

Officer Domek was asked if there were any facts concerning this incident that he had knowledge of, but had not disclosed. He stated that he did not. He was asked if there was anything else he would like to add to this statement that I had not asked him. He stated that there was not.

Officer Domek acknowledged that this was a true and accurate statement.

Officer Domek was advised PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, HE WAS NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN HIS FEDERATION/UNION REPRESENTATIVE OR ATTORNEY.

The statement was concluded shortly thereafter.

On November 6th, 2014, I inter-office mailed Officer Domek two copies of his transcribed statement. Enclosed was a letter asking him to review the statement for accuracy and to make any corrections. On November 11th, 2014, I received a signed copy of Officer Domek's statement.

On 11/05/14, at approximately 1030 hours, **13.43 - Personnel Data** arrived at the Internal Affairs Unit. He was accompanied by his MPD Federation Representative, Lt. John Delmonico and Officer Corey Fitch. .

13.43 - Personnel Data was advised about Garrity and stated that he understood. 13.43

13.43 read and signed the Data Practices Advisory otherwise known as the Tennessee Warning.

I informed 13.43 that the purpose of this statement related to an internal investigation and specifically an administrative review that was being conducted regarding allegations that on November 16th of 2013, he was a passenger in the vehicle being driven by Officer Domek. Officer Domek was being accused of allegedly violating MPD Code of Ethics, 5-102, by operating a motor vehicle under the influence of alcohol in the City of Prior Lake. Officer Domek was placed under arrest and processed for D.W.I.

13.43 - Personnel Data

13.43 - Personnel Data

I informed 13.43 that he was being asked to explain any information he may have regarding this allegations.

13.43 was asked if on the evening of November 16th, 2013, he was a passenger in the vehicle being driven by Officer Domek. He stated that he was. He was seated in the front, passenger seat of the vehicle.

13.43 - Personnel Data was asked if Officer Domek was stopped by a Prior Lake Police Officer on that night in question. He stated that he was. I asked him if he could remember if the officer informed Officer Domek of the reason for the stop. He stated that he believed the officer informed Officer Domek that he had failed to signal a lane change or an unsafe lane change. He was asked if he recalled where the traffic stop was conducted. He believed it was near County Road 21 in Prior Lake. He did not recall the time of the traffic stop, but believed it was in the early hours of the day around 0200 hours.

13.43 - Personnel Data

13.43 - Personnel Data

13.43 - Personnel Data was asked if he had been drinking alcohol prior to the stop that night. He stated that he had. He was asked what kind of alcohol he had consumed and if he could remember the quantity. He stated that he had had a couple of mixed drinks and then had switched to beer. He did not recall the exact amount. He stated that he and Officer Domek had been drinking at a bar called the Point, in Prior Lake prior to the traffic stop. He stated that was the only place they had consumed alcohol that night.

13.43 - Personnel Data was asked if he recalled if the officer who conducted the traffic stop had asked Officer Domek if he had been drinking. He stated that he did. I asked Officer Lepinski if he recalled what Officer Domek's response was to this question. He believed that he informed the officer that he had had a couple of drinks.

13.43 was asked if the officer had asked Officer Domek to exit his vehicle and do field sobriety tests. He stated that he did. He stated that Officer Domek complied with the request.

13.43 - Personnel Data was asked if he had observed any of the field sobriety tests conducted on Officer Domek. He stated that he did not. He believed the tests were conducted behind Officer Domek's vehicle, back by the arresting officer's squad car.

13.43 - Personnel Data was asked if he observed the officer administer a preliminary breath test (P.B.T.) on the scene to Officer Domek. He stated that he did not and was unaware of the results of that test. 13.43 stated that Officer Domek was placed under arrest. The vehicle was searched and towed.

13.43 - Personnel Data was asked if he had spoken with any of the officers on the scene. He stated that he spoke with one officer. He stated that it was not the arresting officer, but an assisting officer. He stated this officer approached him while he was still seated in Officer Domek's car 13.43 - Personnel Data

13.43 - Personnel Data . 13.43 remained at the scene until his wife arrived and picked him up.

13.43 - Personnel Data

13.43 - Personnel Data

13.43 - Personnel Data was then asked to describe Officer Domek's demeanor and behavior with the police officers on the night in question. He stated that Officer Domek was extremely compliant. He was addressing the officers as "sir." He was not rude in any way.

13.43 - Personnel Data

13.43 - Personnel Data

13.43 was asked if there were any facts concerning this incident that he had knowledge of, but had not disclosed. He stated there were not. He was asked if there was anything else he would like to add to this statement that I had not asked him. He stated that there was not. He acknowledged that this was a true and accurate statement. He was then advised: PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, HE WAS NOT TO DISCUSS THIS INTERVIEW OR CASE

INVESTIGATION WITH ANYONE OTHER THAN HIS FEDERATION/UNION REPRESENTATIVE OR ATTORNEY. He acknowledged understanding this. The interview was concluded shortly thereafter.

