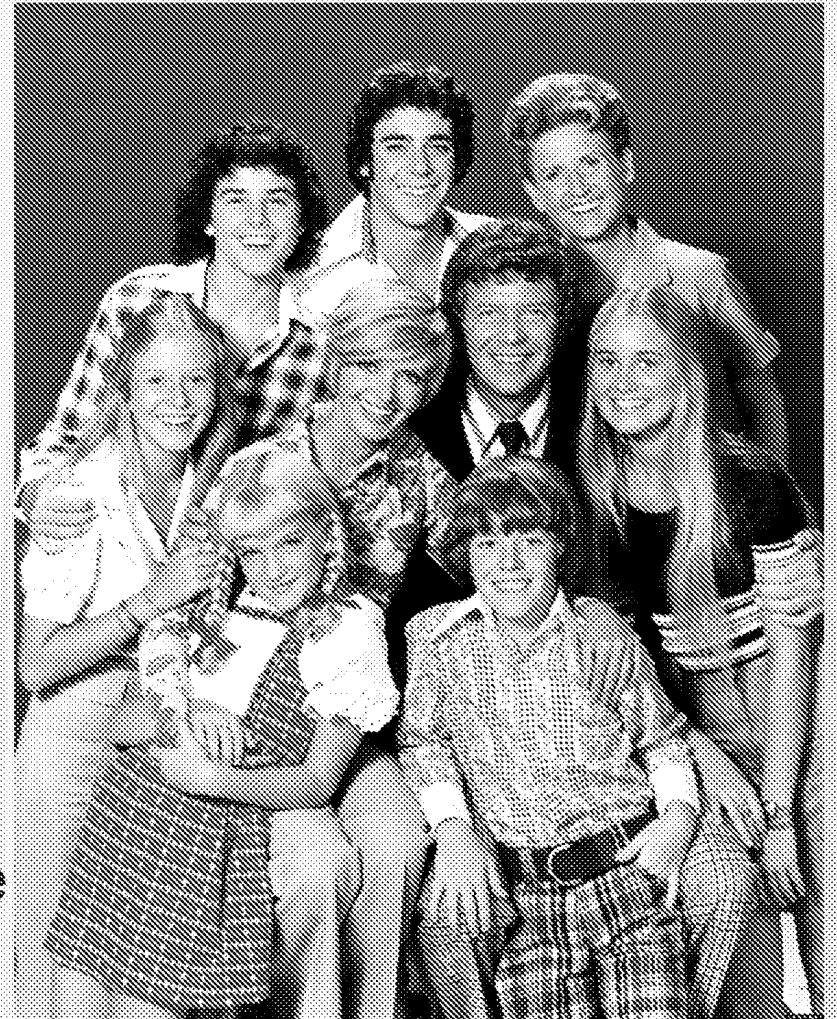


EXHIBIT

167



Minneapolis City Attorney's Office

BRADY PROTOCOL



Minneapolis City Attorney's Office

BRADY PROTOCOL

BRADY/GIGLIO OBLIGATIONS

- The State has a duty to disclose exculpatory information. Brady v. Maryland, 373 U.S. 83 (1963)
- The State must disclose impeachment evidence under the Brady rule. This applies to all witnesses including police officers. Giglio v. Maryland, 405 U.S. 150 (1972)

MINNESOTA

- 1) The Minnesota Supreme Court has also held that evidence regarding witness credibility is *Brady* evidence. “The Supreme Court has stated that ‘[w]hen the reliability of a given witness may well be determinative of guilt or innocence, nondisclosure of evidence affecting credibility falls within the *Brady* rule.’” *Pederson v. State*, 692 N.W.2d 452, 460 (Minn. 2005) (quoting *Giglio v. United States*, 405 U.S. 150, 154, 92 S. Ct. 763 (1972)).

DISCLOSURE REQUIRED

- ***Brady* disclosure is required even if the defense has not specifically requested the information.**

- In *United States v. Agurs*, 427 U.S. 97 (1976), the Supreme Court established that the state has a constitutional duty to volunteer materially exculpatory information.

- The Minnesota Supreme Court has also held that prosecutors have an affirmative duty to “learn of any favorable evidence known to the others acting on the government’s behalf in the case, including the police.” *State v. Williams*, 593 N.W.2d 227, 235 (quoting *Kyles v. Whitley*, 514 U.S. 419, 437, 115 S. Ct. 1555, 1555 (1995)).

EVEN IF IT'S NOT IN OUR FILE

- Whether prosecutors actually know of the evidence is not dispositive for *Brady* purposes. “Minnesota’s Rules of Criminal Procedure similarly obligate prosecutors to disclose material exculpatory information ‘in the possession or control of...the prosecution staff and of any others who have participated in the investigation...of the case and who either regularly report or with reference to the particular case have reported to the prosecuting attorney’s office.’” *Id.* at 235 (citing Minn. R. Crim. P. 9.01, subd. 1(7)).

HOW FAR TO WE GO?

- Although there are no bright line rules, it appears that there is no obligation to disclose preliminary, challenged, or speculative information. See *United States v. Agurs*, 427 U.S. 97, 109, n. 16 (quoting Justice Fortas's statement in *Giles v. Maryland*, 386 U.S. 66, 98, 87 S. Ct. 793, 809 (1967), "It is not to say that the State has an obligation to communicate preliminary, challenged, or speculative information.").

TO THAT END...

• Memorandum of Understanding

- ~ MPD, UMPD, Metro Transit PD
- ~ In Process: State Patrol

• Agreement says:

- ~ The (agency), the Minneapolis City Attorney and the Hennepin County Attorney have entered into this agreement to ensure the just and ethical prosecution of crimes and to comply with the requirements of *Brady* and *Giglio*. This agreement specifically addresses the identification and disclosure of potential impeachment evidence with regard to UMPD personnel who may be witnesses in criminal trials.

BRADY COMMITTEE DUTIES

1. The law enforcement agency will identify any administrative files with sustained findings (whether or not discipline was imposed) against any past or present MPD personnel.
2. The *Brady* committee will meet at the applicable agency and review files with sustained findings.
3. The *Brady* committee will determine whether any *Brady* material is present in each file it reviews.
4. If the committee identifies the presence of *Brady* material, it will classify the material into one or more categories of *Brady* materials.

CATEGORIES

- False written statement, report, or other document;
- Misconduct that indicates untruthfulness ;
- Misconduct that indicates bias against any protected class;
- Misconduct involving undisclosed or improper promises, offers, or inducements to witnesses or suspects;
- Misconduct involving mishandling of evidence or property;
- Misconduct that involves the use of excessive force;
- Criminal conviction (misdemeanor or above);
- Misconduct that involves abuse of police authority;
- Misconduct that involves the inappropriate or unauthorized use of government data;
- Misconduct that reflects on credibility; and
- Other conduct potentially discoverable under *Brady* not fitting into any of the above categories.

ACCESS AND DISCLOSURE

- MCAO has created a database to store this information.
 - ~ Name/File Number/Dates/Category/Public v. Non-Public Data/Mandatory v. Non-Mandatory Disclosure/Brief Synopsis/Potential Discovery Documents
- Letter has gone out to officers on the list – it shouldn't be a surprise.

WHAT DO YOU NEED TO DO?

→ Two Methods for cases set for trial

^ BRADY LIST DATABASE

- Advantages:

- One scrolling list with all officers
- Additional information



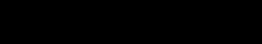



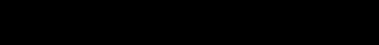

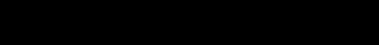

^ PM Entity Search

- Advantages:

- You already (should) know how to use PM
- Eventual integration with Subpoena Wizard

BRADY LIST DATABASE

M: Drive

		10/22/2015 9:57 AM	File folder
		5/21/2015 4:55 PM	File folder
		4/28/2015 2:40 PM	File folder
	Brady List	10/15/2015 4:16 PM	File folder
	BRIEF BANK	8/17/2015 2:52 PM	File folder
		5/1/2014 2:07 PM	File folder
		8/28/2014 2:15 PM	File folder
		10/14/2015 10:44 ...	File folder
		9/18/2015 1:00 PM	File folder

Brady list – Microsoft Access

	BradyList_LineAttorney_20151028	10/28/2015 11:16 ...	XPS Document	481 KB
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BRADY LIST DATABASE – MICROSOFT ACCESS

LINE ATTORNEY Brady Reviews Report

IAFile#	Agency	DOI	Sustained	Level	Brady	Discipline
Redacted	AKA?	OtherID#				
Redacted	Minneapolis Police Departmen	Redacted	5/18/2012	D	Yes	Yes
			Force		Always Disclose?:	No
Redacted	AKA?	OtherID#				
Redacted	Minneapolis Police Department	Redacted	3/10/2005	D	Yes	Yes
			Conviction		Always Disclose?:	Yes
Redacted	AKA?	OtherID#				
Redacted	Minneapolis Police Department	Redacted	3/12/2009	C	Yes	Yes
			Abuse of Authority		Always Disclose?:	No
			False Statement		Always Disclose?:	Yes
Redacted	AKA? 30214	OtherID#				
Redacted	Minneapolis Police Department	Redacted	11/12/2009	B	Yes	Yes
			Force		Always Disclose?:	No

USING THE BRADY DATABASE

- Access Brady List in the M: drive
- Look for witness name. If it is not there, they are not on the Brady list.

BRADY LIST DATABASE – MICROSOFT ACCESS

Alphabetical

Agency, Badge #

Sustained Findings Date

Date of Incident

LINE ATTORNEY Brady Reviews Request

IAFile#

Agency

DOI

Sustained

Level

Brady

Discipline

AKA?

OtherID#

Minneapolis Police Departmen

5/18/2012

D

Yes

Yes

Force

Always Disclose?:

No

AKA?

OtherID#

Minneapolis Police Departmen

3/10/2005

D

Yes

Yes

Category

Conviction

Always Disclose?:

Yes

AKA?

OtherID#

Minneapolis Police Departmen

3/12/2009

C

Yes

Yes

Abuse of Authority

Always Disclose?:

No

False Statement

Always Disclose?:

Yes

AKA?

OtherID#

Minneapolis Police Departmen

11/12/2009

B

Yes

Yes

Force

Always Disclose?:

No

IA file number

USING THE BRADY DATABASE

- If the witness is on the list
 - See whether the Discipline box in each internal affairs case is marked *yes* or *no*, and;
 - See whether the Always Disclose box in each internal affairs case is marked *yes* or *no*.

