

(02/28/93)

3. Officers shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions. (04/01/05)

(05/03/05)

4. Employees shall not interfere with any criminal investigation being conducted by this department or any other law enforcement agency. Employees shall not knowingly communicate in any manner, either directly or indirectly, any information that may assist persons suspected or accused of criminal acts to escape arrest or punishment or which may enable them to dispose of evidence.

Employees shall not recommend a dismissal, reduction of charges, or other disposition of a pending criminal case which has been previously filed in any criminal court or before a grand jury except by written approval of their division commander. A copy of the approval will be kept in the case file.

Employees shall not interfere with the attendance of witnesses or their testimony through coercion, bribery or other means.

5. Employees shall not attempt to have any traffic citation reduced, voided, or stricken from the calendar for personal or monetary consideration. (See Dismissal of Traffic/Parking Charges and Citations)

6. Employees shall immediately report any violation of rules, regulations, or laws that come to their attention to the Internal Affairs Unit, regardless of the violator's assignment or rank within the Department.

7. Any employee charged, arrested, or cited for Driving Under the Influence (DUI) or a non-traffic violation, or notified they are being investigated for a criminal offense, shall immediately notify their chain of command and Internal Affairs or an on-duty supervisor, who will notify the Internal Affairs Unit. Notification shall consist of personal telephone communication (no voicemail messages) or written contact. Required information is the formal charge or allegation, date, time, and jurisdiction of alleged occurrence, and any special or relevant factors. (4/1/05)

Employees will also notify the Internal Affairs Unit of the disposition at the time the charge or case is disposed. (10/28/94) (03/12/99)

When an employee is notified that an Order for Protection (OFP), Restraining Order (RA), or a Harassment Order (HA) has been filed against him or her, the employee shall immediately notify Internal Affairs and provide a copy of the OFP, RA, or HA, and the date scheduled for hearing the allegations made in support of the request for the order. The information is required for department compliance with Federal Law 18 U.S.C. Sec. 922 (g)(8). (01/05/2000)

8. Sworn employees shall maintain a valid driver's license that is accepted by the State of Minnesota at all times as a condition of employment. Sworn employees shall immediately report loss or limitation of driving privileges to their supervisor and to the Internal Affairs Unit. (04/23/10)

9. Employees shall give their name and/or badge number to any person upon request.

10. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.

11. Soliciting or accepting personal gifts: 05/23/07)

a. Employees shall not solicit or accept any gift from an interested person, lobbyist or principal who has a direct financial interest in a decision that that the employee is authorized to make.

b. Exceptions. The prohibitions in this section do not apply if the gift is:

1. A campaign contribution as defined in Minnesota Statutes, Section 10A.01, subd 11;

2. A service to assist an official in the performance of official duties, including, but not limited to providing advice, consultation, information and communication in connection with legislation, or services to constituents;

3. A service of insignificant monetary value;

4. A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

5. A trinket or memento of insignificant value;

6. Informational material of unexceptional value;

7. Food or a beverage given at a reception, meal or meeting away from the recipient's place of work by an organization before who the recipient appears to make a speech or answer questions as part of the program;

8. Given because of the recipient's membership in a group, and an equivalent gift is given to the other members of the group; or

9. Given by an interested person, lobbyist, or principal who is a related person to the recipient, unless the gift is given on behalf of someone who is not a related person.

c. An employee who receives any gift prohibited by this section shall return, dispose of, or request that the city council accept the gift on behalf of the city.

12. Employees shall treat all fellow employees with respect. They shall be courteous and civil at all times with one another. When on duty in the presence of other employees or the public, officers should be referred to by rank.

13. Employees shall not publicly criticize or ridicule the Department, its policies or other employees as to the performance of their duties in a manner which is defamatory, obscene, unlawful, or in any other manner which impairs the effective operation of the Department or in a manner which displays a reckless or knowing disregard for the truth. This regulation shall not be construed so as to impair the exercise of free speech by employees on matters of public concern.

14. Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.

15. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden. (04/01/93)

Employees shall not display material that may be considered discriminatory, derogatory, or biased in or on City property. Specifically, discriminatory, derogatory or biased materials regarding race, color, creed, religion, ancestry, national origin, sex, affectional

preference, disability, age, marital status, public assistance, or familial housing are prohibited. Such materials include, but are not limited to, calendars, cartoons, and posters. (10/18/92)

16. Employees shall conduct themselves in the buildings and offices of the Department in a manner which would not discredit the Department.

Employees shall not bring to or keep any dangerous drug, narcotic, or alcohol beverage on departmental premises except for evidentiary purposes.

