purposes unrelated to crime.

DISCIPLINARY PROCESS
(04/01/93)

DISCIPLINARY PROCEDURES

Effective discipline is a positive process when its perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline in a law enforcement agency are selection, training, direction, supervision and accountability. These elements are interdependent and a weakness in any one is damaging to effective discipline.

EMPLOYEE HEALTH AND SAFETY
(04/01/93)

The policy of this department is to protect the lives and health of its valuable human resources. The Police Department will comply with all Federal, State and City policies and regulations to insure safe, healthful working conditions for every employee.

The Department will liaison with the City Office of Risk Management in protecting against financial loss and reduced efficiency through planning and reviewing employee performance and activities.

This Department will also liaison with other City Departments to insure full compliance with Federal and State regulatory requirements of the Americans With Disabilities Act of 1992.

The Department will develop, implement and maintain procedures, policies and the programs necessary to:

1. Comply with all regulatory requirements.
2. Minimize occupational injuries and illness.
3. Assure a safe and healthy working environment.

An effective loss control and accident prevention program for this department will include departmental safety goals and objectives with evaluations of personnel, property and equipment safety records.

EVIDENCE - COLLECTION AND PRESERVATION (04/01/93)

It is the policy of this department to adequately staff and operate an Identification Division that conforms to American Society of Crime Laboratory Directors (ASCLD) guidelines, that actively processes crime scenes, collects and preserves evidence and properly maintains the evidentiary chain of custody.

ORGANIZATION, ADMINISTRATION & PROCEDURES

The three kinds of crime laboratories, sometimes called forensic laboratories, used by the Minneapolis Police Department in criminal investigations are:

- 1) The full service crime laboratory, which examines physical evidence of various types, including firearms and ammunition, tool marks, body fluids, chemical substances, glass, hairs and fibers, paint, soil, arson accelerants, and questioned documents. Those laboratories that conduct examinations of fewer kinds of materials and substances are often termed "limited-service" laboratories.
- 2) The identification laboratory, which is concerned almost exclusively with the examination of latent fingerprints, shoe and tire prints, and matches of fractured items.
- 3) The photographic laboratory, which develops exposed negatives and processes photographic prints. This laboratory also sends photographers to crime scenes and does other specialized photography duties such as photomicrography (photography through a microscope).

In addition, the HCMC Medical Examiner is responsible for the pathological or toxicological laboratory, which examines tissues, blood and other body fluids from living or deceased persons in alcohol or drug-related cases.

The effective exercise of law enforcement responsibility in the investigation of crime and in the prosecution of offenders requires that information be obtained through the application of scientific knowledge and methods. Research has clearly shown that physical evidence must be identified, collected, preserved and properly transmitted to the laboratory if laboratory support resources are to be used effectively.

FISCAL MANAGEMENT
(04/01/93)

The policy of this department is to establish in the Chief of Police, the authority and responsibility for all aspects of fiscal management for the department with input from Bureau Heads, Inspectors, Division Commanders and Unit Supervisors.

This relates to budgeting, accounting, and fiscal control procedures. The accounting procedures are compatible with those of the City Of Minneapolis. The accounting system is intended to prevent budget discrepancies and to assure the projected flow of funds is proceeding as planned.

HOLDING FACILITY REQUIREMENTS
(04/01/93)

It is the policy of this department to operate short term holding cells, when necessary, which meet the needs and ensure the safety of the prisoner and police personnel.

HOLDING FACILITY

This applies only to Divisions/Units operating short-term holding facilities to maintain custody of detainees for periods over two hours.

Excluded from meeting the requirements are room areas or space provided for processing, questioning or testing a detainee when the detainee is under continuous supervision and control of agency personnel within the room area or space and detained for a period of time not to exceed two hours.

INTERNAL AFFAIRS

(04/01/93)

ADMINISTRATION AND OPERATIONS

It is the policy of this department to provide a specialized component to completely and accurately investigate complaints against department members not taken by the Police Civilian Review Authority so the Chief of Police can take appropriate actions to maintain the integrity of the department.