Public Discipline

LINE ATTORNEY Brady Reviews Report

IA File# Agency DOI Sustained Level Brady Discipline

AKA?: OtherID#

Minneapolis Police Department

1/

Yes or No?

Yes

Always Disclose?:

No

AKA?: OtherID#

Minneapolis Police Department

3/10/2005

D

Yes

Yes

Conviction

Always Disclose?:

Yes

AKA?: OtherID#

Minneapolis Police Department

2/12/2009

C

Yes

Yes

Abuse of Authority

Always Disclose?:

No

False Statement

Always Disclose?:

Yes

AKA?: OtherID#

Minneapolis Police Department

11/12/2009

B

Yes

Yes

Force

Always Disclose?:

Always Disclose: Yes or No?

PUBLIC V. PRIVATE RECORDS

- There are two kinds of Brady records: 1) public records (i.e. records that are public because the internal affairs investigation resulted in sustained findings and discipline, and 2) non-public records (i.e. records that are private because the internal affairs investigation resulted in sustained findings but no discipline).

PUBLIC V. PRIVATE RECORDS

- MPD levels range from the least serious (A) through the most serious (D)
- A level discipline is non-public, usually coaching.
- B,C,D level discipline is public.
- MTPD and UMPD have no levels.

USING THE BRADY DATABASE

LINE ATTORNEY Brady Reviews Report

IAFile# Agency DOI Sustained Level Brady Discipline

AKA?		OtherID#				
██████████	Minneapolis Police Departmen	██████████	5/18/2012	D	Yes	Yes
		Force		Always Disclose?: No		
AKA?		OtherID#				
██████████	Minneapolis Police Departmen	██████████	3/10/2005	D	Yes	Yes
		Conviction		Always Disclose?: Yes		
AKA?		OtherID#				
██████████	Minneapolis Police Departmen	██████████	3/12/2009	C	Yes	Yes
		Abuse of Authority		Always Disclose?: No		
		False Statement		Always Disclose?: Yes		
AKA?		OtherID#				
██████████	Minneapolis Police Departmen	██████████	11/12/2009	B	Yes	Yes
		Force		Always Disclose?: No		

Discipline level
– MPD only –
Public

PRIVATE RECORD

Private Records, No discipline

[REDACTED]		AKA?:		Other:	
[REDACTED]	Minneapolis Police Department	[REDACTED]	2/2/1999	A	Yes No
[REDACTED]					Always Disclose?: No

USING THE BRADY DATABASE

- ✓ If all Discipline boxes and all Always Disclose boxes are marked Yes, then see the Brady list paralegal.
- ✓ If any *Discipline* boxes or any *Always Disclose* boxes are marked No, then see your supervisor.

USING THE BRADY DATABASE

BradyReviewsReportLINEATTY

PUBLIC Brady Reviews Report

IAFile# DOI Sustained Level Brady Discipline

AKA?:

5/18/2012

D

Yes

Yes

Force

Always Disclose?: No

AKA?:

3/10/2009

D

Yes

Yes

Conviction

Always Disclose?: Yes

 See
Paralegal

AKA?:

3/12/2009

C

Yes

Yes

Abuse of Authority

Always Disclose?: No

False Statement

Always Disclose?: Yes

 See
Supervisor

AKA?:

11/12/2009

B

Yes

Yes

PRIVATE RECORD

Private Records, No discipline

AKA?:

Other:

Minneapolis Police Department

2/2/1999

A

Yes

No

Always Disclose?: No

See Supervisor

SEEING A SUPERVISOR OPTION

- ا) If you are prompted to see a supervisor, the supervisor will review our complete Brady list records and work with you to determine which records are required to be disclosed under *Brady*.
- ا) Once you and a supervisor determine which records to disclose, or if you are prompted to directly see the Brady list paralegal, the Brady list paralegal will contact the appropriate law enforcement agency and obtain the necessary Brady records.

SEEING A PARALEGAL

- The Brady list paralegal will review any public records to determine if they have been screened for redactions of any private data contained within the public records.
 - If so, the Brady list paralegal will forward the documents to the attorney's trial paralegal who will:
 - Disclose copies of the redacted records to the defense along with a cover letter, and
 - Forward the redacted records to the prosecutor.
 - The records should not be uploaded into PM.
 - If not, the Brady list paralegal will forward the documents to a supervisor for a redaction review. Once redacted, the supervisor will forward the documents to the trial paralegal to conduct the tasks described above.
 - Once redacted, the redacted records will be stored at the law enforcement agency's internal affairs unit and provided in response to all future requests for those records.

DISCLOSURE

- 1. The Brady list paralegal will work with a supervisor and forward any non-public records (i.e. records involving sustained findings without discipline) to a designated judge for *in camera* review to determine whether they need be disclosed. The Brady list paralegal will submit a proposed non-disclosure order to the judge along with the private records. The order would prevent the defense from disclosing the contents of the private records to others and would require them to return the private records at the completion of the case.

JUDICIAL REVIEW

- ^ The judge will apply the balancing test outlined in Minn. Stat. § 13.03, subd. 6, to determine whether the private records must be disclosed.
- ^ If the private records must be disclosed, the judge would either disclose the records or order the prosecutor to disclose the records.
- ^ The prosecutor would be responsible for requesting the return of the records at the close of the case.

WHEN THE CASE IS CLOSED

- When a case is finished, all Brady records (both public and private) should be returned to the Brady list paralegal. The Brady list paralegal will return all records to the law enforcement agency of origin, where one redacted copy will be stored for future use.

WHEN THE CASE IS CLOSED

- When a case is finished, all Brady records (both public and private) should be returned to the Brady list paralegal. The Brady list paralegal will return all records to the law enforcement agency of origin, where redacted copies will be stored for future use.

YOU CAN ALSO USE PRACTICE MANAGER

- OR... You can also use PM.
- Once the new Subpoena Wizard is set up there will be an automatic flag to let you know someone is on the Brady list.

PRACTICE MANAGER

➤ Go to PM



➤ Go to the Entities tab

PM File Edit Tools View Window Help

Matters Entities Documents Timeslips Notes Groupware Workflow New Filter Query Refresh

Search

☒ Individuals ☒ Organizations

Last Name any

First Name Middle

Number/ID Include Alias ☐

Entities Tab

Search will Clear

☒ Filter ☒ Query ☒ Grid

Search

Quick Filter

Name	Addr. 1 Description	Addr. 1 Phone	Addr. 1 Addr.
Residence			
Residence			
Residence			
Mailing			
Mailing			
Residence			
Mailing			
Mailing			
Residence			
Residence			
Residence			
Mailing			

PRACTICE MANAGER

- Type in the name of the officer.
- Make sure you have "Parent Organization" in your headers. It will help you ID the right person.

Parent Organization

Officer Name

File Edit Tools View Window Help

Matters Entities Documents Timeslips Notes Groupware Workflo New Filter Query Refresh Print Desk

☒ Individuals ☒ Organizations

Last Name\Company

First Name\DBA Middle

Number\ID ☐ Include Alias

Date of Birth
MM / DD / YYYY

Search will Clear

☒ Filter ☒ Query ☒ Grid

Parent Organization	Addr 1 Description	Addr 1 Phone
Minneapolis Police Department	Mailing	
	Residence	
	Residence	
	Residence	
	Residence	
	Residence	

PRACTICE MANAGER

Once you have the correct officer, double click

Add Parent Organization or Brady column

Search

☒ Individuals ☒ Organizations

Last Name\Company

First Name\DBA Middle

Number\ID ☐ Include Alias

Date of Birth
MM / DD / YYYY

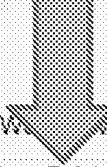
Search will Clear

☒ Filter ☒ Query ☒ Grid

Parent Organization	Addr. 1 Description	Addr. 1 Phone
Minneapolis Police Department	Mailing	
	Residence	
	Residence	
	Residence	
	Residence	
	Residence	

PRACTICE MANAGER

Find the Law Enf. Info Tab and click on it



PM File Edit Tools View Window Help

Matters Entities Documents Timeslips Notes Groupware **Law Enf. Info** New Filter Query Refresh Print Desktop Search

General Other Details User/Staff Related Entities Note Mailing List **Law Enf. Info** Files Related Tree

Entity Type **Law Enforcement** Firm Side **Pro** ☒ Client ☐ Billable On a Mailing List ☐ Record ID 21488

Code

Suffix Prof. Suffix

Alias

Parent Organization Relationship to Parent Department

Minneapolis Police Department Lieutenant; Complainant Pct 3 Middlewatch

PRACTICE MANAGER

- Look for a check box...
- If not checked – Not on Brady List
- IF checked – Brady List with instructions.

Matters Entities Documents Timeslips Not

General Other Details User/Staff Related Entities N

eCharging Complainant Userid
[Redacted]
25 Characters Max

Values for Brady List and Subpoena System

☒ Brady List

Brady List Notes
See Brady List Paralegal

Officer Notes
Retired or No Longer with

Matters Entities Documents Timeslips N

General Other Details User/Staff Related Entities

eCharging Complainant Userid
[Redacted]
25 Characters Max

Values for Brady List and Subpoena System

☒ Brady List

Brady List Notes
See Your Supervisor

Officer Notes
Retired or No Longer with

PRACTICE MANAGER

- From this point follow the same protocol as was outlined earlier.

QUESTIONS?



EXHIBIT

186

From: "Carl, Casey J." <Casey.Carl@minneapolismn.gov>

To: "Brock, Lisa A" <Lisa.Brock@minneapolismn.gov>

Subject: RE: PCOC presentation

Date: Wed, 07 Apr 2021 15:27:17 -0000

Importance: Normal

Inline-Images: image001.png; image002.png

So, in short, no one showed up today and we have nothing in terms of a prepared response, correct?
CJC

From: Brock, Lisa A <Lisa.Brock@minneapolismn.gov>

Sent: Wednesday, April 7, 2021 10:25 AM

To: Carl, Casey J. <Casey.Carl@minneapolismn.gov>

Subject: FW: PCOC presentation

Correction! Here's the amended staff direction:

Directing the City Clerk to notify appropriate City department leaders of the Police Conduct Oversight Commission's request to have clarification provided with respect to the definition, application, and data classification implications of "coaching" as that term is used in connection with employee performance management, including an explanation of how a new Section 2-112 entitled "Complaints, Coaching & Disciplinary System" was added to the MPD Policy & Procedures Manual on or about December 31, 2020, and to further request that those City leaders to appear at the Commission's regular meeting on April 13 to provide responsive information and to respond to questions

From: Brock, Lisa A

Sent: Wednesday, April 7, 2021 10:23 AM

To: Carl, Casey J. <Casey.Carl@minneapolismn.gov>

Subject: RE: PCOC presentation

Undetermined who would be leading. Here's the staff direction from March:

Directing the City Clerk to notify appropriate City department leaders of the Police Conduct Oversight Commission's request to have clarification provided with respect to the definition, application, and data classification implications of "coaching" as that term is used in connection with employee performance management, and to request those City leaders to appear at the Commission's regular meeting on April 13 to provide responsive information and to respond to questions.