17. Any money other than that received from unclaimed properties paid or sent to any employee as a result of on-duty police action shall be promptly forwarded to MPD Finance. (03/21/97)

All property received as a result of on-duty police action shall be forwarded to the Property and Evidence Unit. The Property and Evidence Unit shall dispose of unclaimed property according to their policy and procedure manual. The property shall be disposed of by being sent to the City Store or to the Minneapolis Police Relief Association in accordance with state law. (03/21/97)

Employees shall not act as an intermediary in the payment of a reward for the return of stolen property without written authorization by the Chief of Police or his/her designee.

18. Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are under criminal investigation or indictment or who have a reputation in the community or Department for present involvement in criminal behavior, except as necessary in the performance of official duties, or when unavoidable because of family ties to the employee.

19. Employees shall not engage or participate in any form of illegal gambling at any time except in the performance of duty under specific orders of a superior officer.

20. Off-duty employees shall not carry any firearm or ammunition while using drugs or controlled substances, or while using or under the influence of alcohol. (05/05/89)
(04/01/93)

21. Employees shall never be under the influence of alcohol while on duty. A reading of .02 blood/alcohol concentration is considered under the influence of alcohol. Employees shall not consume alcoholic beverages while on duty or in uniform unless it's necessary in the performance of a non-uniformed officer's undercover work. (3/12/99)

Employees shall not consume alcoholic beverages while off-duty to the extent that they are considered under the influence of alcohol when reporting for duty.

No employee shall be under the influence of any drug while on duty. When an employee is prescribed medication that may affect an employee mentally or physically, that employee will notify his/her supervisor and MPD Human Resources.

22. Uniformed officers shall render a military salute to the National Anthem, United States Flag or ceremonies at appropriate times. Officers in civilian dress shall render proper civilian honors to the United States Flag and National Anthem at appropriate times.

Uniformed officers at parades need salute only the massed national colors at the head of the parade. When the flag is six paces from the officer, the flag shall be faced and a hand salute rendered until the flag is six paces beyond the officer. Other United States Flags may be saluted if the officer's immediate attention to duty is not necessary.

23. Employees shall pay all debts when due and shall not undertake any financial obligations which they know or should know they will be unable to meet. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline provided that a good faith effort to settle all accounts is being undertaken. (10/20/88)

24. Employees shall not purchase, or have purchased for them, any auto/property sold at a city auction. Employees are also prohibited from owning any such auto/property purchased at a city auction for one year after the date that the auto/property is sold at the city auction. (01/10/97)

Investigative Facts

- Officer Troy Carlson and Officer John Haugland were working on duty, in MPD uniform on 5/22/2013 from 20:15 to 06:15 hours. The officers were assigned to work squad 425.
- Officer Carlson was the driver officer and Officer Haugland was the passenger officer. Both officers were on patrol and both reported hearing the sound of gunfire in the area of 25th and Aldrich Av N, Minneapolis (5/23/2014, 01:44 hours.)
- Officer Haugland exited the squad and Officer Carlson remained "mobile" in the squad. Both officers began to canvass.
- Officer Haugland located a male suspect running toward a parked vehicle. Officer Haugland and Officer Carlson converged on a stop of the suspect and a high risk vehicle stop.
- The stop was captured on squad 425'S video, P#76629.
- An "Officer Needs Help" call was aired and additional squads were in route to respond and assist.
- Officer John Haugland and Troy Carlson gave verbal commands to the four people during the stop. During the initial stop, Officers Carlson and Haugland were the only officers on the stop.
- The squad video for squad 425 (P#76629,) captured the language the officers used for the stop. The language below was recorded on the squad video:

✦ *"Get on the fuckin ground right now"*

✦ *"Get on the fucking ground, I'm gonna fuckin kill you."*

✚ *"Get on the fucking ground."*

✚ *"Get on the ground"*

✚ *"Get your fuckin hand out"*


✚ *"Get your mother fuckin hand out, I will fuckin kill you."*

✚ *"Put your fuckin face down."*

- During the IAU interview, Officer Carlson admitted he stated the following during the stop of the male suspects, *"get on the ground, get on the fucking ground... I will fucking kill you."*
- Officer Carlson stated the reason the language was used, *"I escalated my force verbally by yelling commands that I felt would intimidate them and get them to respond, so that they didn't run from the scene or cause harm to my partner and I, and I just wanted them just get on the ground."*
- During the IAU interview, Officer Haugland admitted he stated the following verbal commands to the suspects, *"get on the fucking ground and repeated myself numerous times."*
- Officer Haugland reported he provided the following verbal commands to the suspects, *"get on the fucking ground, get your mother fucking hand out, I will kill you."* Officer Haugland stated, *"put your fucking face down."*
- Officer Haugland provided the following reason for the verbal commands he provided, *"I was using it as a use of force to attempt to control a suspect because at the time I was there I truly believed he had a gun or there was a gun within a close proximity and trying to use that, uh, to control the situation as a use of force."*
- Officer Haugland reported he provided the verbal commands to, *"escalate his use of force,"*
- Officer Haugland stated, *"the suspect would not listen and the suspect continued to lift his head up."* Officer Haugland reported he was in fear the suspect may shoot him and or flee from the scene. Officer Haugland stated he had no hardcover or concealment. Officer Haugland stated he was 15 feet away from the suspect with no cover and he believed that this was the suspect who was armed with a gun.