The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the department depends on the personal integrity and discipline of each employee. To a large degree, the public image of the police department is determined by the quality of the internal affairs function in responding to allegations of misconduct by the department or its employees.

The internal affairs component has the authority to report directly to the Chief of Police, and is responsible for internal affairs matters. In those cases involving the integrity of the department, the Internal Affairs Function will conduct internal investigations and carry out all assignments related to resolving issues. The Internal Affairs Function personnel review all Internal Affairs matters and respond appropriately to internal allegations of misfeasance, malfeasance, and nonfeasance by employees, and to complaints about the agency's response to community needs, thereby instilling public confidence in the agency.

External complaints of police misconduct are registered with and investigated by the Police Civilian Review Authority, a body established by City Ordinance. The imposition of discipline in all cases remains within the authority of the Chief of Police.

JOB TASK ANALYSIS

(04/01/93) (10/07/93)

The policy of the department is to assist the Minneapolis Civil Service Commission and to participate in their annual evaluation of classified service positions. The determination of job classifications is based upon a task analysis of each position in the department.

Changing roles, responsibilities and duties will be assessed by the Commission for our department use in recruiting, selection, training, promotions, performance evaluations, assignments and achieving department goals.

JUVENILE OPERATIONS
(04/01/93)

It is the policy of this department to operate an effective Juvenile Division that is committed to preventing and controlling juvenile delinquency by the investigation process, education, diversion and referral programs.

ORGANIZATION, ADMINISTRATION AND OPERATIONS

This relates to the organizational and operational aspects of juvenile operations. Beyond enforcing the law with respect to juvenile offenders, agencies should make a firm commitment to develop programs designed to prevent juvenile delinquency. The activities engaged in by the Juvenile Division includes such things as conducting follow-up investigations of cases involving juvenile offenders; processing youth arrests; preparing and presenting court cases in which a juvenile is involved; diverting juvenile offenders out of the juvenile justice system; and designing and implementing programs intended to prevent delinquent and criminal behavior by youths.

When dealing with juveniles, law enforcement officers should always make use of the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty.

The Minneapolis Police Juvenile Division maintains an independent manual for the division and it is available to all members of the department. The Juvenile Division Manual does not supersede the department manual in any manner or form. All members of the police department will be held accountable for department rules and regulation dealing with the handling of juveniles.

ORGANIZED CRIME AND VICE CONTROL
(04/01/93)

It is the policy of this department to establish and maintain operational and administrative guidelines for vice and organized crime functions that ensures commitment to continuous enforcement duties.

This relates to the control of organized crime and vice. Organized crime and vice control functions deal with activities that may or may not be related but use investigative methods that are similar.

PERFORMANCE EVALUATIONS
(10/10/93)

It is the policy of this department to establish and maintain a process of annual evaluation of all department personnel. The process includes objectivity, employee input, employee development and the optimal use of department resources. Performance appraisals have a direct relationship with recruitment, selection, training, promotions, grievance procedures and professional career development. The performance evaluation by a supervisor is simply the measurement of on-the-job performance of assigned work tasks and duties.

In achieving our stated department objectives, the department must rely on satisfactory work performance from all employees. The evaluation process will include a source of guidance for employee behaviors in meeting unit, division, precinct and department goals and objectives while providing employee satisfaction.

The performance evaluation system will be examined yearly for effectiveness in measuring achievement of personal and organizational goals.

PLANNING AND RESEARCH
(04/01/93)

The policy of this department is to maintain a permanent Planning and Research Unit with a qualified staff and adequate resources to respond to the amount and complexity of department demands.

This relates to the planning and research capabilities within the department and to the organization and staff needed to perform these functions.

Goals and objectives for each organizational component in the Department will be developed, updated and made available to all concerned personnel annually. Commanders of the concerned divisional component will assure that these goals and objectives are current and appropriate for the component. In addition, indicators shall be developed to assist in gauging the progress made toward attainment of the goals and objectives.