From: Carl, Casey J. <Casey.Carl@minneapolismn.gov>

Sent: Wednesday, April 7, 2021 10:21 AM

To: Brock, Lisa A <Lisa.Brock@minneapolismn.gov>

Subject: RE: PCOC presentation

Sorry I couldn't be at the meeting. Can you tell me who is leading the presentation/discussion on coaching?
I probably will need to follow-up with key department leaders on their obligation (and agreement) to address this issue at the PCOC meeting.

CJC

From: Brock, Lisa A <Lisa.Brock@minneapolismn.gov>

Sent: Wednesday, April 7, 2021 10:15 AM

To: Hill, Casper T. <Casper.Hill@minneapolismn.gov>

Cc: Carl, Casey J. <Casey.Carl@minneapolismn.gov>; Hawkins, Andrew <andrew.hawkins@minneapolismn.gov>

Subject: RE: PCOC presentation

Will do

From: Hill, Casper T. <Casper.Hill@minneapolismn.gov>

Sent: Wednesday, April 7, 2021 10:12 AM

To: Brock, Lisa A <Lisa.Brock@minneapolismn.gov>

Cc: Carl, Casey J. <Casey.Carl@minneapolismn.gov>; Hawkins, Andrew <andrew.hawkins@minneapolismn.gov>

Subject: PCOC presentation

Hi Lisa,

Following the discussion in PCOC agenda setting this morning, would you be able to send me the coaching presentation once it's ready? KARE-11 is doing an ongoing report on this very subject. Other media in town have also covered coaching and may listen in on Tuesday as well. I'd like to be prepared for what's being presented.

Casper Hill

Media Relations Coordinator

City of Minneapolis - Communications Department

350 S. Fifth St. – Room #301M

Minneapolis, MN 55415

Cell: 612-432-5749

Casper.Hill@minneapolismn.gov



EXHIBIT

192

From: Naveen, Erin S. <Erin.Naveen@minneapolismn.gov>

Sent: Friday, January 22, 2016 2:24 PM EST

To: Chernos, Trina R. <Trina.Chernos@minneapolismn.gov>; Sherral Schmidt <sschmidt@mpdfederation.com>; Bob Kroll <bkroll@mpdfederation.com>; Office of Janee Harteau <Janee.Harteau@minneapolismn.gov>; Arneson, Kristine <Kristine.Arneseon@minneapolismn.gov>; Sovell, Kerry J. <Kerry.Sovell@minneapolismn.gov>

CC: Doree, Nina <Nina.Doree@minneapolismn.gov>; Emily Kokx <ekokx@mpdfederation.com>; Giles, Timothy O. <Timothy.Giles@minneapolismn.gov>; Palin, Perry <Perry.Palin@minneapolismn.gov>

Subject: Referral to Arbitration- [REDACTED]

Attachment(s): "[REDACTED] Grievance [REDACTED].pdf"

*Note: Limited information regarding grievance; coaching is not discipline and is not grievable

Police Officers Federation

[REDACTED]
[REDACTED]
[REDACTED]

Grievance Dated: [REDACTED]

Arbitrator Name Next on List

Stephen Befort

229 19th Ave. South

Minneapolis, MN 55455

Phone: (612) 625-7342

email: befor001@umn.edu

Erin S. Naveen | Human Resources Associate Consultant | CITY OF MINNEAPOLIS – *City of Lakes*
Human Resources Department | 250 South 4th Street - Room 100 | Minneapolis, MN 55415
Phone: (612) 673-3342 | erin.naveen@minneapolismn.gov | City Website: www.minneapolismn.gov

EXHIBIT

209



Office of
Police Conduct Review

Velma J. Korbelt
Director
Department of Civil Rights

Civilian Unit
350 S. 5th Street - Room 239
Minneapolis MN 55415
Office 612-673-5500

Janeé L. Harteau
Chief
Minneapolis Police Department

Internal Affairs Unit
350 S. 5th Street - Room 112
Minneapolis MN 55415
Office 612-673-3074

policereview@minneapolismn.gov

YOU MUST BE IN "PAGE LAYOUT" VIEW TO USE THIS TEMPLATE

This information will not appear when you print. This template conforms to the Stationery Standards and Guidelines for the City of Minneapolis as of March, 2001. This red copy will not print.

May 28, 2013

To: Inspectors, Commanders, Lieutenants, and Sergeants
From: The Office of Police Conduct Review
Re: Procedures for completing coaching documents

The Police Conduct Oversight Ordinance, MCRO § 172.30(b) grants the Office of Police Conduct Review (OPCR) the authority to submit coaching documents to supervisors when an officer is accused of an A-level violation. This memorandum will detail the process for completing coaching documents you may receive from the OPCR.

Coaching documents will first be submitted to precinct inspectors/commanders. The inspector/commander will forward the coaching documents and attached material to the appropriate supervisor ~~for investigation to handle.~~ (This is better language because of the potential for a complaint to result in discipline.)

~~The appropriate supervisor will conduct an investigation into the matter. This includes interviewing the complainant and all witnesses, gathering and reviewing all available evidence, speaking with witness officers one-on-one, and interviewing the accused officer one-on-one. No Garrity statement or Federation representative is necessary for the conversation as the process does not lead to discipline. The statement is not compelled, and officers may refuse to talk to supervisors. However, refusal to participate may be considered in the final determination.~~

Supervisors will ~~then~~ determine whether a policy violation has occurred based upon the information gathered by the supervisor, and complete the second page of the coaching documentation form, attaching additional memos when necessary. The standard for this determination is preponderance of the evidence, a 51% likelihood that the allegation is true.

If the supervisor determines the allegation is true by a preponderance of the evidence, he or she will determine the appropriate corrective action. This may involve coaching, counseling, training, or other non-disciplinary actions. The supervisor shall notify the officer of the recommendation and contact the complainant to ~~discuss the results~~ advise the complainant that the complaint has been investigated. (This statement is in line with policy and data practices because a complainant would not be able to have the results of a complaint unless discipline was in fact imposed).

The supervisor must submit the coaching document for approval by the precinct inspector/commander who will provide a completed copy of the coaching documentation to the officer and the Office of Police Conduct Review. Coaching documents may be sent to Ryan Patrick, legal analyst for the OPCR, at Ryan.Patrick@minneapolismn.gov.

The supervisor may feel that a coaching session would be beneficial

Commented [RPP1]: Came from IAU manual/Because this is wording from the IA manual I believe the OPCR Coaching process is better served if we remove this entire paragraph. I have been contacted by several supervisors recently who have expressed concern that under an OPCR Coaching process the measures and steps described herein is often viewed by the involved employee as being or could in fact lead to discipline. There is also the reality that an OPCR Coaching session could in fact lead to a disciplinary matter and a statement taken by a supervisor from the involved employee could potentially be recognized as a compelled statement.

I don't think we lose any substance and the OPCR Coaching process remains stable and effective even with the removal of this paragraph.

regardless of whether a policy violation occurred. Because an interaction generated a complaint, the supervisor may want to provide instruction on how to avoid a similar encounter in the future that leads to a complaint.

If at any time, any participant in the coaching process determines that the allegations rise above an A-level violation, the case must be forwarded back to the Office of Police Conduct Review for further investigation.

Sincerely,

Joint Supervisors
Office of Police Conduct Review



MICHAEL K. BROWNE
Director – Office of Police Conduct Review



MEDARIA ARRADONDO
Commander of Internal Affairs

EXHIBIT

213

To: "Browne, Michael K." <Michael.Browne@minneapolismn.gov>, "Patrick, Ryan P" <Ryan.Patrick@minneapolismn.gov>

Subject: Recommended Changes to OPCR Coaching Letter/OPCR Coaching Form

Date: Tue, 05 Nov 2013 03:04:07 -0000

Importance: Normal

Attachments: Coaching_document_letter_5-28.docx

Inline-Images: image001.png

Good morning gentlemen,

Michael I have had some recent discussions with supervisors regarding the OPCR Coaching Letter. The main issue during the discussion was that the letter creates a problem in that it does not accurately reflect the possibility that the OPCR Coaching can result in or lead to potential discipline. This can lead to trust and transparency issues with the OPCR Coaching process between the supervisor and the involved employee. I have made some changes to the letter that I think will address the valid issues raised to me and still retain the efficiency and effectiveness of the OPCR Coaching Letter (Coaching Instructions). Also I believe in keeping with consistency (and data practices) we should make a slight change to the OPCR Coaching Form. In the section where it states "Complainant notified of outcome by:" I believe we should change that to state "Complainant *advised* that the complaint has been investigated by:."

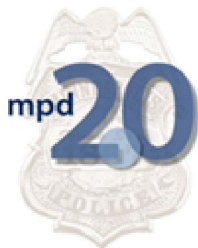
Please review and share your thoughts.

Thanks!
Rondo

Medaria Arradondo, Commander Internal Affairs
Minneapolis Police Department
350 S. 5th Street #112 | Minneapolis, MN 55415
Ph: 612.673.3550 | Fax: 612.673.3843

MPD Goals:

Public Safety, Public Trust, and Employee Engagement and Morale



Commitment, Integrity, Transparency

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Pl.'s Ex.

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CITY072352

EXHIBIT

214

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

MINNESOTA COALITION ON
GOVERNMENT INFORMATION,

Court File No. 27-CV-21-7237
Judge: The Honorable Karen A. Janisch

Plaintiff,

v.