I confirm that the information I provided in this case is true to the best of my knowledge.

Respectfully Submitted,

 10-13-2014

Sgt. Thomas Wheeler

Internal Affairs Unit

**NOTICE OF DISCIPLINE
(Amended – Settlement Agreement)**

March 8, 2017

Sgt. Troy Carlson
Sex Crimes
Minneapolis Police Department

RE: IAU #14-10106.

Sgt. Troy Carlson,

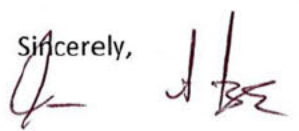
As a result of the Settlement Agreement following grievance #16-6, the final discipline for IAU Case #14-10106 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
5-303		Authorized Use of Force	B	<u>SUSTAINED</u>
5-306		Use of Force Reporting	C	<u>SUSTAINED</u>
5-105		Use of Profane Language	B	<u>SUSTAINED</u>

The discipline originally imposed by the Police Department was unchanged as related to violations of 5-306 and 5-105. Discipline originally imposed related to 5-303 was changed from a **13.43** to a Category B level violation. Additionally, the original **13.43** unpaid suspension was changed to 40-hours unpaid suspension.

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.

Sincerely,

Jason Case
Commander
Internal Affairs Division

CC: Personnel file
IAU
Deputy Chief of Professional Standards

MINNEAPOLIS POLICE DEPARTMENT

Deputy Chief Travis Glampe
Office of Professional Standards
Room 130-City Hall
350 South Fifth Street
Minneapolis, Minnesota 55415
612 673-2445



MEMORANDUM

02-10-2016

After reviewing the case file, I determined that the following facts exist:

- On 05-22-2013 Officer Haugland and his partner, Officer Carlson, were on patrol when they heard gun shots.
- As part of their response to the gun shots they encountered a person running to a parked vehicle in the immediate area of the shots.
- During the felony stop on this vehicle, Officer Haugland directed the following statements at a person that was removed from the vehicle:
 - Get on the fucking ground.*
 - Get your motherfucking hand out.*
 - I will kill you.*
 - Put your fucking face down.*

I agree with the panel's determination to recommend sustaining a policy violation for 5-105 (10)-Use of Profane Language. I would note that the discipline worksheets, page 3, states the panel recommends sustaining 5-505.10. No such policy exists. The Loudermill notice sent to Officer Haugland references 5-105(10), as does page 2 of the discipline worksheets. Thus I believe the panel meant to list 5-105(10) as the sustained violation.

I would recognize that 5-105(10) falls on the discipline matrix as a "B" level with a baseline discipline of a 10 hour suspension. Based on the specific facts of this call, escalated verbalization could be considered as a response. However, this escalation has its limits and threatening to kill someone and using the term "motherfucker" is not acceptable. I would agree with the panel in recommending that this be sustained at a "B" level. I would further agree that the mitigating circumstances would indicate that a letter of reprimand is the appropriate discipline.

MINNEAPOLIS POLICE DEPARTMENT

Deputy Chief Travis Glampe
Office of Professional Standards
Room 130-City Hall
350 South Fifth Street
Minneapolis, Minnesota 55415
612 673-2445



MEMORANDUM

11-17-2015

After reviewing this case I agree with sustaining policy violations 5-105 (10)-Profane Language and 5-301.01 Use of Force. (The panel cited 5-303 which would also be appropriate. However, I find 5-301.01 to be more succinct). I disagree with the panel's determination to not sustain 5-306 Use of Force Reporting.

5-105 (10)-Use of Profane or Unnecessarily Harsh Language

I agree with the panel that this should be sustained at a "B" level. The discipline matrix indicates this is a baseline of a 10 hour suspension. In light of the situation the officers were presented, I would recommend that this violation be handled with a written reprimand.

5-301.01 Use of Force

I agree with sustaining this violation. However, I would recommend sustaining it at a **13.43 - Personnel Data**. Once a person is in handcuffs, the bar is raised significantly in the ability to use higher levels of force on a person. This is especially true when using higher levels of force, such as strikes. After watching the video, the scene is under control when Officer Carlson is handling the suspect. I count 8 officers present at the scene in view of the video. There are two officers in direct proximity to Officer Carlson when he strikes the suspect. I can see no overt movement by the suspect that would necessitate a strike, nor do I see any threat that the suspect presented. It would appear that Officer Carlson was not paying attention to his search of the handcuffed suspect.