Department planning is the responsibility of all employees. Plans will define the needs and the objectives of the Department and the scope, methods of implementation and evaluation of the planned initiatives. All department personnel, at all levels of the Department, are given the opportunity to contribute their suggestions. They can write a memo to Research and Development, supply suggestions on a performance evaluation form or rely ideas to a superior officer.

PROFESSIONAL DEVELOPMENT PRACTICES AND PROCEDURES (04/01/93)

The policy of this department is to develop professional programs, practices and procedures focusing on the skills, knowledge and abilities necessary for all employees to function in an efficient and effective manner.

PROFESSIONAL DEVELOPMENT

Professional development is a structured process that is utilized by the department to provide opportunities for individual growth and development at all levels. It is designed to promote productive, efficient, and effective job performance and to improve job satisfaction. More importantly, it is through professional development activities that the upward mobility of all personnel may be enhanced by specific opportunities for professional growth and improved job performance.

PROGRAM INVENTORIES

The policy of this department is to develop and maintain program inventories focusing on identifying training needs which fulfill the needs of individual employees and the department.

PROFESSIONAL COUNSELING AND IN-SERVICE TRAINING

The policy of this department is to establish a professional counseling program which consists of identifying:

- 1) the skills, knowledge and abilities of each individual relative to present and future job assignments;
- 2) in-service training requirements;
- 3) individual and department expectations.

HIGHER EDUCATION

The policy of this department is to encourage employees to pursue higher education goals so the Department can deal more effectively with law enforcement problems in an increasing complex and sophisticated community.

PROMOTION - ADMINISTRATIVE PRACTICES AND PROCEDURES
(04/01/93)

Department policy requires definition of administrative practices and procedures used in the promotional process for department personnel. Promotions denote vertical movement within the organization from one rank, classification or position to another, usually accompanied by salary increases. Specified promotional testing requirements, criteria and procedures improve the validity and utility of the process and minimize adverse impact to persons of any race, gender or ethnicity. The Minneapolis Civil Service Commission evaluates and modifies the promotional processes bi-annually and the department will evaluate the process annually for effective, job related promotional criteria and methodology.

PROPERTY - AGENCY OWNED
(04/01/93)

It is the policy of this department to follow City guidelines in the ownership, leasing and maintenance of City or Department owned property.

ACQUIRED AND IN CUSTODY PROPERTY

It is the policy of this department to maintain strict standards with respect to the handling, security and disposition of found, recovered, or evidentiary property.

PROPERTY MANAGEMENT

The Minneapolis Police Department has in their keeping three types of property:

- (1) that which is owned or used by the department;
- (2) that which is in the custody of the department;
- (3) that which is acquired by the department as found, recovered, or evidentiary property.

A well structured system for managing property owned or used by the department involves two phases: (1) the initial identifying, labeling, and recording of existing capital assets and (2) the maintenance of the system as assets are added, transferred, replaced, or destroyed. The system identifies each item of agency property, estimated value and date of acquisition, its location, its condition, usage data, relevant maintenance and repair data, and the person responsible for the item.

The property management system also provides for the management and control of found, recovered, or evidentiary property in the custody of the department. This is critically important in department resources.

PUBLIC INFORMATION AND COMMUNITY RELATIONS
(04/01/93)

It is the policy of this department to promote and maintain open communication with the news media and the community in a manner that is in accordance with the Minnesota Data Practices Act. It is also of importance that this department maintain a community relations function which promotes a positive relationship with the community.

COMMUNITY RELATIONS

The section on community relations addresses problems arising between the police department and all segments of the service population. The department establishes formal relationships with the many community organizations that exist in Minneapolis.

The department plays an active role in organizing such groups where they do not exist. By establishing such communication lines, the department can learn of issues and respond to them before they become problems.

By developing programs that increase the community's understanding of the activities and role of the police, the police department can increase public confidence while lessening obstacles to the implementation of new programs and approaches that could fail for want of public understanding or accurate information.

PUBLIC INFORMATION

This concerns the establishment and maintenance of public information and community relations functions. To operate effectively officers of the Minneapolis Police Department must have the support of their communities. The department obtains such support by informing the public and news media of events that affect the lives of citizens in the community. In short, the department's policy is one of openness and candor.