CITY OF MINNEAPOLIS; CASEY J.
CARL, in his official capacity as Clerk for the
City of Minneapolis; NIKKI ODOM, in her
official capacity as Chief Officer for the
Human Resources Department for the City of
Minneapolis; MINNEAPOLIS POLICE
DEPARTMENT; and BRIAN O'HARA, in
his official capacity as Chief of Police for the
Minneapolis Police Department,

**STIPULATION BETWEEN PLAINTIFF
AND DEFENDANT CITY OF
MINNEAPOLIS**

Defendants.

WHEREAS, Defendants City of Minneapolis, Minneapolis Police Department ("MPD"), Casey Carl, Nikki Odom, and Brian O'Hara (collectively, "Defendants"), and Intervenor Police Officers Federation of Minneapolis ("Federation") have each produced in the above-referenced case a number of documents related to specific instances when an MPD officer was coached for a sustained violation of Minneapolis Police Department policy, sometimes in addition to another outcome and sometimes as the sole outcome.

WHEREAS, Plaintiff has requested and Defendants have agreed to provide information regarding steps taken prior to the Chief's decision to impose coaching as reflected in certain documents which have been produced.

Therefore, Defendants, by and through their undersigned counsel, and Plaintiff Minnesota Coalition on Government Information ("MNCOGI"), by and through its undersigned

counsel, hereby stipulate and agree that the following matters are taken as established for purposes of this action:

1. For purposes of this Stipulation, the following descriptions apply:

- a. Chief Outcome. This refers to the Chief’s decision prior to a grievance, if any.
- b. Formal Statement. This refers to the taking of a formal statement as defined by the then-existing language in the Labor Agreement between the City and Federation (“Labor Agreement”). The currently applicable definition can be found in Section 12.04(a) in the 2020-2022 Agreement.
- c. Police Conduct Review Panel. This refers to seeking and obtaining a recommendation of merit or no merit as to allegations of policy violation from a Police Conduct Review Panel before a determination is made by the Chief of Police.
- d. Predetermination Hearing. This refers to a meeting during which an employee can share mitigating circumstances or other information the employee believes pertinent to the Chief’s determination regarding whether to impose discipline and the level of discipline to impose, if any.
- e. Grievance. This refers to the filing of a written grievance by the Federation. A “grievance” is any matter concerning the interpretation, application, or alleged violation of the then-effective version of the Labor Agreement, as defined in Article 11 of the current Labor Agreement.

2. In the table in Paragraph 3, these codes have the following meanings:

FS	PCRP	PDH	G
Formal Statement	Police Conduct Review Panel	Pre-determination Hearing	Grievance Filed

3. With respect to the documents listed below, the following facts are established:

BATES	Chief Outcome	FS	PCRP	PDH	G
CITY002957, CITY002981	Coaching	Yes	Yes	No	No
CITY002958, CITY002982, CITY002983	Coaching	Yes	No	No	Yes ¹
CITY002984, CITY002986, FED001170, FED001670, FED001699	Coaching	Yes	No	Yes	Yes ²
CITY002960, CITY002962	Coaching	Yes	Yes	Yes	No
CITY002961, CITY002987	Coaching	Yes	Yes	Yes	No
CITY002990, CITY002991, CITY002992, CITY071065	Coaching	Yes	No	Yes	Yes ³
CITY002966, CITY002993	Coaching	Yes	No	No	No
CITY002968, CITY002994	Coaching	Yes	No	No	No
CITY002808	Letter of Reprimand, Coaching	Yes	Yes	Yes	No
CITY002970, CITY002971	Coaching	Yes	Yes	Yes	No
CITY002995	Letter of Reprimand	Yes	Yes	Yes	Yes ⁴
CITY002975, CITY002973	Coaching	Yes	Yes	Yes	No
FED002599	Coaching	Yes	Yes	No	No
CITY002816	Letter of Reprimand, Coaching	Yes	Yes	Yes	No
CITY002818	Letter of Reprimand, Coaching	Yes	Yes	Yes	No
CITY002820	Letter of Reprimand, Coaching	Yes	Yes	Yes	No

¹ Grievance was withdrawn.

² Grievance was withdrawn.

³ Grievance was withdrawn.

⁴ Grievance resolved by imposition of coaching instead of Letter of Reprimand.

CITY002976, CITY002977	Coaching	Yes	Yes	No	No
CITY002979, CITY002997	Coaching	Yes	Yes	No	No
CITY002998, CITY003000	Coaching	Yes	No	Yes	No
FED000907	Suspension	Yes	Yes	Yes	Yes ⁵
FED001259, FED002628	Suspension	Yes	Yes	Yes	Yes ⁶
CITY002911	Letter of Reprimand, Coaching	Yes	Yes	Yes	Yes ⁷
CITY002913	Letter of Reprimand, Coaching	Yes	Yes	Yes	No
CITY002915	Letter of Reprimand, Coaching	Yes	Yes	Yes	No
CITY002951	Suspension, Letter of Reprimand, Coaching	Yes	Yes	Yes	Yes ⁸

⁵ Grievance resolved by imposition of coaching instead of Suspension.

⁶ Grievance resolved by reduction in amount of Suspension and imposition of coaching.

⁷ Open grievance filed regarding Letter of Reprimand only.

⁸ Open grievance filed regarding Suspension only.

4. Based on Defendant City of Minneapolis' due diligence in compiling the information above, it is Defendant's position and in this litigation Defendant will not dispute that, in the instances in which employees were coached as identified in Paragraph 3, the employees were provided sufficient process such that, under the Labor Agreement and/or law, for any violation of an MPD or City policy, the Chief of Police could instead have imposed either (a) one of the forms of corrective action recognized as disciplinary action by Defendant City of Minneapolis and the Federation pursuant to Article 12 of the Labor Agreement between the City of Minneapolis and the Federation or (b) one of the forms of discipline set forth in Section 11.04 of the Minneapolis Civil Service Rules, to the extent the Chief of Police has the discretion to issue that form of discipline.

5. To the extent Defendant City of Minneapolis determines that any of the information in this Stipulation needs correction or clarification, Defendant shall notify Plaintiff of the need for correction. The parties agree to negotiate an amendment to the Stipulation in good faith and, if they are unable to reach agreement, each party shall have the option to rescind this Stipulation or some portion of it by providing five days' written notice to the other, in which case it shall be null and void as if never entered into and the parties agree they shall be permitted to reopen discovery, including written and deposition discovery, on any portion of the Stipulation rendered null and void. Any reopening of discovery under this paragraph must be limited in scope to the information or matters from this Stipulation rendered null and void. Nothing herein shall be construed as a waiver of Defendant's right to challenge the scope of discovery.

Signatures on following page

Dated: February 29, 2024

Dated: February 29, 2024

By: /s/ Sarah B. Riskin

By: /s/ Leita Walker

KRISTYN ANDERSON

BALLARD SPAHR LLP

City Attorney

Leita Walker (No. 0387095)

MARK ENSLIN (#0338813)

Isabella Salomão Nascimento (No. 0401408)

SARAH B. RISKIN (#0388870)

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TRACEY N. FUSSY (#0311807)

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350 South Fifth Street

(612) 371-3281

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(612) 673-2183

nascimento@ballardspahr.com

mark.enslin@minneapolismn.gov

Emily Parsons (*pro hac vice*)

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tracey.fussy@minneapolismn.gov

Washington, D.C. 20006

Attorney for Defendants

Tel: (202) 661-7603

Email: parsonse@ballardspahr.com

Attorneys for Plaintiff

EXHIBIT

215

Kelly & Lemmons, P.A.
ATTORNEYS AT LAW

Kevin M. Beck
kbeck@kellyandlemons.com

November 9, 2015

Trina Chernos
Minneapolis City Attorney's Office
350 South 5th Street – Room 210
Minneapolis, MN 55415

RE: POFM Grievance [REDACTED] [REDACTED])

Ms. Chernos:

I represent the Police Officers Federation of Minneapolis in the above-captioned matter. You and I have discussed the above-captioned grievance in the past. In our last conversation, the City raised for the first time an issue regarding the timeliness of the grievance. After further research into this matter, the Grievance is timely for the reasons outlined below.

Although the discipline letter is dated August 28, 2014 (attached hereto as **Exhibit A**), it was not given to Officer [REDACTED] until December 28, 2014. A grievance was filed within the contractual timelines on January 12, 2015 and is included with this correspondence as **Exhibit B**. Chief Harteau, Assistant Chief Clark, and Director of Employee Services Tim Giles were all copied on the grievance. Deputy Chief Glampe denied the grievance at Step 1 via e-mail dated January 14, 2015 (attached hereto as **Exhibit C**). The [REDACTED] grievance was then discussed at the Labor-Management Meeting held on January 27, 2015. Present at that meeting for management included Chief Harteau, Deputy Chief Glampe, and Deputy Chief Arradondo. The result of the discussion of this particular grievance was that “[m]anagement will discuss the issue and Glampe will follow up with O’Connor.” I have attached the meeting minutes as **Exhibit D**.

Because both the Federation President and the Chief of Police were present at the Labor-Management meeting, it is the Union’s position that the Labor-Management meeting constituted a Step 2 meeting as identified in the contract. The City has not provided the Union with a written response that is clearly identified as a “step two decision” as required by CBA § 5.4, subd. 2. Pursuant to § 5.4, subd. 3, if the grievance has progressed without receipt of a written step two decision, the Federation “may at any time submit the matter to initiate arbitration.” I have attached correspondence as **Exhibit E** from the Federation to Assistant Chief Glampe requesting to initiate arbitration on this matter. Timothy Giles was copied.

223 LITTLE CANADA ROAD EAST, SUITE 200 • LITTLE CANADA, MINNESOTA 55117
TELEPHONE 651-224-3781 • FACSIMILE 651-223-8019
www.kellyandlemons.com

Pl.'s Ex.

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CITY073231

While I understand the City has taken the position that this is not discipline and therefore not grievable; the Federation contends that this is, in fact, discipline subject to the grievance process. Accordingly, I suggest a bifurcated arbitration hearing to first address the issue of substantive arbitrability as well as the procedural issue of timeliness if you wish.

Short of that, if the City were to amend the letter given to Officer [REDACTED] to state that he has received "two sustained 'A' violations with coaching," then the Union would agree that it is not arbitrable under the CBA and would withdraw the grievance.

Please advise accordingly.

Respectfully,

KELLY & LEMMONS, P.A.

A handwritten signature in black ink, appearing to read "Kevin M. Beck", with a stylized flourish at the end.