5-306 Use of Force Reporting

It is clear that Officer Carlson did not report this use of force to a supervisor until he was at the precinct. Policy requires that a supervisor be notified at the scene if an officer strikes a suspect. By waiting to notify a supervisor at the precinct, a supervisor

was not able to complete a use of force review, including an interview with the suspect and verifying if there were any immediate injuries. Officer Carlson also states that he did not ask the suspect if he was injured. At this point it is unknown if the suspect suffered any injuries.

The discipline matrix refers to failing to notify a supervisor of a use of force when injuries occur. At this point it is unknown if there were injuries in this case. The suspect's lack of a complaint is not the same as being asked about injuries during a force review. As such I would recommend that this section of the discipline matrix be used as guidance. I would recommend that this violation be sustained at a "C" level

13.43 - Personnel Data.

February 22, 2016

Officer John Haugland
Canine
Minneapolis Police Department

Officer John Haugland,

RE: IAU Case Number #14-10106
LETTER OF REPRIMAND

The finding for IAU Case #14-10106 is as follows:

MPD P/P 5-105(10) Code of Conduct - Language.....SUSTAINED (Category B)

You will receive this Letter of Reprimand. The case will remain in the 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 disciplinary action up to and including discharge from employment.

Sincerely,

Janee Harteau
Chief of Police

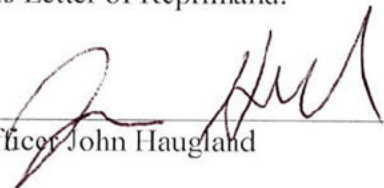


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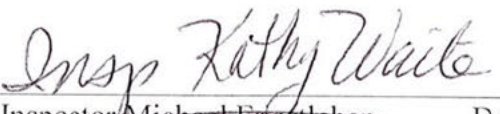
Assistant Chief
Kristine Arneson

Page 2
Officer John Haugland
Letter of Reprimand

I, Officer John Haugland, acknowledge receipt of
this Letter of Reprimand.



Officer John Haugland 2/24/16
Date of Receipt



Inspector ~~Michael Friestleben~~ 2/24/16
Date
Kathy Waite

CC: Inspector Friestleben
Personnel
IAU

POLICE OFFICERS' FEDERATION OF
MINNEAPOLIS,

Union,

and

CITY OF MINNEAPOLIS,

Employer.

SETTLEMENT AGREEMENT

Grievance #16-6 (Troy Carlson, Badge #0998)

STIPULATED FACTS

A. The City of Minneapolis ("City") and the Police Officers' Federation of Minneapolis ("Federation") are parties to a collective bargaining agreement ("Labor Agreement") under which the above-entitled grievance was filed.

B. On December 16, 2015, the City suspended Troy Carlson ("Grievant") without pay **13.43** for a **13.43** violation of the Minneapolis Police Department's Policy and Procedure Manual Section 5-303, Authorized Use of Force, following Internal Affairs investigation number 14-10106.

C. The Federation grieved the suspension, Grievance #16-6, citing a violation of Section 4.2 of the Labor Agreement with the City;

D. Article 5, Section 5.4 of the parties' Labor Agreement states: "The Chief of Police shall have the full authority of the City Council to resolve the grievance."

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

NOW THEREFORE, the parties agree as follows:

AGREEMENT

1. The Federation withdraws Grievance #16-6, with prejudice.
2. The City shall impose and the Federation, on behalf of the Grievant, shall accept a 40-hour unpaid suspension for a Category B violation of MPD Policy and Procedure 5-303.

13.43 - Personnel Data

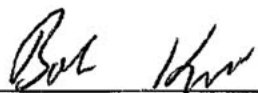
4. The Federation, as an entity and on behalf of its members individually, agrees that the Federation, its bargaining unit members and the Grievant are bound by this Agreement as if they had entered into this Agreement individually.

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; that the circumstances of this case and the discussions leading toward this Agreement will not be referred to, directly or indirectly, in any future arbitration, hearing, trial, appeal or other proceeding 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.

6. The Federation agrees that, by entering into this Settlement Agreement, the City has not waived its ability to enforce the timelines set forth in Article 5, Section 5.4 of the parties' Labor Agreement.

ACCEPTED AND AGREED TO:

FOR THE FEDERATION:



Bob Kroll
President, Police Officer's Federation

Date: 3/6/17

FOR THE CITY OF MINNEAPOLIS:



Janée L. Harteau
Chief of Police

Date: 3-6-17