To convey information, the department often relies on the news media. Policies have been developed that govern what information should be released, when it should be released, and by whom it should be released. When media contacts are frequent and often of a sensitive nature, a media specialist may be used to coordinate activities; the media may be utilized in the development of policies affecting the news media, and for determining when a media specialist should respond to the scene of a crime or other event.

RECORDS (04/01/93)

It is the policy of this department to properly document and retain all records of police activities, whether originated by the community or an agency member.

ADMINISTRATION AND OPERATION

The central records function is important to the effective delivery of law enforcement services. This policy addresses those record functions that meet the management, operational and information needs of the department. This policy is primarily concerned with filed reports and the central records functions of the different divisions/units within the department. Policies also provide for the measurement of the results of records activities.

RECRUITMENT - PRACTICES AND PROCEDURES (04/01/93) (10/07/93)

It is the policy of this department to establish and maintain a comprehensive recruiting plan that will provide the department with the best candidates available for police employment.

Our department will publicize all department employment opportunities in accordance with the City of Minneapolis Civil Service Commission guidelines and Federal and State Equal Employment Opportunity legislation. The Minneapolis Police Department recruitment plan will include community involvement, affirmative action goals, and equal employment opportunities.

It is important that our department approach recruitment of law enforcement personnel from a positive viewpoint. The department seeks to identify and employ the best candidate available, not merely eliminating the least qualified. Our department is an equal opportunity employer and working within the Minneapolis Civil Service framework, our recruitment plan includes both the technical and philosophical elements for effective recruitment of a workforce that is representative of the community.

SELECTION OF EMPLOYMENT CANDIDATES - PRACTICES AND PROCEDURES (04/01/93) (10/07/93)

The policy of this department is to define the administrative selection practices and procedures to insure compliance with all legal and professional requirements. All occupational qualifications are listed, publicized and distributed to all prospective employment candidates.

The selection process is generally acknowledged as a critical activity in determining the operational effectiveness of a law enforcement agency. The department selection process will result in the effective and fair selection and appointment of those individuals who possess the skills, knowledge, and abilities necessary for an effective and respected law enforcement agency.

The selection procedures, tests, and requirements are subject to statistical analysis and documentation and will satisfy professional and legal requirements for validity, utility and minimum adverse impact.

The selection process includes an application process, a background investigation, oral interview, entry level training and a probationary period which allows for a detailed evaluation of performance criteria. The department process, in conjunction with Minneapolis Civil Service Commission guidelines, provides for a fair, effective system for selecting the best qualified employment candidates.

SPECIAL OPERATIONS (04/01/93)

It is the policy of this department to provide the concentration of resources and specialized expertise necessary to meet department needs which cannot be achieved easily by conventional operational components.

Special operations are defined as including use of a special weapons and tactics team, use of special purpose vehicles, decoy operations, undercover surveillance/stakeouts, Operation 100, High Risk Warrant Team, bomb disposal, coverage of special events, VIP protection, coverage of disasters, hazardous materials, riot control, and emergency preparedness.

Special operations components conduct activities resulting from certain kinds of emergencies or unexpected or unusually high workloads that would be difficult for normal operational divisions/units to handle.

**TRAFFIC ACCIDENT INVESTIGATION AND ASSISTANCE
(04/01/93)**

It is the policy of this department to perform all the necessary services at an accident scene including, but not limited to, providing assistance, conducting investigations and taking appropriate law enforcement action.

TRAFFIC ACCIDENT INVESTIGATION

This governs the Department's activities connected with or related to traffic accidents, including: providing emergency assistance to the injured; protecting the accident scene; conducting at-scene and follow up investigations; preparing reports; and taking proper enforcement action relative to the incident.

**TRAFFIC ADMINISTRATION - OPERATIONS AND ORGANIZATION
(04/01/93)**

The policy of this department is to have a formally organized Traffic Division to maintain a traffic reporting process, educate the department and public and to analyze traffic problems to ensure deployment of resources that address community needs.