Kevin M. Beck

Encls.

cc: Dave O'Connor, POFM (via e-mail)

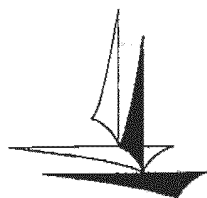
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CITY073232



Minneapolis
City of Lakes

Police Department

Janeé L. Harteau
Chief of Police

August 28, 2014

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

612 673-2735
TTY 612 673-2157

Officer [REDACTED]

Minneapolis Police Department

RE: IAU Case Number [REDACTED] 4

Officer [REDACTED]

The finding for IAU Case [REDACTED] is as follows:

[REDACTED] 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)

You will receive two sustained "B" violations with coaching.

This case will remain a "B" violation and will remain on file until 11/15/2016, which is three years from the date of incident. This case will remain in 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,

Janeé Harteau
Chief of Police

By: Matthew Clark
Assistant Chief
Minneapolis Police Department

Call **311** CC: IAU Case File
Inspector Sullivan
City Information
and Services

www.ci.minneapolis.mn.us
Affirmative Action Employer

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CITY073233



POLICE OFFICERS FEDERATION OF MINNEAPOLIS

1811 University Ave., N.E.

Minneapolis, MN 55418

612-788-8444 phone • 612-788-7135 fax

January 12, 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 his IAU Case [REDACTED], which resulted in (2) "B" violations. I would request to meet with you at your earliest convenience regarding POFM grievance number [REDACTED]. On 12/28/14, Officer [REDACTED] received discipline via Inter-Office mail from a letter dated 8/28/14. Thank you.

Sincerely,

Officer Dave O'Connor

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

PRESIDENT

John C. Delmonico

SECRETARY

Cory H. Fitch

DIRECTORS

William F. Bjork

Ronald A. Stenerson

VICE PRESIDENT

Robert J. Kroll

TREASURER

David G. O'Connor

Blayne L. Lehner

Joseph R. McGinness

Sherral R. Miller-Schmidt

Park Police Representative

WWW.MPDFEDERATION.COM

CONFIDENTIAL

CITY073234

Kevin Beck

From: Glampe, Travis <Travis.Glampe@minneapolisnmn.gov>
Sent: Wednesday, January 14, 2015 7:10 AM
To: O'Connor, David G.
Cc: Office of Janee Harteau; Clark, Matthew; Doree, Nina; Giles, Timothy O.; Granger, Christopher; John Delmonico; Dave O'Connor; Emily Kokx
Subject: RE: Off. [REDACTED] 1
Attachments: Scan015616.pdf

Thank you for your response yesterday.

I am denying the grievance at step 1. Section 4.2 defines discipline and it is the City's position that Officer [REDACTED] was not disciplined per this definition. This being the case, it is the City's position the outcome cannot be grieved.

From: Emily Ewald [mailto:eewald@mpdfederation.com]
Sent: Monday, January 12, 2015 15:15
To: Glampe, Travis
Cc: Office of Janee Harteau; Clark, Matthew; Doree, Nina; Giles, Timothy O.; Granger, Christopher; Delmonico, John (Federation); O'Connor, David (Federation); Ewald, Emily
Subject: Off. [REDACTED]

Hello Chief Glampe,

I've attached a copy of POFM's Grievance [REDACTED], which has been filed on behalf of Off. [REDACTED]. The hard copy of the grievance will go out in tomorrow's mail.

Thank you,
Emily

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 [REDACTED] case where he was given 2 B Level Violations listed as Coaching put in his discipline file. [REDACTED] 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. [REDACTED] Arbitration was cancelled due to the fact that [REDACTED] 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

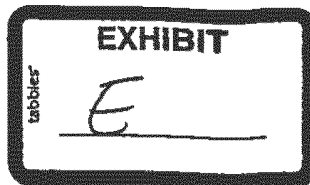
- a. Labor-Management Meeting, 2-24-2015, 1100

Adjournment

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

Submitted by:

Cory Fitch
Secretary
POFM



Kevin Beck

From: Emily Kokx <ekokx@mpdfederation.com>
Sent: Monday, October 26, 2015 3:20 PM
To: travis.glampe@minneapolisismn.gov
Cc: janee.harteau@minneapolisismn.gov; kristine.arneson@minneapolisismn.gov;
nina.doree@minneapolisismn.gov; Giles, Timothy O. (Timothy.Giles@minneapolisismn.gov);
jason.case@minneapolisismn.gov; Dave O'Connor; Bob Kroll;
kbeck@kellyandlemmons.com; Emily Kokx
Subject: POFM Grievance [REDACTED]

Hello Chief Glampe,

The Federation requests to move to Step 3, Arbitration for POFM Grievance [REDACTED], which was filed on behalf of Off. [REDACTED].

Thank you,
Emily

EXHIBIT

301

Amelia Huffman
Interim Chief of Police
Minneapolis Police Department
350 South 5th Street, Room 130
Minneapolis, MN 55415
(612) 673-3550
Amelia.Huffman@minneapolismn.gov



TO: Neal Walsh, Badge 7501
CC: Office of Police Conduct Review
DATE: October 12, 2022
RE: Administrative Investigation Case #20-12298

CHIEF'S DECISION:

- ☐ Discharge
- ☒ Suspension **Duration:** 40 hours without pay
- ☐ Permanent Demotion
- ☐ Temporary Demotion, Duration: _____
- ☐ Written Reprimand
- ☐ No Merit

This memo summarizes my approach and reasoning for my decision as interim Chief of Police that the listed policy violation by Officer Walsh is sustained. The memo accompanies the enclosed Notice of Discipline and Suspension Form.

Allegations:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
5-301	.01	Use of Force	C	Sustained

Summary of the Basis for Decision:

The facts noted in the case investigation support the conclusion that Officer Walsh violated Minneapolis Police Department Policy 5-301.01 Use of Force, when he used more force than was objectively reasonable during this incident. I concur with the unanimous recommendation from the Police Conduct Review Panel that there is merit to the allegation.

Allegation #1:

It is alleged that Officer Walsh used more force than was objectively reasonable. **MPD P/P 5-301.01 Use of Force**

- On 12/7/2019, Officer Walsh was working marked squad 430, with his partner Officer Spee. They responded to assist squad 462 Officers Partyka and Knuth, who stopped a vehicle and were requesting assistance.
 - Squad 462 stopped the vehicle because the driver was known to have recently been a DOC fugitive and was known to have a revoked license. Officers also state that the reason for the traffic stop was a minor traffic violation.
 - Officer Knuth was the contact officer with the driver of the vehicle, and noted that he smelled the odor of alcohol, noted a cup that he suspected contained alcohol, and asked the driver to place his hands in front of him so he could be handcuffed in front and removed from the vehicle.
 - Officer Knuth reported that the driver reached down towards his waistband and pocket area of his pants, and Officer Knuth didn't know what he was reaching for.
 - Officer Knuth grabbed the arm of the driver and attempted to pull him out of the vehicle while giving commands. Officer Partyka came around from the passenger side of the vehicle to assist and Officer Knuth called for additional officers to assist.
- Officer Walsh and Spee arrived to assist Officers Partyka and Knuth.
- The driver was physically removed from the car and taken to the ground by the four officers who attempted to place him in handcuffs.
- While the male was prone on the ground face down, the four officers (Partyka, Knuth, Spee and Walsh) struggled to get both hands behind his back and secured in handcuffs. One of the driver's hands is visible in the video and is under officers' control. The audio captured commands to the driver to put his hands behind his back and officers' comments that they could not get the other hand out from the driver's jacket and into handcuffs.
- According to the force review and reports, Officer Partyka delivered elbow strikes to the driver's back during the struggle. Officer Spee used body weight to pin the driver's legs and feet down.
- During this struggle, Officer Walsh was at the driver's head using his hands to control the head by pressing down toward the ground.
- According to video and the PIMS report, Officer Walsh delivered three knee strikes to the head of the male driver. Officer Walsh confirmed this in his statement and Loudermill hearing.
- At one point, the driver can be heard to say "impossible" when officers give commands to put his hands behind his back.
- Officer Walsh used his knee and body weight to keep the male's head pressed to the ground and holds this position for approximately 27 seconds (according to the OPCR investigative report).
- After Officers handcuff the male and attempt to get him seated up, Officer Walsh grabbed the long dreadlocks of the male and appeared to pull on his hair to sit him up.
 - In his Loudermill hearing, Officer Walsh stated that he was only holding onto the hair of the male to prevent him from pulling away, but not pulling on the hair as suggested by the investigation. He also reported that he used no force after the driver was secured.
- The driver sustained visible injuries to his face during the arrest.
- The Minneapolis Police Department's Policy and Procedure Manual states in part:

5-301.01 POLICY (10/16/02) (08/17/07)

Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

- The Police Conduct Review Panel (PCRP) recommended that there is Merit to the allegation that the use of force in this case was unreasonable.
- I concur with the recommendation of the PCRP, that there is a preponderance of the evidence to support the allegation that Officer Walsh failed to use objectively reasonable force during the arrest in this incident. The allegation is **Sustained**.

As the interim Chief of Police, I am responsible for providing clear expectations for what is acceptable behavior in our workplaces as well as what will not be tolerated. I hold officers of the Minneapolis Police Department to a high standard. I expect them to live up to our oath of office, our professional code of ethics and our department's core values of trust, accountability, and professional service. Furthermore, I expect them to demonstrate procedural justice in their work. Officer Walsh failed to meet Departmental training and standards when he delivered three knee strikes to the driver's head while the driver was face down in the prone position and three other officers were actively engaged in handcuffing him. His legs were pinned by Officer Spee leaving Officers Partyka and Knuth to secure his hands in handcuffs. One hand is visible and under the control of officers. The other is beneath the driver. It is unclear if the driver is refusing to bring his hand out throughout the struggle or if he cannot as was suggested by his response of "impossible" when officers ordered him to place his hands behind his back. Officers are trained in multiple officer arrest techniques for just such a scenario as this. In assessing the use of the knee strikes, there are multiple factors to consider. The driver had displayed resistance toward the officers attempts to take him into custody by pulling away and refusing to follow commands. His action of reaching toward something in the car reasonably heightened officers concerns; however, the reason for the stop was not a crime of violence or other serious crime but a traffic stop; the officers articulated that the driver had a history of incarceration due to drugs but mentioned nothing about a known history of weapons or violence; there were four officers engaged with one subject; the man was prone and face down on the ground presenting little risk of immediate harm to the four officers controlling his legs, head, torso and one arm; and additional backup officers were near. In considering all of these factors, I find that the knee strikes to the driver's head were unreasonable at the time when they were delivered. Additionally, it appeared in the video that Officer Walsh got the driver up from the ground by pulling on his hair as well as lifting his body. Getting the driver to his feet by pulling his hair is an unreasonable use of force. Officer Walsh's use of unreasonable force during this incident harmed the driver who was arrested, undermines public trust and confidence in Minneapolis police officers and brings discredit to the Department.