On November 21st, 2014, I inter-office mailed [REDACTED] 13.43 two copies of his transcribed statement. Enclosed was a letter asking him to review the statement for accuracy and to make any corrections. On December 5th, 2014, I received a signed copy of [REDACTED] 13.43 's statement.

SUMMARY OF ALLEGATIONS

If these allegations are found to be true, Officer Domek could be in violation of the following Department policy:

MPD Policy and Procedure: 5-102 CODE OF ETHICS (C)

Operating a motor vehicle under the influence of alcohol.

13.43 - Personnel Data

Investigative Facts

On 11/16/13 at approximately 0217 hours, Officer Joshua Domek of the Minneapolis P.D., was off-duty and operating a motor vehicle. Prior Lake Police Officer White, who had just gotten off-duty, observed Officer Domek driving erratically. Officer White contacted Officer Johnson of the Prior Lake P.D. and informed him about the erratic driver. Officer Johnson conducted a traffic stop and from his observations, suspected that Officer Domek may have been under the influence of alcohol. Officer Johnson administered several field sobriety tests to Officer Domek. Officer Domek failed the tests. Officer Johnson then asked Officer Domek to blow into a P.B.T. The results showed a B.A.C. of .209. Officer Domek was placed under arrest and brought to the Prior Lake Police Department for further processing. Officer Domek submitted to a breath test. The intoxilizer results came back with a B.A.C. of .19. Officer Domek was then booked into the Scott County Jail for D.W.I.

Officer Johnson did not have any audio or visual equipment, in operation at the time of the traffic stop and subsequent arrest of Officer Domek. 13.43 - Personnel Data

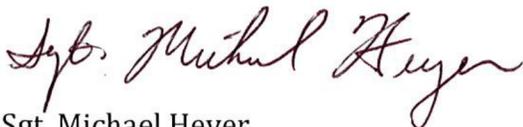
13.43 - Personnel Data

13.43 - Personnel Data

Officer Domek told me that he took responsibility for his actions and poor judgment on the night of the incident. Officer Domek stated that the incident as a whole was embarrassing to him and to the profession he represents. He stated that he had completed an alcohol assessment and evaluation training. He also did everything that the court requested of him.

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

Respectfully Submitted,



Sgt. Michael Heyer

Internal Affairs Unit

SETTLEMENT AGREEMENT

January 30, 2017

Officer Joshua Domek
Third Precinct
Minneapolis Police Department

RE: IAU Case Number #13-27044

Notice of Suspension (10 hours suspension without pay)

Officer Domek,

As a result of the Settlement Agreement (Grievance #15-5) the new finding for IAU Case #13-27044 is as follows:

MPD P/P 5-102 Code of Ethics – Operating a Motor Vehicle Under the Influence of Alcohol.....SUSTAINED (Category C)

13.43 - Personnel Data

13.43 - Personnel Data

13.43 - Personnel Data 10 hours of suspension without pay.

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

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

Sincerely,



Commander Jason Case
Internal Affairs Unit

CC: Personnel file
IAU
Inspector Catherine Johnson

POLICE OFFICERS' FEDERATION OF
MINNEAPOLIS,

Union,

and

CITY OF MINNEAPOLIS,

Employer.

SETTLEMENT AGREEMENT

Grievance 15-5 (Domek, Joshua K., Badge
#1573)

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 February 17, 2015, the City suspended Joshua K. Domek ("Grievant") without pay **13.43** for a Category C level violation of the MPD's Policy and Procedure Manual Section 5-102 Code of Ethics (DWI) following Internal Affairs investigation file no. 13-27044;

C. The Federation grieved the suspension, Grievance # 15-5, 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"; and

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 # 15-5 and shall so notify the Grievant immediately.
2. The City shall impose and, on behalf of the Grievant, the Federation shall accept a 10-hour unpaid suspension in violation of MPD Policy and Procedure 5-105 Code of Ethics, sustained at a Category C level.

13.43 - Personnel Data

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, hearing, trial, appeal or other proceeding involving any City employee, except to enforce the terms of this Settlement Agreement or in a subsequent disciplinary arbitration or proceeding involving the grievant.

5. The Federation and the Grievant agree that:

- a) This SETTLEMENT AGREEMENT is without prejudice or precedent to any future matter involving any City employee other than the Grievant;
- b) 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,
- c) That SETTLEMENT 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's bargaining unit members are bound by this Agreement as if they had entered into it individually.

ACCEPTED AND AGREED TO:

FOR THE FEDERATION:

Bob Kroll Date: 1/11/17
Bob Kroll, President

FOR THE CITY OF MINNEAPOLIS:

Jacée L. Harteau Date: 1/12/17
Jacée L. Harteau, Chief of Police