TRAFFIC LAW ENFORCEMENT

It is the policy of this department to promote the safe and expeditious flow of vehicular and pedestrian traffic through effective traffic law enforcement based on community need, officer discretion and department objectives.

This governs the department's traffic law enforcement activities performed by the patrol division and the traffic division. These activities are specifically directed toward controlling violations through preventive patrol and active enforcement. This also governs relationships with motorists, pedestrians, courts and prosecutors.

Policies also govern the administrative and support processes that enable the department to execute its responsibilities for traffic law enforcement. Traffic support activities include data collection and analysis, formulation of policy and procedures, development of effective enforcement techniques, program planning, personnel allocation and utilization, and program evaluation.

TRAFFIC ANCILLARY SERVICES

(04/01/93)

It is the policy of this department to perform related services for the community in situations that adversely affect the normal flow of traffic and/or provide temporary assistance for motorists.

This governs many diverse traffic related ancillary services performed by the department. These services are basically activities having an indirect effect on traffic flow and responses to citizen generated requests for assistance. The tasks include general assistance, emergency assistance, identifying and reporting roadway and roadside hazards, checking abandoned vehicles, and locating and recovering stolen vehicles.

TRAINING

(04/01/93)

It is the policy of this department to insure that all officers have the training and education mandated by the Minnesota POST Board and the Department. It is also the policy of this department to monitor training needs and accomplishments to ensure that training for all department employees is consistent with agency goals and objectives.

ORGANIZATION AND ADMINISTRATION

This relates to the training of law enforcement personnel. Sub-topics address the organization and administration of the training function; training instructors; recruit training; in-service training; roll call training; advanced training; specialized training and civilian personnel training.

Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes; (1) well trained officers are better prepared to act decisively and correctly in a broad spectrum of situations, (2) training results in greater productivity and effectiveness, (3) training fosters cooperation and unity of purpose.

Training programs ensure that the needs of the department are addressed and that there is accountability for all training provided. Training should be consistent with the agency's goals and objectives.

RECRUIT TRAINING

It is the policy of this department to insure that all sworn recruits complete the department's recruit orientation program prior to official assignments.

An officer will prepare, deliver, evaluate and revise training curriculum for the Police Recruit Academy. The officer insures that Police Recruit Academy graduates are trained to the minimum standards established by the department, including knowledge of titles, statutes and ordinances, as well as the policies and procedures of the department.

TRAINING - CONTINUED

TRAINING INSTRUCTORS

(04/01/93)

It is the policy of this department to document the qualifications and responsibilities of all instructors conducting department training. All sworn personnel are required to complete all training requirements as assigned.

Training instructors prepare, deliver and evaluate the training curriculum for in-service training programs. They, along with the supervisor of the Training Unit, are responsible for the overall delivery and operation of on going training for Department members below the rank of Inspector. This includes designing curriculums, securing instructors, materials, training sites, scheduling students and monitoring the day to day operations of the schools while in session.

SPECIALIZED AND CIVILIAN TRAINING

It is the policy of this department to identify the positions for which specialized training is required, and to provide training as appropriate for sworn and civilian personnel.

TRANSPORTATION PROCEDURES

(04/01/93)

It is the policy of this department to ensure the safety of all concerned by following appropriate department procedures while transporting prisoners.

PRISONER TRANSPORTATION

Transportation by Minneapolis Police Department officers of persons in custody is a constant and frequent activity. The time period involved is immediately after arrest, when the arrestee is taken to booking and holding or transferred to another facility. Policies and procedures covering all types of prisoner transportation are reviewed periodically.

This concerns the directives that form the guidelines that must be followed when department personnel execute the prisoner transport function to adequately ensure the safety and security of the prisoner, the transporting officers, and the public.

UNUSUAL OCCURRENCES

(04/01/93)

It is the policy of this department to be prepared to respond effectively and efficiently to unusual occurrences both natural and man made, by developing and maintaining plans for future operations.