As interim Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am issuing a 40-hour suspension without pay to Officer Walsh for his failure to use

objectively reasonable force during this incident. I am also directing that Officer Walsh attend re-training in multi-officer arrest and control tactics and MPD use of force policy. This discipline and retraining is intended to correct the issues described in this case and return Officer Walsh to performance that meets department expectations.

Allegation #1: 5-301.01 Use of Force, Sustained. **40-hour suspension without pay.**

DocuSigned by:
Amelia Huffman
FBFE4338427B46A...

Amelia Huffman
Interim Chief of Police

CC: OPCR Case File
Inspector Adams

Enclosure: Discipline Form

EXHIBIT

302

A silver police badge with an eagle at the top. The word "MINNEAPOLIS" is arched across the top, "Serving Since 1867" is in the center, and "POLICE" is arched at the bottom.

302

Allegation #1

- Officer Alonzo was the passenger when he and his partner observed two vehicles racing and driving in a reckless manner.
- Officers attempted to stop the vehicle by activating their emergency lights and sirens, but the vehicle did not stop.
- The vehicle continued to drive in what officers described as a flagrantly reckless manner, nearly causing multiple accidents.
- Both officers admitted to there being confusion about whether to pursue or stop, but ultimately the pursuit continued until the fleeing vehicle crashed and the occupants fled on foot.
- The Police Conduct Review Panel (PCRP) recommended that there is merit to this investigation.
- I agree with the recommendation of the PCRP. The preponderance of the evidence shows that Officer Alonzo, though the passenger, continued this pursuit while the driving conduct of the fleeing vehicle posed a danger to the public. Officer Alonzo did not articulate specific facts to support the necessity of engaging in the pursuit despite the danger. This allegation is **Sustained**.

Allegation #2

- Officer Alonzo was the passenger during this pursuit, and it was his responsibility to follow MPD policy related to the role of officers in a pursuit.
- Officer Alonzo aired that they were not pursuing, but when they continued the pursuit, did not update dispatch with any of the required information about the pursuit (location, speed, direction of travel and reason for the pursuit).
- The Police Conduct Review Panel recommended that there is merit to this allegation.
- I agree with the recommendation of the PCRP. The preponderance of the evidence shows that Officer Alonzo failed to follow the requirements described in policy for officers involved in pursuits. This allegation is **Sustained**.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

As the interim Chief of Police, I am responsible for providing clear expectations for what is acceptable behavior in our workplaces as well as what will not be tolerated. The Police Conduct Review panel recommended a finding of merit for two [REDACTED] listed policy violations in this case, and I concur with their recommendations.

I hold officers of the Minneapolis Police Department to a high standard. I expect them to live up to our oath of office, our professional code of ethics and our department's core values of trust, accountability and professional service. Furthermore, I expect them to demonstrate a commitment to preserving safety and the sanctity of life. With this conduct, Officer Alonzo failed to meet MPD standards. He allowed a dangerous pursuit to continue absent specific, articulable facts which would necessitate the pursuit despite the danger. Additionally, he failed to comply with policy requirements that officers in pursuits air information critical for dispatch, other officers and the pursuit supervisor to have. The violations in this matter undermine public safety.

As interim Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am issuing a Letter of Reprimand to Officer Alonzo for his failure to follow the pursuit policy. Along with this Letter of Reprimand, I am requiring that Officer Alonzo attend refresher Emergency Vehicle Operations Course (EVOC) training during the next available EVOC training.

DocuSigned by:
Amelia Huffman
FBFE4338427B46A...

Amelia Huffman
Interim Chief of Police

CC: OPCR Case File
Inspector Blackwell

Enclosure: Notice of Discipline Form

EXHIBIT

303

Amelia Huffman
Interim Chief of Police
Minneapolis Police Department
350 South 5th Street, Room 130
Minneapolis, MN 55415
(612) 673-3550
Amelia.Huffman@minneapolismn.gov



TO: Kimberly Bonilla, Badge 0624
CC: Office of Police Conduct Review
DATE: September 17, 2022
RE: Administrative Investigation Case #20-12979

CHIEF'S DECISION:

- ☐ Discharge
- ☐ Suspension Duration:
- ☐ Permanent Demotion
- ☐ Temporary Demotion, Duration: _____
- ☒ Written Reprimand
- ☐ No Merit

This memo summarizes my approach and reasoning for my decision as Chief of Police that the listed policy violations by Officer Bonilla are sustained. The memo accompanies the enclosed Notice of Discipline Form.

Allegations:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
7-402	(III)(A)	Pursuit Policy	B	Sustained
7-402	(IV)(A)(3)(c)	Pursuit Policy	B	Sustained
████	████	████	█	████

Summary of the Basis for Decision:

The facts noted in the case investigation support the conclusion that Officer Bonilla violated two Minneapolis Police Department Policies governing pursuits. In this decision, I concur with the recommendation from the Police Conduct Review Panel.

Allegation #1

- Officer Bonilla was the driver when she and her partner observed two vehicles racing and driving in a reckless manner.
- Officers attempted to stop the vehicle by activating their emergency lights and siren, but the vehicle did not stop.
- The vehicle continued to drive in what officers described as a flagrantly reckless manner, nearly causing multiple accidents.
- Both officers admitted to there being confusion about whether to pursue the vehicle or stop, but ultimately the pursuit continued until the fleeing vehicle crashed and the occupants fled on foot.
- The Police Conduct Review Panel (PCRP) recommended that there is merit to this investigation.
- I agree with the recommendation of the PCRP. The preponderance of the evidence shows that Officer Bonilla, though the passenger, continued this pursuit while the driving conduct of the fleeing vehicle posed a danger to the public. Officer Bonilla did not articulate specific facts to support the necessity of engaging in the pursuit despite the danger. This allegation is Sustained.

Allegation #2

- Officer Bonilla was the driver during this pursuit and had has the primary responsibility of determining whether the pursuit should continue.
- Her partner, Officer Alonzo Jr., aired that they were not pursuing, but Officer Bonilla continued the pursuit, saying to investigators that she had tunnel vision and may not have heard her partner.
- The Police Conduct Review Panel recommended that there is merit to this allegation.
- I agree with the recommendation of the PCRP, that there is a preponderance of the evidence to show that Officer Bonilla failed to discontinue this pursuit after her partner aired that they weren't pursuing. This allegation is **Sustained**.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

As the interim Chief of Police, I am responsible for providing clear expectations for what is acceptable behavior in our workplaces as well as what will not be tolerated. The Police Conduct Review panel

recommended a finding of merit for the listed policy violations in this case, and I concur with their recommendation.

I hold officers of the Minneapolis Police Department to a high standard. I expect them to live up to our oath of office, our professional code of ethics and our department's core values of trust, accountability, and professional service. Furthermore, I expect them to demonstrate a commitment to preserving safety and the sanctity of life. With this conduct, Officer Bonilla failed to meet MPD standards. She allowed a dangerous pursuit to continue absent specific, articulable facts which would necessitate the pursuit despite the danger. Additionally, she failed to comply with policy requirement that officers discontinue a pursuit for reckless driving when the pursuit increases the danger. Discontinuing the pursuit requires officers to turn off the pursuit route. Although her partner aired information that they were not pursuing, Officer Bonilla continued the pursuit and later acknowledged that she may not have heard her partner air that statement. The violations in this matter undermine public safety.

As interim Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am issuing a Letter of Reprimand to Officer Bonilla for her failure to follow the pursuit policy. Under normal circumstances, Officer Bonilla would have already been through a refresher training, but this had been cancelled in 2020 due to COVID restrictions. Officer Bonilla will be required to attend the next available Emergency Vehicle Operations Course training as a refresher for the pursuit policy and is currently signed up to attend on September 23, 2022.

DocuSigned by:

FBFE4338427B46A...

Amelia Huffman
Interim Chief of Police

CC: OPCR Case File
Inspector Gomez

Enclosure: Notice of Discipline Form

EXHIBIT

304

Amelia Huffman
Interim Chief of Police
Minneapolis Police Department
350 South 5th Street, Room 130
Minneapolis, MN 55415
(612) 673-3550
Amelia.Huffman@minneapolismn.gov



TO: Conan Hickey, Badge #2997
CC: Office of Police Conduct Review
DATE: September 6, 2022
RE: Administrative Case #21-01705

CHIEF'S DECISION:

- ☐ Discharge
- ☒ Suspension **Duration:** 13.43 Suspension without pay
- ☐ Permanent Demotion
- ☐ Temporary Demotion, Duration: _____
- ☐ Written Reprimand
- ☐ No Merit

This memo summarizes my approach and reasoning for my decision as Chief of Police that the listed policy violations by Officer Hickey are sustained. The memo accompanies the enclosed Notice of Discipline and Suspension Form.

Allegations:

Allegation #1

It is alleged that Officer Conan Hickey used unreasonable force when he sprayed mace during a crowd control event. MPD P&P 5-301 (III)(A), (D) Use of Force.

Allegation #2

It is alleged that Officer Conan Hickey failed to document the use of force (mace) in his PIMS report and failed to notify his supervisor of the use of force. MPD P&P 5-301 (IV)(B)(5)(c) Use of Force Reporting.

Summary of the Basis for Decision:

The facts noted in the case investigation support the conclusion that Officer Hickey violated Minneapolis Police Department Policies listed above. I concur with the recommendation from the Police Conduct Review Panel that the allegations have Merit.

