

OFFICE OF POLICE CONDUCT REVIEW

CLOSED CASE SUMMARY

OPCR-21-28



PUBLISH DATE: July 15, 2022,

FROM: Office of Police Conduct Review

CASE SUMMARY NUMBER: OPCR-21-28

ALLEGATIONS

	Policy Implicated	MPD Policy Manual Range	OPCR Outcome	PCRP Finding	MPD Outcome
Allegation 1	5-301.01 Use of Force - Policy	A-D	Sent to Review Panel	Split	Not sustained
Allegation 2	5-301.01 Use of Force - Policy	A-D	Sent to Review Panel	No - Merit	Not sustained
Allegation 3	5-306 use of Force – Reporting and Post Incident Requirements. Appendix A, SWAT crowd control munitions guidelines	B	Sent to Review Panel	Split	Sustained – Written Reprimand

REPORTED DEMOGRAPHICS

Race: Caucasian

Gender: Female

Police Precinct: 1st

SUMMARY OF COMPLAINT

Complaint has 3 allegations spelled out against Officer.

1. Complainant alleges an officer used unreasonable force against them when the officer fired a 40 MM less-lethal round at them and hitting them in the left wrist. It is stated that the complainant was not a threat nor acting aggressively toward the officer or any person. (Referenced as Allegation 1 above).

2. Complaint alleges unreasonable force against an unidentified person when firing a 40 MM less-lethal round that struck this individual in the back. (Referenced as Allegation 2 above).
3. Complaint alleges officer failed to complete a use of force report as required by policy after deploying and firing a 40 MM launcher and direct impact projectile, striking complainant. (Referenced as Allegation 3 above).

SUMMARY OF INVESTIGATION

1) INTAKE INVESTIGATION

- a) VisiNet report
 - i) No known VisiNet report exists for this incident.
- b) Police Report
 - i) Public Section of the report states officers were requested to assist on a large protest/riot in Minneapolis. Officers describe arriving and being immediately met by a large crowd that was throwing unknown objects at officers. Officers utilized sprayed mace at the crowd that is described as aggressive protesters who began running backwards. Officers report no complaints of injuries, but the crowd continued to actively assault officers by throwing objects.
- c) Other
 - i) Initial complainant statements listed in complaint.
 - ii) Complainant video recording
 - iii) Any other documents used to properly identify the officer

2) VIDEO ANALYST REVIEW

- a) Body Worn Camera (BWC) Review
 - i) BWC footage exists for this complaint. Video analysts identified that officers moved around protesters in the manner described by complainant. It is noted that officers are observed firing at a small group of protestors who run off camera. Other officer's BWC shows them firing multiple times into the crowd. It is noted another officer's BWC footage was never found.
- b) Squad Video Review
 - i) No known squad videos.

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3) CASE REVIEW & JOINT SUPERVISOR ROUTING

- a) After reviewing the relevant and available evidence collected during intake, the Joint Supervisors agreed the complaint warranted an administrative investigation.
- b) Per the complainant's request, the case was assigned to a civilian investigator.

4) ADMIN/PRELIM INVESTIGATION

Summary of the following:

- a) Complainant Statement
- b) Witness(s) Statement
- c) Focus Officer(s) Statement
- d) Additional Evidence (i.e., medical documents, Officer training recertification doc(s), complainant video, etc.)

CASE OUTCOME

5) OFFICE OF POLICE CONDUCT REVIEW

- a) An administrative investigation was completed and forwarded to panel.

6) POLICE CONDUCT REVIEW PANEL

- a) Review panel found split decision: 3 yes has merit; 1 no merit on Allegation 1 (Use of force against complainant): Use of Force.
- b) Review panel found no merit on Allegation 2 (Use of force against unidentified person): Use of Force
- c) Review panel found split decision: 2 yes has merit; 1 no merit; 1 remanded on Allegation 3: Use of Force – Reporting and post incident requirements; Appendix A, SWAT crowd control munitions guidelines, crowd control and less lethal munitions.

7) MINNEAPOLIS POLICE DEPARTMENT

- a) The Chief of Police determined allegations 1 and 2 were not sustained.

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- b) The Chief of Police determined allegation 3 was sustained as policy requires documentation of this type of use of force in a report. Letter of reprimand was provided to officer with signed receipt of discipline being completed by officer.