ADMINISTRATION AND OPERATIONS

"Unusual occurrences" connote situations, generally of an emergency nature, that result from disasters - both natural and man made, and civil disturbances. The category of disasters includes floods, earthquakes, explosions, and tornadoes. Civil disturbances include riots, disorders, violence arising from dissident gatherings, marches, rock concerts, political conventions and labor disputes.

Department policy addresses the administrative and operational measures the department takes in developing plans and preparing to respond effectively to an unusual occurrence.

VICTIM/WITNESS ASSISTANCE (04/01/93)

The policy of this department is to take an active role in victim/witness programs which provide valuable and needed services to the affected parties and which promote the department law enforcement efforts during and after criminal investigations.

It is integral to sound law enforcement to make quality arrests, i.e.; those that survive to plea or trial. Extensive research findings indicate that a major cause of case attrition after arrest, but prior to plea or trial, is related to victim/witness problems. The probability of conviction increases markedly as the number of cooperative witnesses increase. When victims and witnesses feel that they have been subjected to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation with law enforcement agencies. The effect can be devastating to investigations and subsequent prosecutions.

It is in our own best interest to treat all victims and witnesses with fairness, compassion and dignity through the entire criminal justice process.

The department is committed to the development, implementation and continuation of appropriate victim/witness assistance programs and activities in compliance with State and Federal requirements. All department personnel working in contact with the public should be knowledgeable of available crime victim/witness assistance programs. The agencies listed on the Victim Assistance Cards can serve as a reference guide for referrals.

EXHIBIT

118



COACHING DOCUMENTATION

Internal	[REDACTED]	[REDACTED]	
Name of Complainant	Complaint Date	Coaching #	
Home Address	City	Zip	Phone Numbers
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Date of Incident	Time	Location	Case Number
Officer [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Name of Employee Involved	Employee Number	Assigned Shift	

NATURE OF COMPLAINT

Complainant Description of Employee's Actions:

On [REDACTED], traffic stop conducted at [REDACTED]. Officers approached vehicle and retrieved the driver's licenses. Officers returned to squad and ran a DL and warrant check on driver. Driver came back with a felony warrant. Officers exited their vehicle and walked up to the car and asked driver to exit his car. Driver sped off, officers went back to their squad and gave chase.

MPD Policy and Procedure Manual Number(s):

7-405 Initiating and Continuing a Pursuit



COACHING DOCUMENTATION

Internal	[REDACTED]	[REDACTED]
Name of Complainant	Complaint Date	Coaching #
Home Address	City	Zip
[REDACTED]	[REDACTED]	[REDACTED]
Date of Incident	Time	Location
Office	[REDACTED]	[REDACTED]
Name of Employee Involved	Employee Number	Assigned Shift

NATURE OF COMPLAINT

Complainant Description of Employee's Actions:

On [REDACTED] traffic stop conducted at [REDACTED] Officers approached vehicle and retrieved the driver's licenses. Officers returned to squad and ran a DL and warrant check on driver. Driver came back with a felony warrant. Officers exited their vehicle and walked up to the car and asked driver to exit his car. Driver sped off, officers went back to their squad and gave chase.

MPD Policy and Procedure Manual Number(s):

7-405 Initiating and Continuing a Pursuit

EXHIBIT

121



COACHING MEMO

Name of Employee	Employee Number	Enter Case Number Case Number
Date of Coaching	Time of Coaching	Where Coaching Occurred
Supervisor Who Conducted Coaching		

COACHING MEMO OUTLINE

What issues were identified and addressed

- Specific behaviors that should avoided

In his former role as a K-9 officer, [REDACTED] let his dog out of the car to go to the bathroom in a public place without placing the dog on a physical leash. The dog jumped on a citizen who was unseen by [REDACTED] should reasonably conclude that any public area may be occupied by passers-by even when none are visible at that moment. Additionally, it is reasonable to keep a K9 on leash when walking the dog in a public area for the purpose of going to the bathroom.

Expectations for appropriate behavior that are consistent with MPD Policy and Values

- Alternative ways to address the issue in the future
- Identification of any training needs

[REDACTED] no longer works as a K-9 handler because he was promoted [REDACTED]; however, if he did work in K-9, he would use the physical lead to control the dog in any public area unless the dog was off-lead to carry out a police function.