Allegation #1

- On 11/2/2020, Officer Hickey was assigned to Strike Team 3.
- At 19:57 hours, DC Fors announced, "In preparation for any arrest activities, rules of engagement, use of force directives, party can OC streamers authorized to stop assaultive and riotous behavior. 40mm use by CART Teams only. Marking rounds to stop assaultive behavior only."
- At 22:04 hours, Officer Hickey was told that officers were planning to move the crowd, and that he was to support BRRT officers. Sgt. Peltz was the supervisor of Officer Hickey and confirmed with Officer Hickey that he was to help move the crowd.
- At 22:05, a bottle was thrown from the crowd, and in response, Officer Lor sprayed a burst of mace.
- At 22:05, Officer Pearson used his bike to push a woman, at which point a male grabbed the bicycle tire.
- Officer Hickey is seen spraying the male who grabbed the bicycle tire, a woman holding a cell phone and another woman nearby. At the time they were maced, all three parties had their backs either partially or fully turned away from Officer Hickey.
- In his interview with Internal Affairs, Officer Hickey stated that he saw the bottle being thrown at officers. "Ah, some sort of projectile had been thrown from the protestors towards us. I heard multiple cops on scene yell that they, a projectile had just been thrown. Officer to my left, I believe, us, sprayed towards the area where I saw the projectile come from and as I was scanning for more projectiles to possibly come from that area, I brought my OC can out, and then go a one second spray in that direction to make sure that that person didn't pop their head back up."
- He stated that he saw the male he believed had thrown the bottle, who had ducked down behind some people. He stated that he scanned the crowd and then discharged mace in the area where the male had been to make sure that he didn't pop back up. "but, um, where that projectile came from, they were hiding behind that crowd of people, so when I sprayed in that direction, that's to make sure that person doesn't come back up behind that person to throw more stuff at us and to cause damage or harm to any of our cops, or anyone else in the crowd for that matter."
- Officer Hickey also described using the mace to reduce harm this way, "So this was to, again, fall under that premise of I'm trying to reduce harm to both officers and other protestors on scene. So, when that crowd starts...people in that crowd start throwing projectiles, that's gonna escalate. It's not...if that crowd hasn't moved, dispersed, as quickly as possible, it will quickly escalate. More projectiles are gonna get thrown. Those projectiles can increase to now it's gonna be big rocks or something more, us, even more deadly. Uh, so, using that spray to disperse the crowd and get them moving was to prevent harm to me, it was to prevent harm to them, because if they escalate the situation, it's also gonna have to cause us to escalate as far as what we can use."
- Officer Hickey stated that he was using the mace to protect himself and others from a threat of imminent harm.

- In his interview with Internal Affairs, Officer Hickey was asked about the male he maced, and he indicated that the area where the male was standing is where the bottle had been thrown from.
- Officer Hickey was asked about his making of the female using her cell phone to record the crowd, and Officer Hickey stated that at the time she was not posing a threat of objective imminent physical harm. He also stated that he did not purposefully aim his mace at this female.
- Officer Hickey explained, "We're trying to spray that area in that second...or where that guy or person threw that projectile, but the point is to move that whole crowd away from us and disperse them so they will not keep throwing these things."
- The Police Conduct Review Panel recommended Merit for this allegation.
- There is a preponderance of the evidence to support the allegation that Officer Hickey failed to use Objectively Reasonable Force when using mace on two or more people during this incident and this allegation is **Sustained**.

Allegation #2

- Officer Hickey used force listed in Allegation #1.
- At 22:14, Officer Owen and Hickey approach Sgt. Peltz. Officer Owen informed Sgt. Peltz that he needed to write a force report and explained the circumstances of the force. Officer Hickey did not inform Sgt. Peltz of his use of force.
- Officer Hickey did not complete a use of force report in PIMS for this incident.
- In his interview with Internal Affairs, Officer Hickey stated that he did not write a non-public narrative text for this incident and indicated that the use of force policy was new at that time and that it had slipped his mind.
- The use of force reporting policy in place prior to the most recent revision also required the completion of a use of force report for this use of force.
- The Police Conduct Review Panel recommended Merit for this allegation.
- There is a preponderance of the evidence to support the allegation that Officer Hickey failed to report his use of force to his supervisor and failed to complete a use of force report in PIMS. This allegation is **Sustained**.

As the interim Chief of Police, I am responsible for providing clear expectations for what is acceptable behavior in our workplaces as well as what will not be tolerated. The Police Conduct Review Panel recommended a finding of merit for the listed policy violations in this case, and I concur with their recommendation.

I hold officers of the Minneapolis Police Department to a high standard. I expect them to live up to our oath of office, our professional code of ethics and our department's core values of trust, accountability, and professional service. In this incident, Officer Hickey correctly perceived that officers may be at risk

of imminent harm due to the actions of members of the crowd including throwing bottles containing an unknown substance at the officer; however, he could not identify the individual creating the risk of harm. That person would have been an appropriate subject for this use of chemical irritant. The objectively imminent physical harm exception within the crowd control policy in effect at the time of this incident (5-303D) required that the chemical irritant “may only be used against specific persons who are posing a threat of objectively imminent physical harm to another person.” No other individual captured on BWC video appears to have been presenting an imminent risk of harm to officers at the time when Officer Hickey sprayed chemical irritant. With this conduct, Officer Hickey failed to meet our standards. The violations in this matter undermine accountability and public trust.

As interim Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am issuing this discipline to Officer Hickey for his failure to use objectively reasonable force and failure to report that force as required. With this conduct, Officer Hickey failed to meet our standards as articulated in training and policy: force should only be used when in proportion to the threat of harm to officers or others or to the extent of threatened property damage. The use of force must be legally justified, reasonably proportionate to the threat posed, and balanced with the societal interest at stake. The force used when Officer Hickey used chemical irritant against a person or persons who appeared to pose no threat of harm was not reasonable under the circumstances and undermines the public trust. Additionally, the officer will be directed to participate in appropriate use of force refresher training coordinated by the MPD Training Division to address the matters in this case.

Allegation #1 – MPD P/P 5-301 III(A): Force used that is objectively unreasonable or does not comply with training – **13.43 suspension without pay.**

Allegation #2 – MPD P/P 5-301 (IV)(V)(5)(c): Failure to report use of force in PIMS according to policy – **Letter of Reprimand.**

Amelia Huffman
Interim Chief of Police

DocuSigned by:
Amelia Huffman
FBFE4338427B46A...

CC: OPCR Case File
Commander Case

Enclosure: Discipline Form

**IN RE:
THE MATTER OF**

POLICE OFFICERS FEDERATION OF
MINNEAPOLIS,
(Conan Hickey, Grievant)

and

CITY OF MINNEAPOLIS,

Employer.

SETTLEMENT AGREEMENT
(Union Grievance 22-17)

This Settlement Agreement ("Agreement") is made and entered into by and between the City of Minneapolis ("City"), the Police Officers' Federation of Minneapolis ("Federation") and Officer Conan Hickey, Badge No. 2997 ("Grievant").

- A. The City of Minneapolis ("City") and the Police Officers Federation of Minneapolis ("Federation"), parties to a collective bargaining agreement under which the above-entitled grievance was filed, hereby enter into the following agreement that governs the relationship between them.
- B. The Grievant is employed by the City in its Police Department (MPD).
- C. The Federation is the Grievant's sole and exclusive bargaining representative.
- D. On or about 08/31/2022 Grievant was disciplined for violation of MPD policy 5-301 (111)(A)(D) Use of Force and 5-301(IV)(B)(5)(c) Use of Force Reporting.
- E. Grievant served a **13.43** suspension.
- F. The Federation grieved the suspension, Grievance 22-17 citing violation of 12.01 of the labor agreement.
- G. The Chief of Police has the full authority of the City Council to resolve the grievance.

H. The Federation and the City wish to resolve this matter amicably and without resort to arbitration.

NOW THEREFORE, the parties agree as follows:

1. The Federation will withdraw Grievance # 22-17 subject to conditions listed in paragraphs 2-5.

2. The City will 13.43 reflect a 10 suspension for violation of MPD Policy 5-301 (111)(A)(D) Use of Force and a Letter of Reprimand for 5-301(1V)(B)(5)(c) Use of Force Reporting.

3. 13.43

4. The Federation, as an entity and on behalf of its members individually, agrees that this Settlement Agreement shall not be used in any arbitration or proceeding, except to enforce the terms of this Settlement Agreement. The Federation, its bargaining unit members and the grievant are bound by this agreement as if they had entered it individually.

5. The City and the Federation agree that this Agreement is without prejudice or precedent to any future matter involving any City employee, other than the Grievant; and that this Agreement shall be of no value as evidence, and shall not be submitted or received as evidence, in any arbitration, hearing, trial, appeal or other proceeding involving any City employee, other than the Grievant.

FOR THE FEDERATION:


Sherral Schmidt, President

Date: 2/2/24

FOR THE CITY OF MINNEAPOLIS:


Brian O'Hara Chief of Police

Date: 1/22/24

EXHIBIT

305

Amelia Huffman
Interim Chief of Police
Minneapolis Police Department
350 South 5th Street, Room 130
Minneapolis, MN 55415
(612) 673-3550
Amelia.Huffman@minneapolismn.gov



TO: Christopher Lange, Badge #3958
CC: Office of Police Conduct Review
DATE: September 3, 2022
RE: Administrative Case #21-11086

CHIEF'S DECISION:

- ☐ Discharge
- ☐ Suspension Duration:
- ☐ Permanent Demotion
- ☐ Temporary Demotion, Duration: _____
- ☒ Written Reprimand
- ☐ No Merit

This memo summarizes my approach and reasoning for my decision as interim Chief of Police that two [REDACTED] policy violations by Officer Lange are sustained. The memo accompanies the enclosed Notice of Discipline Form.

Allegations:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation [REDACTED]: It is alleged that Officer Lange violated MPD policy by not attempting to de-escalate an incident though it was reasonable and safe to do so. **MPD P&P 5-301(III)(G) De-escalation.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation [REDACTED]: It is alleged that Officer Lange violated MPD policy by omitting pertinent facts and failing to include all required information in his police report. **MPD P&P 4-602 Report Writing.**

Summary of the Basis for Decision:

The facts noted in the case investigation support the conclusion that Officer Lange violated Minneapolis Police Department Policies 5-301(III)(G) De-escalation and 4-602 Report Writing. The Police Conduct Review Panel recommended merit for these two allegations, and I concur. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- I [REDACTED]
- [REDACTED]
- I [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- I [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- I [REDACTED]
- [REDACTED]

Allegation [REDACTED]

- It is alleged that Officer Lange failed to use de-escalation prior to using force during this incident.
- Officer Lange responded to two males involved in an altercation. He attempted to stop the incident by intervening physically, stepping between and trying to separate the two involved parties, at which time he became the focus of the two men's anger.
- At this point the altercation between the two men appears to have been over and Officer Lange may have been able to disengage; however, Officer Lange told one party, "You're out!" and immediately moved to take physical control of him by the arm. He did not give the man time to comply or

attempt other means of verbal persuasion. The male physically resisted the efforts of Officer Lange to remove him from the store and Officer Lange used low level, bodily force to take the man to the floor. It was not until a store employee intervened by asking if she could speak to the male, that the situation was de-escalated.

- The Police Conduct Review Panel recommended merit to the allegation. They noted that he initially attempted to de-escalate the incident. I find that this effort was very brief, and Officer Lange failed to continue trying de-escalation tactics resulting in the need for low level force to be used.
- I agree with the recommendation of the panel and this allegation is **sustained**.

██████████

[illegible]

██████████

Bar Index	Approximate Length (%)
1	95
2	45
3	98
4	97
5	25
6	92
7	35
8	100
9	100
10	98
11	20
12	95
13	65

Allegation [REDACTED]

- It is alleged that Officer Lange failed to include important details in his police report.

- In his police report, Officer Lange noted that the subject of the force was using “aggressive resistance,” but in his conversation with Sgt. Kelly related to the Supervisor Force Review, he noted that the subject was using “active resistance.”
- The narrative text of Officer Lange does not document the necessary elements related to the crime or the basis for arrest and booking. He did not list the appropriate charge.
- The Police Conduct Review Panel provided a recommendation of Merit for this allegation, and I concur with their recommendation. This allegation is **sustained**.

As the interim Chief of Police, I am responsible for providing clear expectations for what is acceptable behavior in our workplaces as well as what will not be tolerated. [REDACTED]

I hold officers of the Minneapolis Police Department to a high standard. I expect them to live up to our oath of office, our professional code of ethics and our department’s core values of trust, accountability and professional service. Furthermore, I expect them to demonstrate procedural justice in their work. With this conduct, Officer Lange failed to meet our standards. Verbal communication and de-escalation when safe and feasible are fundamental to building trust between police and the communities we serve. De-escalation efforts show respect for the dignity and safety of those we encounter in our work. While it is not possible to know if Officer Lange could have successfully used de-escalation to avoid the need for force, it would have been safe and feasible to try. Secondly, the failure to document the incident clearly and fully in the police report, including the supervisory guidance to book the man who was arrested, did not meet MPD standards. Incomplete reports undermine professionalism, public trust and accountability.

As interim Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am issuing a Letter of Reprimand to Officer Lange for his failure to follow the policies listed below:

Allegation [REDACTED] MPD P&P 5-301(III)(G) De-escalation (Sustained: Letter of Reprimand)

Allegation [REDACTED] MPD P&P 4-602 Report Writing (Sustained: Letter of Reprimand)

In addition, Officer Lange was referred to the MPD Training Division and has completed refresher training in De-escalation [REDACTED] and Report Writing.

DocuSigned by:

Amelia Huffman

FBFE4338427B46A...

Amelia Huffman
Interim Chief of Police

CC: OPCR Case File
Inspector McGinty

Enclosure: Notice of Discipline Form

EXHIBIT

306

Police Discipline in Minneapolis

How Does a Complaint Result in Discipline?

- When a complaint is filed in any of the ways you can find listed on our website, the complaint will come to the Office of Police Conduct Review:
<http://www.ci.minneapolis.mn.us/civilrights/policereview/WCMS1P-101383>
- Complaints are screened by the Director of the Office of Police Conduct Review and the Commander or Lieutenant in Internal Affairs. They are known as the joint supervisors. Cases may be sent to investigation, coaching, mediation, or dismissed at this stage. Cases may be dismissed because they do not allege a violation of police policy and procedure, there is evidence to contradict the complaint, or the complaint is not against a Minneapolis police officer.
- Cases that are routed to investigation are then investigated by either a sworn or civilian investigator. The joint supervisors then review the completed investigation and either send the case to the review panel, dismiss the case, send it to coaching, or mediation. Coaching is additional training or mentoring for officers with their supervisor.
- Cases that are forwarded on to the review panel are then screened by two volunteers appointed by the City Council or Mayor and two Lieutenants selected by the Minneapolis Police Department. These 4 representatives then deliberate on individual cases and decide if the case has merit or no merit.
- Merit is defined as having a more than 50% chance that the event occurred as determined by the review panel. The review panel does not have to agree on cases and are free to vote as they feel appropriate on each case.
- Decisions on merit or no merit are then forwarded on to the chief of police for discipline per Minnesota State Law (626.89 PEACE OFFICER DISCIPLINE PROCEDURES ACT).

Current Discipline Numbers from Office of Police Conduct Review Cases

- 172 coachings
- 18 letters of reprimand
- 18 suspensions without pay
- 1 demotion
- 4 terminations

Where can I find information about police misconduct in Minneapolis?

- OPCR: <http://www.ci.minneapolis.mn.us/civilrights/policereview/archive/index.htm>
- MPD Officer Discipline Records: http://www.ci.minneapolis.mn.us/civilrights/policereview/cra_links-contacts

EXHIBIT

307

From: Abigail Cerra <abigail.cerra@gmail.com>

To: "Gangelhoff, Sara" <sara.gangelhoff@minneapolismn.gov>

Subject: [EXTERNAL] Coaching Documents Re: Meeting with CM Schroeder

Date: Thu, 10 Dec 2020 13:18:34 -0600

Importance: Normal

Attachments: Summary_of_Relevant_Sources.docx; Proposed_Recommendation.docx;
PCOC_Coaching_is_Discipline_Ltr.pdf; Legal_Opinion_PCOC_and_Attachments.pdf;
DOJ_Office_of_Justice_Programs_Diagnostic_Center_report_on_MPD_accountability_pro
cedures,_January_2015.pdf; 12_2020_Public.pdf; 20-12-01_Case_Summary_Corrected.pdf;
20-12-03_Case_Summary.pdf

Inline-Images: image001.png

Here are some documents regarding Coaching. I have included a summary of relevant sources, three separate legal analyses, DOJ study, and recent examples of cases sent to coaching that should have been higher level of discipline.

On Thu, Dec 10, 2020 at 12:31 PM Gangelhoff, Sara <sara.gangelhoff@minneapolismn.gov> wrote:

Good afternoon,

Sure, send anything you have before hand so he can come to your mtg prepared. Thanks!

Sara



[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.

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307

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EXHIBIT

308

Proposed Recommendation: Coaching is “discipline” and must be treated as such

Analysis

The Minneapolis Police Department has established detailed policies for disciplining misconduct within the force. The Minneapolis Police Department Policy and Procedure Manual (“MPD Manual”) is the governing authority for all MPD matters. [Section 1-101](#) notes that department divisions may establish rules to govern their internal operations, but those rules “shall not conflict with” the MPD Manual. In other words, the MPD Manual is the prevailing authority.

[Section 5-101.02](#) of the MPD Manual mandates that “[d]iscipline shall be imposed following a sustained violation.” That section incorporates [Civil Service Rule 11.03](#) by reference; that Rule describes general causes for disciplinary action.

MPD Manual [Section 1-102.01](#) establishes four categories of discipline, A through D. Category A is the lowest level; D is the highest. A-level discipline includes “[t]raining, counseling, documented oral correction.” D-level discipline includes “suspension, demotion, termination.” These categories of discipline are consistent with the [Minneapolis Civil Service Rules](#). [Civil Service rule 11.04](#) describes five categories of discipline, A-E, also ranging from verbal warning to discharge.

The Internal Affairs Unit of the Minneapolis Police Department created a [Discipline Matrix](#). The Discipline Matrix provides greater detail for disciplining misconduct. The Discipline Matrix is supplemental to the MPD Manual. If any provision of the Discipline Matrix conflicts with the Manual, that provision yields to the controlling provision of the MPD Manual.

The Internal Affairs Division and the Minneapolis Department of Civil Rights created a [Complaint Process Manual](#) to “describe the process the Office of Police Conduct Review (OPCR) uses to resolve complaints of police misconduct.” OPCR is a civilian oversight entity that operates within the Department of Civil Rights. [Minnesota law](#) makes civilian oversight entities “advisory only” in regard to officer discipline. The Complaint Process Manual also yields to the MPD Manual whenever there is a conflict between the two documents.

“Coaching” is one disciplinary action the MPD may take for A-level violations. The process for imposing coaching is described in Section VI of the [Complaint Process Manual](#). Coaching may only be imposed “if the officer is found to have committed the [A-level] violation”. The [Complaint Process Manual](#) defines “coaching investigation” as “[a]n investigation of an A-level complaint conducted by the focus officer’s supervisor that may lead to an oral reprimand (coaching session), policy violation, or additional training.”

Putting all this information together, “coaching” is an oral reprimand for a sustained, A-level violation. Oral reprimands are A-level discipline as defined by the MPD Manual [Section 1-102.01](#) and [Civil Service rule 11.04](#). Coaching is discipline.

Nevertheless, the Internal Affairs Unit's [Discipline Matrix](#) contains a note that "A- Level violations...are considered coaching, not discipline." This is a direct conflict with the MPD Manual and Civil Service Rules. Coaching is discipline, A-level discipline. It is a disciplinary action that the Department may only use for sustained complaints. To the extent that the Internal Affairs internal rules of operations conflict with the MPD Manual, the MPD Manual prevails.

Today, various entities within the City erroneously follow the Internal Affairs definition of coaching rather than the correct, controlling provisions of MPD Manual. This mistake has far-reaching effects. Immediate remedial action is needed.

Recommendations

Coaching is discipline. The Internal Affairs rule that "coaching is not discipline" is in direct conflict with the MPD Manual. Divisions are not allowed to establish rules that conflict with the Manual. Internal Affairs, OPCR, and all other City entities must take remedial action to correct this error. The PCOC recommends the following, non-exhaustive list of remedial actions:

- Inform City Leaders, including the Chief of Police, of this error
- Remove the conflicting note from the Discipline Matrix
- Update all other City documents that contain this error
- Update all complaint files where coaching was imposed to reflect that the complaint was sustained and *discipline was imposed*
- Collaborate with the Records Department to designate as "public" complaint data for all cases where coaching was imposed
- Update police disciplinary reporting to include all complaints where coaching was imposed
- Review all previous data requests for complaint data where coaching was imposed; disclose all data that should have been designated as public and disclosed
- Inform other government entities, such as the Hennepin County Attorney, of the data disclosure error
- Collaborate with criminal justice partners to release all data that was erroneously withheld as "private" and assist as needed in any appeals that may result