The Employee's Response (This is not a compelled statement)

- If they understood what was wrong and what is needed for improvement
- If they expressed any regret or accept responsibility for their behavior
- Any steps they will take to avoid future inappropriate behavior

[REDACTED] stated that he understands that this situation was culturally sensitive and traumatic for the citizen. He acknowledged his responsibility and as in his previous statement, apologized for what happened.

Attachments: (For Supervisor Review ONLY)
 Case Summary
 Completed Discipline Worksheets
 Case Outcome Memo

EXHIBIT

122



COACHING MEMO

Name of Employee Involved	Employee Number	Case Number
[REDACTED]	[REDACTED]	[REDACTED]
Date of Coaching	Time of Coaching	Where Coaching Occurred
[REDACTED]	[REDACTED]	[REDACTED]
Supervisor who Conducted Coaching		
[REDACTED]		

Coaching Memo Outline

What issues were identified and addressed

- Specific behaviors that should be avoided.

Officer Valencia documented in MPD CCM [REDACTED] that he conducted a function check of Officer [REDACTED] handgun. The handgun was found to be functioning properly and Officer [REDACTED] agreed. Remedial training for Officer [REDACTED] was conducted and included:

- Verbal instruction on factors that can cause an officer to experience an unintentional discharge of a firearm.
- Verbal and hands-on training to address "indexing" the trigger finger and transitioning the handgun from hand to hand.
- Training and instruction was provided to address drawing, transitioning to support hand, then back to strong hand and holstering the handgun.
- A dry fire exercise was completed to evaluate Officer [REDACTED] handgun skills.
- A live fire transition exercise was completed to evaluate Officer [REDACTED] handgun skills.

Expectations for appropriate behavior that are consistent with MPD Policy and Values

- Alternative ways to address the issue in the future.
- Identification of any training needs.

Officer [REDACTED] has received verbal instruction and hands on training from MPD Range Staff regarding unintentional discharges, indexing, drawing, transitioning to support hand, then back to strong hand and holstering the handgun. Officer [REDACTED] also completed dry fire and live fire drills with MPD Range Staff to evaluate his handgun skills.

The Employee's response (this is not a compelled statement)

- If they understood what was wrong and what is needed for improvement.
- If they expressed any regret or accept responsibility for their behavior.
- Any steps they will take to avoid future inappropriate behavior.

Officer [REDACTED] has accepted responsibility for the accidental discharge and recognizes what he needs to change in the future.

Attachments: (for supervisor review ONLY)

Case Summary

Completed Discipline Worksheets

Case Outcome Memo

EXHIBIT

123

From: Jindra, Jeffrey <Jeffrey.Jindra@minneapolismn.gov>
Sent: Tuesday, October 11, 2011 6:45 PM EDT
To: Emily Ewald <eewald@mpdfederation.com>
Subject: FW: CRA case [REDACTED]

I have to grieve this I will stop in tomorrow

From: Jindra, Jeffrey
Sent: Friday, October 07, 2011 11:01 PM
To: Harteau, Janee
Subject: CRA case [REDACTED]

On 09/25/2011 Office [REDACTED] received a letter dated September 20, 2011 that stated an administrative review had been conducted and into the sustained CRA case [REDACTED]

Chief Dolan stated though this case appears to be an violation of timelines stated in Minneapolis city ordinance 172.90 the Chief carefully reviewed case and determined that no discipline will be imposed.

On 10/03/2011 Officer [REDACTED] received a letter dated September 29, 2011 regarding case CRA [REDACTED] and it was found sustained at use of Force B level and code of conduct a level.

It further stated that he will receive coaching at a B level and it will remain in his file for progressive discipline until [REDACTED].

Rather than go through the formal grievance process could you look into this and see if the second letter was sent out in error.

To be timely I will have to file the first step by Wed, I will interoffice a copy of both letters.

Thanks

Sgt Jeffrey Jindra #3289
612-290-8750